

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, JULY 29, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of

Thursday, July 29, 2010, 2:50 p.m.

Emigrant Savings Bank Building, 49-51 Chambers Street, New York, N.Y.

The President Pro Tempore (Council Member Comrie)

Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Foster, Gonzalez, Rivera, Vann and White.

The President Pro Tempore (Council Member Comrie) assumed the Chair as the 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 Comrie).

There were 46 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Reverend Nicholas S. Richards, Abyssinian Baptist Church, 132 Odell Clark Place, New York, New York 10030.

Let us pray.

Before the hills in order stood,
or earth received her frame,
from everlasting thou art God,
to endless years the same.

We thank you now, God, for this moment
to pause from the busyness of our lives,
the hurriedness of this day
to recognize our collective need for You.
Now, God, we thank You
for this chance to serve You,
to serve our city, to serve Your people.
Help us to serve You, oh God,
with vigor and value.

Help us to serve with humility and faith,
with hope, oh God, that we might create
a city shining on the hill
for the world to see our good work, oh God,
and glorify You.

This is our prayer.

Dear God, we pray that You might bless now
the Speaker of this Council.

Dear God, we pray
that You might bless the members.

Oh God, bless all those
who support this body.

This is our prayer
by the spirit of God
in us all, Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in the memory of the following individuals: Harry Altman and Maria Monserrat Cantana.

Harry Altman, 89, who died on July 17, 2010, was the father of longtime New York City Council staffer Gary Altman. Born in Nashville and raised in Manhattan's Lower East Side, Harry Altman proudly served in World War II, opened a tuxedo shop, and later became a successful stockbroker. He and his wife volunteered later in life to help the Israeli Army for one month every year over the span of five years. He leaves behind four children, eleven grandchildren and six great-grandchildren.

Maria Mountserrat Cantana, 102, who died on July 21, 2010, was the grandmother of Council Member Fernando Cabrera. She was born in Puerto Rico in 1907, married in 1928, and moved with her husband to New York City in 1955. She was the proud mother of fifteen children; she also leaves behind twenty grandchildren, forty-six great-grandchildren, and thirteen great-great grandchildren.

ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meetings of May 12 and May 25, 2010 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-174

Communication from the Mayor - Submitting the name of Frederick Bland to the Council for its advice and consent regarding his reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

June 23, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Frederick Bland to the City Council for advice and consent prior to his reappointment to the Landmarks Preservation Commission.

Mr. Bland, a resident of Brooklyn and a licensed architect, is Managing Partner of Beyer Blinder Belle Architects & Planners LLP. He earned a Bachelors Degree and a Masters Degree in Architecture from Yale University. When reappointed, Mr. Bland will serve for a three-year term expiring on June 28, 2013.

I am grateful to the Council for reviewing the reappointment of Frederick Bland.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-175

Communication from the Mayor - Submitting the name of Robert B. Tierney to the Council for its advice and consent regarding his reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

June 23, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased in present the name of Robert B. Tierney to the City Council for advice and consent prick 4o his reappointment to the Landmarks Preservation Commission. Mr. Tierney will serve for a three-year term expiring on June 28, 2013 when he is reappointed to the Commission.

I am grateful to the Council for reviewing the reappointment of Robert Tierney.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-176

Communication from the Mayor - Submitting the name of Christopher Moore to the Council for its advice and consent regarding his reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

June 23, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased itl present the name of Christopher Moore to the City Council for advice and consent prior to his reappointment to the Landmarks Preservation Commission.

Mr. Moore is a resident of Brooklyn. He is an Exhibition Research Coordinator, Curator and Co-Curator at The New York Public Library Schomburg Center for Research in Black Culture. When reappointed, Mr. Moore will serve for a three-year term expiring on June 28, 2013.

Thank you for reviewing the reappointment of Christopher Moore.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-177

Communication from the Mayor - Submitting the name of Joan Gerner to the Council for its advice and consent regarding her reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

June 23, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Joan Gerner to the City Council for advice and consent prior to her reappointment to the Landmarks Preservation Commission.

Ms. Gerner is a resident of Queens. Until May of this year, she served as Executive Vice President of Design, Construction and Capital Planning for the National September 11 Memorial & Museum at the World Trade Center. When reappointed to the Commission, Ms. Gerner will serve for a three-year term expiring on June 28, 2013.

Thank you for reviewing the reappointment of Joan Gerner.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-178

Communication from the Mayor - Submitting the name of Joel A. Forman to the Council for its advice and consent regarding his appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

July 12, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Joel A. Forman, M.D. to the City Council for advice and consent regarding his appointment to the Board of Health.

Dr. Forman is an Associate Professor of Pediatrics and Community and Preventive Medicine at Mount Sinai School of Medicine. He is also Vice Chair for Education and Director of the Residency Program in the Department of Pediatrics. When Dr. Forman is appointed to the Board of Health, he will fill a vacancy and serve for the remainder of a six-year term which will expire on May 31, 2012.

I send my thanks to the Council for considering the appointment of Joel Forman.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-179

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



David Yassky Commissioner
Licensing and Standards
32-02 Queens Boulevard
Long Island City, NY 11101
+1 212 227 6324 tel
+1 718 391 5786 fax

July 16, 2010

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

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

Dear Speaker Quinn:

Please be advised that on July 15, 2010 the Taxi & Limousine Commission voted to approve the following 32 for-hire-vehicle base license applications:

NEW (4):	LICENSE #	COUNCIL DISTRICT
Third Avenue Express Corp.	B02391	43
Abatar Inc. D/b/a Abatar Car & Limo. Service	B02395	43
Chico Express Corp. 2	B02397	38
JLJ Car Service Corp.	B02312	37
RENEWALS (19):	LICENSE #	COUNCIL DISTRICT
Alex Car & Limousine Inc.	B01398	47
Bell Car Service Inc.	B00802	38
Champion Car & Limo. Service Inc.	B00350	21
Deborah Car & Limousine Service Inc.	B01326	22

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Dominican Car Service Inc.	B00302	38
Family Car Service	B00278	39
Fast Operating Corp. D/b/a Carmel Car & Limousine Service	B00256	8
Gotham Car Service Inc.	B01406	33
Harborview Transportation of Staten Island	B00112	43
James A. Leasing	B02197	26
Lindy's Cars Inc.	B00548	30
New Easy Way Radio Dispatch Inc.	B00196	8
New Elegante Car Service Inc.	B01288	38
N.Y. Mexicana Car & Limo. Service Corp. D/b/a N.Y. Mexicana Car Service	B01568	21
Special Radio Dispatch Corp.	B02228	8
Spirit Car & Limo. Service	B02182	36
Tov Too Transportation Inc.	B01685	44
Transit Private Car Service Inc.	B00056	42
Uptown Transit Corp.	B00850	16
RENEWAL & RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
Bliss 48 Inc.	B01103	26
H & B Car and Limousine, Inc. D/b/a Sunnyside Car Service		
RELOCATION (1):		
The Central Radio Dispatch Inc.	B01739	37 & 34

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RENEWAL & OWNERSHIP CHANGE (3):		
Art's Place Inc.	B01653	48
La Raza Car Service Inc.	B02249	25
Shepreid Car Service & Limousien Corp. D/b/a Delta Car Service	B01292	27

The complete application package compiled for each of the above bases is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697. Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele-Radway
Director of Applicant Licensing
Taxi & Limousine Commission

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Referred to the Committee on Transportation.

M-180

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Abatar 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-181

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Chico Express Corp., Council District 38, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-182

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-183

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-184

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bell Car Service Inc., Council District 38, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-185

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-186

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Deborah Car & Limousine Service Inc., Council District 22, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-187

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dominican Car Service Inc., Council District 38, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-188

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Family Car Service., Council District 39, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-189

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Fast Operating Corp., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-190

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-191

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Harborview Transportation of Staten Island., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-192

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license James A. Leasing., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-193

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lindy's Cars Inc., Council District 30, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-194

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Easy Way Radio Dispatch 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-195

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Elegante Car Service Inc., Council District 38, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-196

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-197

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Special Radio Dispatch Corp., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-198

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Spirit Car & Limo. Service., Council District 36, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-199

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Tov Too Transportation Inc., Council District 44, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-200

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Transit Private Car Service Inc., Council District 42, 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-201

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

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-202

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Bliss 48 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-203

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license H & B Car and Limousine, Inc., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-204

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

Radio Dispatch Inc., Council District 37 and 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-205

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Art's Place Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-206

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license La Raza 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

M-207

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Shepreid Car Service & Limousine Corp., 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-179 printed above in this Communications from City, County and Borough Offices section of this Meeting)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-208

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 125 MacDougal Street, Community Board 2, Application 20105571 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-209

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 282 West 12th Street, Community Board 2, Application 20105585
TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-210

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100237 PQM, an acquisition, and C 100049 ZSM and C 100050 ZSM, special permits shall be subject to Council review. This application is related to application no. C 100047 ZMM and N 100048 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-211

By Council Member Vallone:

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 33-10 Ditmars Blvd., Community Board 1, Application 20105611 TCQ shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Weprin, Williams, Oddo, and the Speaker (Council Member Quinn) – **46**.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Environmental Protection

Report for Int. No. 194-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on April 29, 2010 (Minutes, page 1530), respectfully

REPORTS:

I. Introduction

On Wednesday, July 28, the Environmental Protection Committee of the New York City Council will consider Proposed Int. No. 194-A, a bill that would require that all heating oil used in New York City contain a minimum of 2% biodiesel, that would permit the use of renewable fuel made from renewable biomass

at the discretion of the Commissioner of Environmental Protection and that would limit the sulfur content of No. 4 fuel oil.

II. Background

a. Heating Oils and Public Health

Heating oils are a major source of air pollutants in New York City. While some of the City's air pollutants are generated outside of the City by power plants, vehicles, and other sources, a large portion of pollutants are generated by in-city emissions, primarily from vehicles and heating systems. The New York City Community Air Survey (NYCCAS) released this January by the New York City Department of Health and Mental Hygiene was the first city-wide evaluation of the variation in air quality within the City. The study linked elevated levels of several air pollutants to areas within the city that have heavy traffic and truck traffic and high building density. Specifically, the study showed that higher levels of fine particulate matter and sulfur dioxide, two pollutants of great concern for public health, are present in areas with large No.s of boilers burning No.s 4 and 6 fuel oil in building heating systems.¹

New York City's air quality consistently violates the EPA's National Ambient Air Quality Standards for criteria pollutants,² and the city is designated a nonattainment area for ozone (O₃) and fine particulate matter (PM_{2.5}) pursuant to the Clean Air Act. Other pollutants such as nitrous oxides (NO_x), sulfur dioxides (SO₂), and nickel also remain at unsafe concentrations in our air. These pollutants are conclusively linked with a variety of health problems. Fine particulate matter is small enough to become embedded deep within the lungs, and short-term exposure can exacerbate heart and respiratory problems such as asthma. Long-term exposure to fine particulate matter has been linked to reduced lung function (SO₂), chronic bronchitis, cardiovascular disease, and premature death.³ Sulfur dioxide, which converts in the atmosphere to sulfate particles, can cause difficulty breathing, increased respiratory symptoms, and aggravation of existing heart disease.⁴ SO₂ also contributes to lower visibility and acid deposition, the latter of which has been of great concern in New York State⁵ because it contributes to the formation of acid rain, which damages plant and animal life, buildings and electrical equipment. Airborne nickel, which is emitted when No.s 4 and 6 fuel oil are burned, but is not emitted at all from No. 2 fuel oil or natural gas, has been linked to increased cardiovascular disease and premature death, can also be a severe allergen, and is found in New York City air at nine times the average levels of other United States cities.⁶

No. 6 fuel oil, known as residual oil because it is left over at the end of the petroleum distillate process, contains the greatest No. of toxins of all fuel oils used in New York City; but No. 6 fuel oil is cheaper than other heating oils and contains a larger energy content per gallon than other heating oils. No. 6 fuel oil, however, is very viscous and must be kept heated at all times in order to be used, increasing the cost of use. Because it contains more contaminants, it also requires that boilers be cleaned and maintained more frequently. No. 2 fuel oil is a medium distillate oil that is less viscous and contains fewer contaminants than No. 6 oil. No. 4 fuel oil is a mixture of No. 2 oil and No.6 oil, and therefore contains somewhat fewer pollutants than No. 6 oil.⁷

b. Use of Residual Heating Oils in New York City

In New York City, almost 10,000 buildings burn No. 4 or No. 6 heating oil.⁸ According to estimates by the Environmental Defense Fund, these buildings represent approximately 1% of the total No. of New York City buildings, but contribute approximately 87% of all soot pollution due to heating systems in the City.⁹ No.s 4 and 6 oil are normally used only in very large heating systems. In smaller systems, the cost of maintenance of the systems typically outweighs the lower price of the fuel.

III. Cleaner Heating Oils

a. Biodiesel Blends

Biodiesel is a fuel produced from any of a variety of plant oils, animal fats, or used cooking greases or oils. Raw vegetable oils and animal fats are converted to biodiesel through a process called transesterification, wherein the oil and fat react with an alcohol (normally methanol) in the presence of a catalyst such as lye (sodium hydroxide) to produce biodiesel. Glycerin is a co-product of the process, and is sometimes sold by biodiesel producers for use in cosmetics or pharmaceutical goods. On average, 100 pounds of oil or fat, along with 10 pounds of alcohol,

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¹ New York City Department of Health, December 2009. *New York City Community Air Survey, Winter 2008-2009 Results*. Available online at <http://www.nyc.gov/html/doh/html/eode/nyccas.shtml>

² United States Environmental Protection Agency, 2010. *The Green Book Nonattainment Areas for Criteria Pollutants*. Available online at <http://www.epa.gov/oaqps001/greenbk/index.html>

³ Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*.

⁴ US EPA, Health and Environmental Impacts of SO₂, at <http://www.epa.gov/air/urbanair/so2/hlth1.html>.

⁵ American Lung Association and Environmental Defense, "Closing the Diesel Divide, Protecting Public Health from Diesel Air Pollution", 2003, p. 23.

⁶ Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*.

⁷ Id at p. 30.

⁸ New York City Office of Long-Term Planning and Sustainability, 2010. Analysis of DEP database on boiler types.

⁹ Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*, at p. 16.

produces 100 pounds of biodiesel and 10 pounds of glycerin.¹⁰ The raw material used to produce biodiesel is referred to as its “feedstock”. Oil from soy beans is the most common feedstock for biodiesel in the United States, though biodiesel can also be made from a variety of other plant oils such as cottonseed and canola, from recycled cooking grease and oil, or from animal fats such as beef tallow and lard.

Biodiesel is used as a substitute for or an additive to petroleum-based diesel fuel. In its pure form, biodiesel requires special handling and possible equipment modifications.¹¹ It is therefore used most frequently in blends along with conventional petroleum-based diesel. Blends of biodiesel are named according to the percentage of biodiesel they contain – for example, B100 indicates that a fuel is pure biodiesel, while B5 indicates that the fuel contains 5% biodiesel and 95% petroleum-based diesel. Up to the B5 level, a biofuel blend meets the specifications of ASTM International (the industry’s fuel-rating association) for conventional diesel fuel for use in vehicle engines as well as in home heating oil, and can be used interchangeably with pure petroleum diesel fuel.

The use of biodiesel in place of conventional petroleum-based diesel home heating oil has benefits for local air quality. Emissions of particulate matter (PM), carbon monoxide (CO), hydrocarbons (HC), nitrous oxides (NOx), and sulfur dioxide (SO₂) are all lower for biodiesel blends than for all grades of conventional home heating oil.¹² Biodiesel contains approximately 11% oxygen, allowing the fuel to burn more completely than does exclusively petroleum-based fuel. Some PM and HC pollution is due to particles of unburned fuel in emissions, and can be toxic or carcinogenic. Because of the oxygen content of biodiesel that allows the fuel to burn more completely, PM and HC emissions from biodiesel blends can be reduced disproportionately to the percentage of biodiesel in the blend. B20 fuel can reduce these air toxics by up to 40%.¹³ While reports have indicated that NOx emissions increase slightly when biodiesel is used in vehicle engines, this is not the case when biodiesel is used in home heating oil.¹⁴ A different combustion process in home heating applications leads to a reduction in NOx proportional to the amount of biodiesel in the fuel blend. Similarly, SO₂ is reduced proportionally to the amount of biodiesel in the fuel blend. For each 1% of biodiesel that is added to the fuel mix, a 1% decrease in sulfur dioxide and nitrous oxides will occur, and a greater than 1% decrease in hydrocarbons and particulate matter will occur.

- Sustainability of Biodiesel

Though biodiesel is considered by many to be a cleaner and more sustainable replacement for petroleum-based diesel fuels, questions have been raised about whether and to what degree the used of biodiesel reduces carbon emissions. Land use change as a result of the cultivation of farmland to provide feedstock for biofuels has been the source of disagreement over the impact of biofuels on carbon emissions. The controversy arose after the release of two studies arguing that such land use change may mean that more prevalent use of biofuels will increase, rather than decrease, carbon emissions.¹⁵ Valuable carbon-sequestering ecosystems, these studies argue, will be converted to the production of crops for biofuels, an aspect of biofuel carbon emissions that has been ignored in previous analyses of life cycle carbon emissions. Calculation of the carbon emissions from biofuels changes drastically when land use change is included in models of carbon emissions. Concerns have also been raised about the impact of biodiesel use on food prices.

The EPA recently released its final rules implementing the Renewable Fuels Standard Program created pursuant to the Energy Independence and Security Act of 2007. The EPA’s analysis of the life cycle carbon emissions attributable to soy-based and waste grease-based biodiesel show a 57% reduction in carbon emissions and an 86% reduction, respectively.¹⁶ This is a much higher carbon emissions reduction than had previously been calculated for soy-based biodiesel, which EPA attributes to new information related to assumptions about crop yield and co-products from soy used for biodiesel, as well as updated information about the land that is typically converted to soy production. While the EPA’s analysis shows significant reductions from both soy-based and waste grease-based biodiesel, it is clear that the carbon emissions benefits of waste grease-based biodiesel are much greater than those of soy-based or other types of biodiesel.

Heating systems in New York City buildings use approximately 730 million gallons of fuel oil annually.¹⁷ If biodiesel blends were used at a B2 level citywide, approximately 14.5 million gallons of petroleum-based diesel would be replaced each year with biodiesel. Studies of the capacity of New York City’s restaurants to produce waste grease for use in biodiesel show that approximately 1-1.5% of New York City’s heating oil needs could be filled using New York City restaurant grease.¹⁸

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¹⁰ National Renewable Energy Laboratory, January 2009. *Biodiesel Handling and Use Guide, Fourth Edition.*, at p.5.

¹¹ Id.

¹² E.g., modifications to seals, gaskets, and other parts, or the addition of fuel line heaters. National Renewable Energy Laboratory, January 2009. *Biodiesel Handling and Use Guide, Fourth Edition.*, at p.8/p.37.

¹³ Id

¹⁴ Id

¹⁵ Timothy Searchinger et al., 2008. “Use of U.S. Croplands for Biofuels Increases Greenhouse Gases Through Emissions from Land-Use Change”; and Joseph Fargione et al., 2008. “Land Clearing and the Biofuel Carbon Debt.” Both articles published in *Science* vol.29.

¹⁶ US Environmental Protection Agency, March 2010. 40 CFR Part 80, Preamble. Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program.

¹⁷ Mayor’s Office of Long Term Planning and Sustainability, 2008. Estimates obtained for 2008 NYC Greenhouse Gas Emissions Inventory.

¹⁸ Calculations based on: Cornell Cooperative Extension, 2005: An Assessment of Waste Vegetable Oil Supply in Brooklyn, NY and its Potential as a Biodiesel Feedstock; and NYSERDA, 2003: Statewide Feasibility Study for a

- b. Renewable Fuel

“Renewable fuel” is fuel made from “renewable biomass”. Biomass is organic material made from plants and animals, including microorganisms, and is considered a renewable energy source because we can, arguably, always grow more trees and crops, reuse grease from waste animal products and find other available sources of waste such as food or yard waste that can be used. Some examples of biomass fuels are wood, crops, manure, and some garbage. When burned, the chemical energy in biomass is released as heat which can be used to produce steam for making electricity, or to provide heat to industries and homes.

- c. Sulfur Cap

Currently, New York City limits the sulfur content of No. 2 fuel oil to 2,000 parts per million (ppm), and the sulfur content of No.s 4 and 6 oil to 3,000 ppm. Because SO₂ is one of the main pollutants of concern for public health, a lower sulfur cap on No. 4 fuel oil will improve air quality and health. A cap on the sulfur level in No. 4 fuel oil will require that a greater proportion of No. 2 oil be used in the No. 4 oil blend, resulting in a less polluting blend.

- IV. Proposed Int. No. 194-A

Section 1 of Proposed Int. No. 194-A states that the Council finds that heating oil contributes significantly to local air pollution, and that use biodiesel blends, renewable fuels and a lower sulfur cap on No. 4 oil are necessary steps to improve local air quality.

Section 2 of the bill amends section 24-167 of the Administrative Code to make clear that bioheating fuel may be used in heating equipment adapted for such use, although, as a practical matter, heating equipment rarely needs to be adapted to use 2% biodiesel .

Section 3 of the bill also amends section 24-168 (a) of the Administrative Code to clarify that the use of bioheating fuel is not prohibited in equipment adapted for its use.

Section 4 of the bill amends subchapter 8 of chapter 1 of title 24 of the Administrative Code to add a new section 24-168.1 and subdivision (a) of the new section adds definitions of terms such as “biodiesel,” “bioheating fuel”, “feedstock”, “heating oil”, “renewable biomass” and “renewable fuel” to section 24-168.1 of the Administrative Code.

- Biodiesel Requirement

Paragraph 1 of subdivision (b) of new section 29-168.1 requires that by October 1, 2012 all No. 2, 4, and 6 heating oil contain a minimum of 2% biodiesel by volume. Paragraph 2 of subdivision (b) provides that the Commissioner of Environmental Protection may authorize the use of “renewable fuel” in heating systems in lieu of bioheating fuel with 2% biodiesel if he or she determines that such fuel meets an applicable American Society for Testing and Materials standard or other standard as determined by the Commissioner, and the emissions from such fuel contain equal or lesser amounts of particulate matter, sulfur dioxide and nitrogen oxides than the emissions from fuel oil grade No. 2.

Subdivision (c) of section 24-168.1 establishes a procedure for the issuance of waivers from the biodiesel obligation. Waivers could be issued by the Commissioner of Environmental Protection if the Commissioner finds that an insufficient amount of bioheating fuel is available to fulfill the biodiesel requirements; (i) or that the price of available bioheating fuel for a boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil; (ii) or that the use of bioheating fuel at the required blend would invalidate the manufacturer’s warranty for the equipment using the fuel; (iii) or that there are no applicable ASTM or other standards as determined by the Commissioner to govern the specifications of the fuel or the bioheating fuel for purposes of receiving bids and enforcing contracts (iv).

Paragraph (2) of subdivision (c) of section 24-168.1 provides that a waiver issued pursuant to subparagraphs (i) and (ii) of paragraph (1) will expire in three months unless renewed in writing by the Commissioner.

Paragraph (3) of subdivision (c) of section 24-168.1 provides that a waiver issued pursuant to subparagraphs (iii) and (iv) of paragraph (1) will expire after six months unless renewed in writing by the Commissioner.

Pursuant to paragraph (4) of subdivision (c) of section 24-168.1, the Commissioner is authorized to issue a waiver for a specific district steam system if the Commissioner finds, based on documentation submitted by the applicant, including, but not limited to a report certified by a professional engineer, that compliance with the requirements of paragraph (1) of subdivision (b) of this section would result in damage to equipment used to generate steam within such district steam system. This fifth waiver, for a specific district steam system, if issued, would expire after one year, unless renewed in writing by the Commissioner.

Paragraph (1) of subdivision (d) of section 24-168.1 would require reporting, by the Commissioner to the Mayor and the Speaker of the Council, no later than September 1, 2013, and no later than September 1 of every year thereafter, respecting all waivers, findings and renewals of such findings issued pursuant to this section during the immediately preceding calendar year, a summary of the information received pursuant to subdivision (e) of this section, all waivers, findings and renewals of such findings issued pursuant to subdivision (b) of section 24-169,

of this Code, relating to low sulfur fuel, during the immediately preceding calendar year, and determinations made by the Commissioner regarding renewable biomass pursuant to paragraph (2) of subdivision (b) of this section and any recommendations with respect to the use of renewable biomass in the City, considering appropriate standards and experiential use. The bill provides that this reporting obligation may be satisfied by including the needed information in the management report and preliminary management report made public and submitted to the Council by the Mayor pursuant to section twelve of the New York City Charter.

Paragraph (1) of subdivision (e) of section 24-168.1 mandates that the Commissioner require persons who supply heating oil directly to buildings in the City to disclose annually the amount in gallons of each fuel oil grade supplied by such person to buildings, by zip code, the average percentage of biodiesel blended into each fuel oil grade supplied by such person within the City and the types of feedstock used in the creation of such biodiesel.

Paragraph (2) of subdivision (e) of section 24-168.1 provides that the Commissioner must prescribe the form in which required information shall be reported annually to the Department and that the form must be certified by the person supplying the information as to the completeness and accuracy of the information provided.

Paragraph (3) of subdivision (e) of section 24-168.1 directs the Department to require that records be maintained to substantiate the information provided pursuant to this subdivision and to make such records available for inspection and audit by the Department for a period up to three years.

Subdivision (f) of section 24-168.1 clarifies the definition of fuel oil, as used in any provision of the Administrative Code of the City of New York or the rules of the City of New York, to include heating oil that is fuel oil grade No. 2, No. 4 or No. 6 containing biodiesel.

Subdivision (g) of section 24-168.1 requires the Commissioner to promulgate rules to carry out the provisions of new section 24-168.1 and subdivision (h) of section 24-168.1 gives him the authority to sample, test and analyze heating oil supplied to buildings in the City to determine compliance with this section.

Section 5 of the bill amends subdivisions (a) and (b) of section 24-169 of the Administrative Code of the City of New York to lower the sulfur cap on No. 2 oil as classified by the American Society for Testing and Materials after June 30, 2012, to no more than the amount set forth in section 19-0325 of the Environmental Conservation Law or as provided by an Executive Order of the Governor issued pursuant to such section. The level set by section 19-0325 of the Environmental Conservation Law is 15 ppm of sulfur. Section 5 of the bill amends subdivision (b) of section 24-169 to lower the sulfur cap for fuel oil grade No. 4 after October 1, 2012, to no more than 0.15 percent, (1,500 ppm) provided that the Commissioner may waive the requirements of this paragraph if the Commissioner finds that there is an insufficient quantity of fuel oil grade no. 2 that contains no more than 0.0015 percent (15 ppm) of sulfur by weight. Any waiver issued pursuant to this subdivision would expire after three months, unless renewed in writing by the Commissioner. The provisions of paragraph (1) of this subdivision will apply during the period when such waiver is in effect.

Section 6 of the bill amends the existing table of civil penalties in subparagraph (i) of paragraph (5) of subdivision (b) of 24-178 of the Code to provide for civil penalties for failure to use or purchase the correct fuel oil that range from \$1,000 to \$10,000 plus twice the monetary benefit achieved from noncompliance.

This local law takes effect ninety days after enactment, except that the Commissioner of Environmental Protection must take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

V. Conclusion

The enactment of this bill will improve air quality in New York City by replacing a portion of all heating oil used in New York City with biodiesel, by authorizing the use of renewable fuel, when appropriate, and by reducing the amount of sulfur emitted into the air as a result of lowering the cap on sulfur in No. 4 heating oil.

(The following is from the text of the Fiscal Impact Statement for Int. No. 194-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 13	FY Succeeding Effective FY 14	Full Fiscal Impact FY 14
Revenues (+)	\$1.8 million	\$2.6 million	\$2.6 million
Expenditures (-)	(\$1.9 million)	(\$2.8 million)	(\$2.8 million)
Net	(\$150,000)	(\$200,000)	(\$200,000)

IMPACT ON REVENUES: The revenue impact will be a gain of \$1.8 million in Fiscal 2013, and \$2.6 million in 2014. This will be due to additional sales tax revenue generated by higher fuel oil prices.

IMPACT ON EXPENDITURES: The expense impact will be an increase in expenditures of about \$1.9 million in FY13, with full fiscal impact of about \$2.8 million taking effect in FY14. This will be due to greater City expenditure on fuel oil due to higher fuel oil prices.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Financial Analyst
City Council Finance Division

FIS HISTORY: Introduced as Int. 194 by the full Council and referred to the Committee on Environmental Protection on April 29, 2010. Hearing held and laid over by the Committee on May 28, 2010. A subsequently amended version (Proposed Intro. 194-A) is to be considered by the Committee on Environmental Protection on July 29, 2010.

DATE SUBMITTED TO COUNCIL: April 29, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 194-A:)

Int. No. 194-A

By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders, Van Bramer, Mark-Viverito, Lappin, Levin, Nelson, Garodnick, Crowley, Mendez, Vacca, Koslowitz, Recchia, Chin, Williams, Ferreras, Jackson and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. According to a report of the Environmental Defense Fund, the combustion of heating fuel is responsible for approximately 14% of the local emissions of fine particulate matter, more than vehicle traffic or power plants. Particulate matter and other pollutants, such as sulfur and heavy metals, contribute to asthma, heart disease and other public health problems.

The Council finds that the use of bioheating fuel would reduce the emission of air pollutants, reduce cleaning and maintenance costs, increase the ease of handling fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply.

The Council further finds that No. 4 and No. 6 residual heating oils are more polluting than No. 2 distillate heating oil. According to the New York City Community Air Survey's 2009 winter data report, the strongest predictor of particulate matter and sulfur dioxide in the air in New York City is the density of nearby buildings that burn fuel oil. Boilers burning heavier residual oils also require more maintenance because of the need to clean burners fouled by the high sulfur content of the oil and the need to heat the non-viscous oils before they can be pumped and burned. Accordingly, the Council finds that it is necessary to address pollutants from the heating oil sector by reducing the sulfur level of No. 4 oil.

§2. Section 24-167 of the administrative code of the city of New York is amended to read as follows:

§24-167 Improper use of equipment or apparatus prohibited. No person shall use or permit the use of equipment or apparatus for a purpose or in a manner which causes it to function improperly or not in accordance with its design. *Nothing in this section shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.*

§3. Subdivision a of section 24-168 of the administrative code of the city of New York is amended to read as follows:

(a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment which is not designed to burn that kind or grade of fuel. *Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.*

§4. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-168.1 to read as follows:

§ 24-168.1 Clean heating oil. (a) Definitions. For the purpose of this section, the following terms shall have the following meanings:

(1) "Biodiesel" shall mean a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a.

(2) "Bioheating fuel" shall mean a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(3) "District steam system" shall mean a system for the production of steam and for its transmission and distribution through underground pipelines to multiple buildings.

(4) "Emergency generator" shall mean a machine or device that combusts fuel to create electricity and that is used for the purpose of providing backup power in the event of a general interruption in electrical service.

(5) "Feedstock" shall mean soybean oil, oil from annual covercrops, algal oil, biogenic waste oils, fats or greases, or non-food grade corn oil, provided that the commissioner may modify the definition of feedstock based on the vegetable oils, animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

(6) "Heating oil" shall mean oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(7) "Heating system" shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

(8) "Renewable biomass" shall mean crops and crop residue from existing agricultural land, tree residues, animal waste material and byproducts, slash and pre-commercial thinnings from non-federal forest lands, biomass cleared from the vicinity of buildings and other areas to reduce the risk of wildfire, algae, and separated yard waste or food waste. Such term shall not include processed materials such as particle board, treated or painted wood, and melamine resin-coated panels.

(9) "Renewable fuel" shall mean fuel produced from renewable biomass.

(b) (1) After October 1, 2012, no person shall cause or permit the use in any building in the city or deliver to any building in the city for use in such building, heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing less than two percent biodiesel by volume. The provisions of this subdivision shall not apply to the use or delivery of heating oil for use in an emergency generator or for use in a boiler where heating oil from a dual-use tank supplies both such boiler and an emergency generator.

(2) The commissioner may authorize the use of any renewable fuel in heating systems if he or she determines that such fuel meets an applicable American Society for Testing and Materials standard or other standard as determined by the commissioner, and the emissions from such fuel contain equal or lesser amounts of particulate matter, sulfur dioxide and nitrogen oxides than the emissions from fuel oil grade no. 2.

(c) The commissioner may waive the requirements of paragraph 1 of subdivision b of this section in accordance with the provisions of this subdivision.

(1) A waiver may be issued for a particular type of boiler or fuel if the commissioner finds that:

(i) a sufficient quantity of bioheating fuel containing two percent biodiesel is not available in the city for that boiler type;

(ii) the price of available bioheating fuel for that boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil;

(iii) the use of bioheating fuel would void the manufacturer's warranty for that boiler type; or

(iv) there is no applicable American Society of Testing and Materials standard or other standard as determined by the commissioner to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

(2) Any waiver issued pursuant to subparagraph (i) or (ii) of paragraph 1 of this subdivision shall expire after three months, unless renewed in writing by the commissioner.

(3) Any waiver issued pursuant to subparagraph (iii) or (iv) of paragraph 1 of this subdivision shall expire after six months, unless renewed in writing by the commissioner.

(4) A waiver may be issued for a specific district steam system if the commissioner finds based on documentation submitted by the applicant, including but not limited to a report certified by a professional engineer, that compliance with the requirements of paragraph 1 of subdivision b of this section would result in damage to equipment used to generate steam within such district steam system. Any waiver issued pursuant to this paragraph shall expire after one year, unless renewed in writing by the commissioner.

(d) (1) No later than September 1, 2013, and no later than September 1 of every year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council, which shall include:

(i) all waivers, findings and renewals of such findings issued pursuant to this section during the immediately preceding calendar year;

(ii) a summary of the information received pursuant to subdivision e of this section;

(iii) all waivers, findings and renewals of such findings issued pursuant to subdivision b of section 24-169 of this code during the immediately preceding calendar year; and

(iv) determinations made by the commissioner regarding renewable biomass pursuant to paragraph 2 of subdivision b of this section and any

recommendations with respect to the use of renewable biomass in the city, considering appropriate standards and experiential use.

(2) The report required pursuant to this subdivision may be satisfied by including such information in the management report and preliminary management report made public and submitted to the council by the mayor pursuant to section twelve of the New York city charter.

(e) (1) The commissioner shall require persons who supply heating oil directly to buildings in the city to disclose annually to the commissioner the following information regarding fuel oil supplied:

(i) the amount in gallons of each fuel oil grade supplied by such person to buildings by zip code; and

(ii) the average percentage of biodiesel blended into each fuel oil grade supplied by such person within the city and the types of feedstock used in the creation of such biodiesel.

(2) The commissioner shall prescribe the form in which required information shall be reported annually to the department. Such form shall be certified by the person supplying the information as to the completeness and accuracy of the information provided.

(3) The department shall require that records be maintained to substantiate the information provided pursuant to this subdivision and that such records shall be made available for inspection and audit by the department for a period up to three years.

(f) The term "fuel oil" as used in any provision of the administrative code of the city of New York or the rules of the city of New York shall be deemed to include heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing biodiesel.

(g) The commissioner shall promulgate rules to carry out the provisions of this section.

(h) The commissioner shall have the authority to sample, test and analyze heating oil supplied to buildings in the city to determine compliance with this section.

§5. Subdivisions a and b of section 24-169 of the administrative code of the city of New York are amended to read as follows:

(a) Fuel oil grade no. 2 as classified by the American [society for testing and materials] Society for Testing and Materials [, which] that contains more than [the following percentages] 0.2 percent of sulfur by weight[:

(1) For a period ending October first, nineteen hundred seventy-one, 0.5 percent;

(2) After October first, nineteen hundred seventy-one, 0.2 percent] and after June 30, 2012, more than the amount set forth in section 19-0325 of the environmental conservation law or as provided by an executive order of the governor issued pursuant to such section.

(b) Residual fuel oil and fuel oil grade no. 4 as classified by the American [society for testing and materials] Society for Testing and Materials or solid fuel on a dry basis[, which] that contains more than the following percentages of sulfur by weight:

(1) [For a period ending October first, nineteen hundred seventy-one, one percent;

(2) After October first, nineteen hundred seventy-one,] 0.30 percent and

(2) for fuel oil grade no. 4 after October 1, 2012, more than 0.15 percent, provided that the commissioner may waive the requirements of this paragraph if the commissioner finds that there is an insufficient quantity of fuel oil grade no. 2 that contains no more than 0.0015 percent of sulfur by weight. Any waiver issued pursuant to this subdivision shall expire after three months, unless renewed in writing by the commissioner. The provisions of paragraph 1 of this subdivision shall apply during the period such waiver is in effect.

§6. The table of civil penalties in subparagraph (i) of paragraph 5 of subdivision b of section 24-178 of the administrative code of the city of New York is amended by adding after the line beginning 24-168 civil penalties for violation of subdivisions b and d of section 24-168.1, to read as follows:

TABLE OF CIVIL PENALTIES

Violations related to section, subdivision and paragraph	Maximum	Civil Penalties Minimum
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<i>24-168.1(b); provided that the penalty specified herein shall apply only to a violation by reason of the use or purchase of fuel oil that does not conform to the standards in such subdivision.....</i>	<i>As Per Schedule E</i>	<i>As Per Schedule E</i>
<i>24-168.1(b); plus twice the amount of money saved for failure to comply with such section; provided that such \$1,000-\$10,000 penalty and additional penalty shall apply only to a violation by reason of the delivery of fuel oil that does not conform to the standards in such subdivision.....</i>	<i>10,000</i>	<i>1,000</i>

§7. If any section, subdivision, 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 law, which remaining portions shall continue in full force and effect.

§8. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, PETER F. VALLONE JR., ELIZABETH CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN, Committee on Environmental Protection, July 28, 2010.

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

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

Report for Res. No. 362

Report of the Committee on Environmental Protection in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 194-A.

The Committee on Environmental Protection, to which the annexed resolution was referred on July 29, 2010, respectfully

REPORTS:

(For text of report, please see related Report of the Committee on Environmental Protection for Int No. 194-A printed in these Minutes).

Accordingly, this Committee recommends the adoption of Res No. 362.

(The following is the text of Res. No. 362:)

Res. No. 362

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 194-A.

By Council Members Gennaro, Palma and Williams.

Whereas, The enactment of Proposed Int. No. 194-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Mayor’s Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for these bills, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and
- (2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

ATTACHMENT:

NYC City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. Does Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §8-15(A) (Executive Order 91 of 1977, as amended)?
 Yes No
 If yes, STOP, and complete the FULL EAS

2. Project Name: Intro 194-A Clean Heating Oil

3. Reference Numbers
 CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency): 11CC0001Y
 BSA REFERENCE NUMBER (If Applicable):
 ULURP REFERENCE NUMBER (If Applicable):
 OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc.):

4a. Lead Agency Information
 NAME OF LEAD AGENCY: NYC Council and NYC Mayor's Office (co-leads)
 NAME OF LEAD AGENCY CONTACT PERSON: Jeffrey Haberman (Council)/Robert R. Kulkowski (Mayor)
 ADDRESS: 250 Broadway/253 Broadway
 CITY: New York STATE: NY ZIP: 10007
 TELEPHONE: 212.788.9122/2937 FAX:
 EMAIL ADDRESS: jhaberman@council.nyc.gov/rkulkowski@cityhall.nyc.gov

4b. Applicant Information
 NAME OF APPLICANT: None
 NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON:
 ADDRESS:
 CITY: STATE: ZIP:
 TELEPHONE: FAX:
 EMAIL ADDRESS:

5. Project Description:
 Passage of Intro 194-A, a proposed local law to amend Title 24 of the Administrative Code of the City of New York, in relation to the use of clean heating oil. See Att 1 for the text of the proposed law. The discretionary actions that require environmental review include passage of the law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council. In addition, the proposed law authorizes rulemaking to implement the law.

6a. Project Location: Single Site (for a project at a single site, complete all the information below)
 ADDRESS: NEIGHBORHOOD NAME:
 TAX BLOCK AND LOT: BOROUGH: COMMUNITY DISTRICT:
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS:
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: ZONING SECTIONAL MAP NO.:

6b. Project Location: Multiple Sites (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)
 City-wide (enactment of a local law)

7. REQUIRED ACTIONS OR APPROVALS (check all that apply)

City Planning Commission: YES NO

Board of Standards and Appeals: YES NO

CITY MAP AMENDMENT ZONING CERTIFICATION SPECIAL PERMIT
 ZONING MAP AMENDMENT ZONING AUTHORIZATION HOUSING PLAN & PROJECT
 ZONING TEXT AMENDMENT SITE SELECTION — PUBLIC FACILITY VARIANCE (USE)
 UNIFORM LAND USE REVIEW PROCEDURE (ULURP) CONCESSION FRANCHISE VARIANCE (BULK)
 CONDEMNATION UDAAP REVOCABLE CONSENT
 DISPOSITION — REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE: SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION:

MODIFICATION OF
 RENEWAL OF
 OTHER

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Department of Environmental Protection: YES NO IF YES, IDENTIFY:

Other City Approvals: YES NO

LEGISLATION RULEMAKING
 FUNDING OF CONSTRUCTION, SPECIFY: CONSTRUCTION OF PUBLIC FACILITIES
 POLICY OR PLAN, SPECIFY: FUNDING OF PROGRAMS, SPECIFY:
 LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR) PERMITS, SPECIFY:
 364(b)(4) APPROVAL OTHER, EXPLAIN
 PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) (not subject to CEQR)

State or Federal Actions/Approvals/Funding: YES NO IF YES, IDENTIFY:

8. Site Description: Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.
 GRAPHICS The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5 x 11 inches for submission.
 Site location map Zoning map Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
 Sanborn or other land use map Tax map For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING (both developed and undeveloped areas) Not applicable - enactment of a local law
 Total directly affected area (sq. ft.): Type of Waterbody and surface area (sq. ft.): Roads, building and other paved surfaces (sq. ft.):
 Other, describe (sq. ft.):

9. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development below facilitated by the action)
 Size of project to be developed: (gross sq. ft.)
 Does the proposed project involve changes in zoning on one or more sites? YES NO
 If 'Yes,' identify the total square feet owned or controlled by the applicant: Total square feet of non-applicant owned development:
 Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, piling, utility lines, or grading? YES NO
 If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):
 Area: sq. ft. (width x length) Volume: cubic feet (width x length x depth)

DESCRIPTION OF PROPOSED USES (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	NA	NA	NA	NA
Type (e.g. retail, office, school)	NA	units	NA	NA

Does the proposed project increase the population of residents and/or on-site workers? YES NO Number of additional residents? Number of additional workers?
 Provide a brief explanation of how these numbers were determined:
 Does the project create new open space? YES NO If Yes (sq. ft.)
 Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: (pounds per week)
 Using energy modeling or Table 15-1, estimate the project's projected energy use: (annual BTUs)
 Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO If 'Yes,' see Chapter 2, 'Establishing the Analysis Framework' and describe briefly:

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10. Analysis Year: CEQR Technical Manual Chapter 2
 ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2010 ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A
 WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY PHASES:
 BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

11. What is the Predominant Land Use in Vicinity of Project? (Check all that apply)
 RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, Describe:

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.
 • If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
 • If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
 • Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
 • The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
1. LAND USE, ZONING AND PUBLIC POLICY: CEQR Technical Manual Chapter 4 (a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes," complete a preliminary assessment and attach. (b) Is the project a large, publicly sponsored project? If "Yes," complete a PlanNYC assessment and attach. (c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes," complete the Consistency Assessment Form. Although the enactment of a local law is city-wide, WRP consistency is not applicable.		<input checked="" type="checkbox"/>
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5 (a) Would the proposed project: • Generate a net increase of 200 or more residential units? • Generate a net increase of 200,000 or more square feet of commercial space? • Directly displace more than 500 residents? • Directly displace more than 100 employees? • Affect conditions in a specific industry?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6 (a) Does the proposed project exceed any of the thresholds outlined in Table 9-1 of Chapter 9?		<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7 (a) Would the proposed project change or eliminate existing open space? (b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents? If "Yes," would the proposed project generate 125 or more additional employees? (c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents? If "Yes," would the proposed project generate 750 or more additional employees? (d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate 200 or more additional residents? 500 additional employees?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>

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	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8 (a) Would the proposed project result in a net height increase of any structure of 50 feet or more? (b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9 (a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		<input type="checkbox"/>
7. URBAN DESIGN: CEQR Technical Manual Chapter 10 (a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning? (b) Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11 (a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form. Although the enactment of a local law is city-wide, it is not a specific development and therefore the JBV form is not applicable. (b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12 (a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials? (b) Does the project site have existing institutional controls (e.g. (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts? (c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)? (d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin? (e) Would the project result in development where underground and/or aboveground storage tanks (e.g. gas stations) are or were on or near the site? (f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
10. INFRASTRUCTURE: CEQR Technical Manual Chapter 13 (a) Would the proposed project result in water demand of more than one million gallons per day? (b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens? (c) Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 of Chapter 13? (d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase? (e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek? (f) Is the project located in an area that is partially sewered or currently unsewered? (g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system? (h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14 (a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week? (b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>

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	YES	NO
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Would the proposed project affect the transmission or generation of energy?		✓
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 of Chapter 16?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>"If should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16, "Transportation," for information."</i>		
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		
14. AIR QUALITY: CEQR Technical Manual Chapter 17 See Att 2 for a discussion of Air Quality		
(a) Mobile Sources: Would the proposed project result in the conditions outlined in Section 210 of Chapter 17?		✓
(b) Stationary Sources: Would the proposed project result in the conditions outlined in Section 220 of Chapter 17? If "Yes," would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed)		✓
(c) Does the proposed project involve multiple buildings on the project site?		✓
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18 See Att 2 for a discussion of GHG		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		✓
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?		✓
(b) Would the proposed project introduce new or additional receptors (see Section 124 of Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line?		✓
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?		✓
(d) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, Noise If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		✓

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	YES	NO
19. CONSTRUCTION IMPACTS: CEQR Technical Manual Chapter 22		
Would the project's construction activities involve (check all that apply):		
• Construction activities lasting longer than two years;		✓
• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
• Closure of community facilities or disruption in its service;		✓
• Activities within 400 feet of a historic or cultural resource; or		✓
• Disturbance of a site containing natural resources.		✓
If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
20. APPLICANT'S CERTIFICATION		
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.		
Still under oath, I further swear or affirm that I make this statement in my capacity as the _____ of NYC Council/ NYC Office of the Mayor		
APPLICANT/SPONSOR	NAME THE ENTITY OR OWNER	
the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.		
Check if prepared by: <input type="checkbox"/> APPLICANT REPRESENTATIVE OR <input checked="" type="checkbox"/> LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)		
APPLICANT/SPONSOR NAME:	LEAD AGENCY REPRESENTATIVE NAME:	
	Jeffrey Haberman/Robert R. Kulikowski	
DATE: July 28, 2010	DATE:	

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

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PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)

INSTRUCTIONS:
In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potential Significant Adverse Impact	
	YES	NO
Land Use, Zoning, and Public Policy		✓
Socioeconomic Conditions		✓
Community Facilities and Services		✓
Open Space		✓
Shadows		✓
Historic and Cultural Resources		✓
Urban Design/Visual Resources		✓
Natural Resources		✓
Hazardous Materials		✓
Water and Sewer Infrastructure		✓
Solid Waste and Sanitation Services		✓
Energy		✓
Transportation		✓
Air Quality		✓
Greenhouse Gas Emissions		✓
Noise		✓
Public Health		✓
Neighborhood Character		✓
Construction Impacts		✓

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.

3. LEAD AGENCY CERTIFICATION

Deputy Director Infrastructure Div/Assistant to the Mayor
TITLE
LEAD AGENCY
Jeffrey Haberman/Robert R. Kulikowski
NAME

NYC Council/ NYC Mayor's Office
LEAD AGENCY

SIGNATURE
7/28/2010
DATE

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Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.

Issue **Conditional Negative Declaration**

A **Conditional Negative Declaration (CND)** may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR 617.

Issue **Positive Declaration** and proceed to a draft scope of work for the Environmental Impact Statement.

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a **Positive Declaration**.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the [City Council & Office of the Mayor] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [City Council & Office of the Mayor] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

- is the passage of a local law to require the use of cleaner heating fuels in the City of New York. As such, the proposed action is generic in nature and would not result in site-specific changes that would affect the following technical areas: land use, open space, community facilities, shadows; historic resources, urban design, neighborhood character, natural resources, infrastructure, hazardous materials, solid waste, energy, transportation, noise or construction;
- is generic, there are no specific sites involved. Requiring the use of cleaner heating fuel has the potential to improve air quality and reduce greenhouse gases;
- would not have a socioeconomic impact since the price differential for bioheating fuel is within price fluctuations experienced by conventional heating fuels for the past several years; and
- as discussed in 2., above, would have a positive impact on air quality and, therefore, would also have a positive impact on public health since the population of New York City would be exposed to reduced concentrations of pollutants.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEORA).

Deputy Director Infrastructure Div/Assistant to the Mayor
TITLE
LEAD AGENCY
Jeffrey Haberman/Robert R. Kulikowski
NAME

NYC Council/ NYC Mayor's Office
LEAD AGENCY

SIGNATURE
7/28/2010
DATE

ATT 1

Proposed Int. No. 194-A

By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders Jr., Van Bramer, Mark-Viverito, Lappin, Levin, Nelson, Garodnick, Crowley, Mendez, Vacca, Koslowitz, Recchia and Chin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. According to a report of the Environmental Defense Fund, the combustion of heating fuel is responsible for approximately 14% of the local emissions of fine particulate matter, more than vehicle traffic or power plants. Particulate matter and other pollutants, such as sulfur and heavy metals, contribute to asthma, heart disease and other public health problems.

The Council finds that the use of bioheating fuel would reduce the emission of air pollutants, reduce cleaning and maintenance costs, increase the ease of handling fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply.

The Council further finds that No. 4 and No. 6 residual heating oils are more polluting than No. 2 distillate heating oil. According to the New York City Community Air Survey's 2009 winter data report, the strongest predictor of particulate matter and sulfur dioxide in the air in New York City is the density of nearby buildings that burn fuel oil. Boilers burning heavier residual oils also require more maintenance because of the need to clean burners fouled by the

high sulfur content of the oil and the need to heat the non-viscous oils before they can be pumped and burned. Accordingly, the Council finds that it is necessary to address pollutants from the heating oil sector by reducing the sulfur level of No. 4 oil.

§ 2. Section 24-167 of the administrative code of the city of New York is amended to read as follows:

§ 24-167 Improper use of equipment or apparatus prohibited. No person shall use or permit the use of equipment or apparatus for a purpose or in a manner which causes it to function improperly or not in accordance with its design. Nothing in this section shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.

§ 3. Subdivision a of section 24-168 of the administrative code of the city of New York is amended to read as follows:

(a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment which is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.

§ 4. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-168.1 to read as follows:

§ 24-168.1 Clean heating oil. (a) Definitions. For the purpose of this section, the following terms shall have the following meanings:

(1) "Biodiesel" shall mean a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a.

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(2) "Bioheating fuel" shall mean a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(3) "District steam system" shall mean a system for the production of steam and for its transmission and distribution through underground pipelines to multiple buildings.

(4) "Emergency generator" shall mean a machine or device that combusts fuel to create electricity and that is used for the purpose of providing backup power in the event of a general interruption in electrical service.

(5) "Feedstock" shall mean soybean oil, oil from annual covercrops, algal oil, biogenic waste oils, fats or greases, or non-food grade corn oil, provided that the commissioner may modify the definition of feedstock based on the vegetable oils, animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

(6) "Heating oil" shall mean oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(7) "Heating system" shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

(8) "Renewable biomass" shall mean crops and crop residue from existing agricultural land, tree residues, animal waste material and byproducts, slash and pre-commercial thinnings from non-federal forest lands, biomass cleared from the vicinity of buildings and other areas to reduce the risk of wildfire, algae, and separated yard waste or food waste. Such term shall not include processed materials such as particle board, treated or painted wood, and melamine resin-coated panels.

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(9) "Renewable fuel" shall mean fuel produced from renewable biomass.

(b) (1) After October 1, 2012, no person shall cause or permit the use in any building in the city or deliver to any building in the city for use in such building, heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing less than two percent biodiesel by volume. The provisions of this subdivision shall not apply to the use or delivery of heating oil for use in an emergency generator or for use in a boiler where heating oil from a dual-use tank supplies both such boiler and an emergency generator.

(2) The commissioner may authorize the use of any renewable fuel in heating systems if he or she determines that such fuel meets an applicable American Society for Testing and Materials standard or other standard as determined by the commissioner, and the emissions from such fuel contain equal or lesser amounts of particulate matter, sulfur dioxide and nitrogen oxides than the emissions from fuel oil grade no. 2.

(c) The commissioner may waive the requirements of paragraph 1 of subdivision b of this section in accordance with the provisions of this subdivision.

(1) A waiver may be issued for a particular type of boiler or fuel if the commissioner finds that:

(i) a sufficient quantity of bioheating fuel containing two percent biodiesel is not available in the city for that boiler type;

(ii) the price of available bioheating fuel for that boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil;

(iii) the use of bioheating fuel would void the manufacturer's warranty for that boiler type; or

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(iv) there is no applicable American Society of Testing and Materials standard or other standard as determined by the commissioner to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

(2) Any waiver issued pursuant to subparagraph (i) or (ii) of paragraph 1 of this subdivision shall expire after three months, unless renewed in writing by the commissioner.

(3) Any waiver issued pursuant to subparagraph (iii) or (iv) of paragraph 1 of this subdivision shall expire after six months, unless renewed in writing by the commissioner.

(4) A waiver may be issued for a specific district steam system if the commissioner finds based on documentation submitted by the applicant, including but not limited to a report certified by a professional engineer, that compliance with the requirements of paragraph 1 of subdivision b of this section would result in damage to equipment used to generate steam within such district steam system. Any waiver issued pursuant to this paragraph shall expire after one year, unless renewed in writing by the commissioner.

(d) (1) No later than September 1, 2013, and no later than September 1 of every year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council, which shall include:

(i) all waivers, findings and renewals of such findings issued pursuant to this section during the immediately preceding calendar year;

(ii) a summary of the information received pursuant to subdivision e of this section;

(iii) all waivers, findings and renewals of such findings issued pursuant to subdivision b of section 24-169 of this code during the immediately preceding calendar year; and

(iv) determinations made by the commissioner regarding renewable biomass pursuant to paragraph 2 of subdivision b of this section and any recommendations with respect to the use of renewable biomass in the city, considering appropriate standards and experiential use.

(2) The report required pursuant to this subdivision may be satisfied by including such information in the management report and preliminary management report made public and submitted to the council by the mayor pursuant to section twelve of the New York city charter.

(e) (1) The commissioner shall require persons who supply heating oil directly to buildings in the city to disclose annually to the commissioner the following information regarding fuel oil supplied:

(i) the amount in gallons of each fuel oil grade supplied by such person to buildings by zip code; and

(ii) the average percentage of biodiesel blended into each fuel oil grade supplied by such person within the city and the types of feedstock used in the creation of such biodiesel.

(2) The commissioner shall prescribe the form in which required information shall be reported annually to the department. Such form shall be certified by the person supplying the information as to the completeness and accuracy of the information provided.

(3) The department shall require that records be maintained to substantiate the information provided pursuant to this subdivision and that such records shall be made available for inspection and audit by the department for a period up to three years.

(f) The term "fuel oil" as used in any provision of the administrative code of the city of New York or the rules of the city of New York shall be deemed to include heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing biodiesel.

(g) The commissioner shall promulgate rules to carry out the provisions of this section.

(h) The commissioner shall have the authority to sample, test and analyze heating oil supplied to buildings in the city to determine compliance with this section.

§ 5. Subdivisions a and b of section 24-169 of the administrative code of the city of New York are amended to read as follows:

(a) Fuel oil grade no. 2 as classified by the American [society for testing and materials] Society for Testing and Materials [, which] that contains more than [the following percentages] 0.2 percent of sulfur by weight[:

(1) For a period ending October first, nineteen hundred seventy-one, 0.5 percent;

(2) After October first, nineteen hundred seventy-one, 0.2 percent] and after June 30, 2012, more than the amount set forth in section 19-0325 of the environmental conservation law or as provided by an executive order of the governor issued pursuant to such section.

(b) Residual fuel oil and fuel oil grade no. 4 as classified by the American [society for testing and materials] Society for Testing and Materials or solid fuel on a dry basis[, which] that contains more than the following percentages of sulfur by weight:

(1) [For a period ending October first, nineteen hundred seventy-one, one percent;

(2) After October first, nineteen hundred seventy-one,] 0.30 percent and

(2) for fuel oil grade no. 4 after October 1, 2012, more than 0.15 percent, provided that the commissioner may waive the requirements of this paragraph if the commissioner finds that there is an insufficient quantity of fuel oil grade no. 2 that contains no more than 0.0015 percent of sulfur by weight. Any waiver issued pursuant to this subdivision shall expire after three months, unless renewed in writing by the commissioner. The provisions of paragraph 1 of this subdivision shall apply during the period such waiver is in effect.

§ 6. The table of civil penalties in subparagraph (i) of paragraph 5 of subdivision b of section 24-178 of the administrative code of the city of New York is amended by adding after the line beginning 24-168 civil penalties for violation of subdivisions b and d of section 24-168.1, to read as follows:

TABLE OF CIVIL PENALTIES

Violations related to section, subdivision and paragraph	Civil Penalties	
	Maximum	Minimum
24-168.1(b); provided that the penalty specified herein shall apply only to a violation by reason of the use or purchase of fuel oil that does not conform to the standards in such subdivision.....	As Per Schedule E	As Per Schedule E
24-168.1(b); plus twice the amount of money saved for failure to comply with such section; provided that such \$1,000-\$10,000 penalty and additional penalty shall apply only to a violation by reason of the delivery of fuel oil that does not conform to the standards in such subdivision.....	10,000	1,000

§ 7. If any section, subdivision, 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 law, which remaining portions shall continue in full force and effect.

§ 8. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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2. SOCIOECONOMIC CONDITIONS

The mix of heating oil with biodiesel – do not require boiler retrofits or changes in the existing fuel distribution network. The use of bioheating fuel would lower emissions of air pollutants and greenhouse gases, reduce maintenance costs, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of supply.

The current premium of ultra-low-sulfur diesel is 8 cents per gallon over the cost of No. 2 heating oil. With No. 4 oil consisting of between 35% and 65% No. 2 oil, any increase in costs attributable to the No. 2 component can be, at most, 3 to 5 cents per gallon, or 2-4%. Furthermore, the increase in cost to use 2% biodiesel in No. 2 oil is 1 cent per gallon. This difference in cost for the 2% biodiesel falls within the normal price fluctuations of No. 2 oil, and therefore, can be considered minimal.

In addition, the proposed law provides for a safety net and allows a waiver if the commissioner finds that a sufficient quantity of bioheating fuel containing two percent biodiesel is not available in the city for that boiler type, the price of available bioheating fuel for that boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil, the use of bioheating fuel would void the manufacturer's warranty for that boiler type; or there is no standard to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

14. AIR QUALITY

According to an Environmental Defense report, the combustion of heating fuel used for heat and hot water is responsible for approximately 14% of the local emissions of fine particulate matter (PM_{2.5}), more than vehicular traffic or power plants. Particulate matter and other pollutants, such as sulfur, heavy metals and nitrogen oxides, can exacerbate asthma, and may contribute to other forms of respiratory and cardiovascular illness.

There are three ways to reduce pollution: burn cleaner fuel, burn less fuel, and/or clean emissions caused by burning dirty fuel with scrubbers or other technologies. Research and experience show that technologically, these latter "post-combustion" measures are not practical or affordable in residential or commercial buildings, and that it is far more cost-effective to remove pollutants from fuel before it is burned.

Intro 194-A amends the Administrative Code of the City of New York to cap the amount of sulfur in heating oil and to institute an across-the-board requirement that all heating oil contain at least 2% biodiesel fuel, which contains no sulfur or heavy metals. The sulfur content in No. 4 heating oil currently is 3000ppm; Intro 194-A would require the reduction of the sulfur content to 1500ppm (low sulfur or LS No. 4). These requirements will result in reductions in particulate

ATT 2

matter by 2,344 tons or a 1% decrease in total particulate matter emissions from fuel oil #2, #4 and #6.

New York City eliminated the burning of coal long ago, thereby significantly reducing the amount of sulfur emissions. However, one of the most significant remaining sources of sulfur dioxide, particulate matter, and nitrogen oxide comes from the burning of heavier residual fuels, No. 4 and No. 6 fuel oils. These fuels have the highest sulfur content of all fuels currently commonly used for heating. Burning No. 6 fuel oil releases fine particulate matter with higher levels of nickel than either No. 2 oil or natural gas. No. 4 fuel oil, which also emits pollutants and metals, is a mix of No. 6 residual oil and cleaner-burning No. 2 oil.

A shift from No. 4 to low sulfur No. 4 fuel oil would result in dramatically lower emissions of conventional pollutants. The projected minimum annual reduction in pollutants from existing residual oil boilers would be 31 tons of particulate matter, 27 tons of fine particulates, 265 tons of nitrogen oxides, 804 tons of sulfur dioxide, and 8,634 tons of carbon dioxide. This would be a reduction in PM_{2.5} emissions equivalent to eliminating approximately 1.5 billion to 3.3 billion miles of heavy-duty truck traffic from New York City roads every year.

15. GREENHOUSE GAS EMISSIONS

As discussed above, mandating the use of LS No. 4 would reduce emissions of carbon dioxide and nitrogen oxides by 8,634 tons and 265 tons, respectively. This reduction contributes to the City's goal of reducing citywide greenhouse gas emissions by 30% below 2005 levels by 2030 and is, therefore, also consistent with PlaNYC.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, PETER F. VALLONE JR., ELIZABETH CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN, Committee on Environmental Protection, July 28, 2010.

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

Reports of the Committee on Finance

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

Report for Res. No. 371

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in Fiscal 2009, 2010 and 2011 Expense Budgets.

The Committee on Finance, to which the annexed resolution was referred on July 29, 2010, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"). On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget").

Analysis. This Resolution, dated July 29, 2010, amends the description for the Description/Scope of Services for the Woodside on the Move, Inc., an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development, and \$10,000 within the budget of the Department for the Aging in the Fiscal 2011 Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget read: "Pay for program supplies, training and equipment, staffing and overhead costs for our senior and adult housing assistance programs." This Resolution now changes the Description/Scope of Services to read: "Pay for program supplies, staffing and overhead costs, and stipends for school year interns and summer youth interns in our daytime summer graffiti removal and afternoon programs."

Also, this Resolution amends the description for the Description/Scope of Services for the Harlem Council of Elders, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget read: "Tutoring for Harlem Area Youth." This Resolution now changes the Description/Scope of Services to read: "Touring for Harlem Area Youth."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Neighborhood Initiatives Development Corporation (NIDC), an organization receiving local discretionary funding in various amounts within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for NIDC, which received funding in the amount of \$45,500 listed in the Fiscal 2011 Expense Budget read: "To support youth programs, and community and special events." This Resolution now changes the Description/Scope of Services to read: "To sponsor community events, support the overall Prep for Success program and provide general administrative support." The Description/Scope of Services for NIDC, which received funding in the amount of \$75,000 listed in the Fiscal 2011 Expense Budget read: "To support job readiness program, and after-school programming." This Resolution now changes the Description/Scope of Services to read: "To continue the Prep for Success program for students at the Columbus High School campus."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Grace Lutheran Church of Queens, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2010 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Funding for summer youth program." This Resolution now changes the Description/Scope of Services to read: "Funding for an after-school youth program."

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

Also, this Resolution approves the new designation and changes in the designation of organizations receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Lastly, this Resolution approves the new designation of organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Pest Control PEG Restoration, to fund various services designed to address the bed bug epidemic in New York City. Pursuant to the Fiscal 2011 Expense Budget, the Council restored \$1 million to the budget of the Department of Health and Mental

Hygiene for pest control services (the Pest Control PEG Restoration). A portion of this funding amount, \$500,000, will be used to fund various services designed to address the bed bug epidemic. Specifically, \$273,270 will be allocated to the Department of Health and Mental Hygiene for written educational materials and web site development related to bed bugs; and \$226,730 will be allocated to the Fund for Public Health in New York, Inc. for the development of guidelines and protocol relating to 'bed bug awareness, prevention and abatement.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2009, Fiscal 2010, and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2, attached hereto as Exhibit B; sets forth new designations and changes in the designation of youth discretionary

funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3, attached hereto as Exhibit C; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-13 attached hereto as reflected in Exhibits D-M sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain local discretionary funding in the Fiscal 2009 Expense Budget, as set forth in Chart 14 as reflected in Exhibit N

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated July 29, 2010, or the Adjustments Summary/Schedule C/ Fiscal 2009 Expense Budget, dated June 29, 2008; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

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

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

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

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 4 makes a correction in the designation of funding in the amount of \$180,000, replacing the New York ACORN Housing Company, Inc. incorrectly designated in the Fiscal 2011 Expense Budget, with Mutual Housing Association of NY, Inc.

Chart 5 indicates a technical correction to the placement of funds for the Food Retail Workforce Training Initiative within the budget of the Department of Small Business Services. Funding in the amount of \$50,000 will be removed from unit of appropriation 011 and placed in unit of appropriation 010 for the Food Retail Workforce Training Initiative.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATIs) Initiative in accordance with the Fiscal 2011 Expense Budget. Specifically, Chart 6 indicates an EIN correction. The correct FIN for the Women's Prison Association's Hopper Home, Inc. is 13-5596836.

Chart 7 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Shelter Beds for At Risk/LGBT Youth Initiative in accordance with the Fiscal 2011 Expense Budget. As indicated in Chart 7, funding in the amount of \$62,062 will be removed from the Discipleship Outreach Ministries, Inc. (d/b/a Turning Point). Such funding will be provided, in various amounts totaling \$62,062, to the Ali Forney Center-Brooklyn Drop-In Center and Auxiliary Services, Bronx Community Pride Center, Inc, and the Project Hospitality, Inc.

Chart 8 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$1.5 million in the aggregate, pursuant to the HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 9 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$1.25 million in the aggregate, pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 10 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$2 million in the aggregate, pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 11 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$2 million in the aggregate, pursuant to the Legal Services/Anti-Eviction Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 12 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$415,000 in the aggregate, pursuant to Community Consultants Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to a PEG Restoration of Senior Center Closures, as set forth in Chart 13, attached hereto as Exhibit M.

Chart 14 sets forth the new designation and changes in the designation of certain organizations receiving discretionary funding in accordance with the Fiscal 2009 Expense Budget. As indicated in Chart 14, indicates an EIN correction. The correct EIN for the Community Assisted Tenant Controlled Housing, Inc. is 13-3706959.

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

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009, Fiscal 2010 and Fiscal 2011 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 371:)

Res. No. 371

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009, Fiscal 2010 and Fiscal 2011 Expense Budgets.

By Council Member Recchia.

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for organizations receiving local discretionary funding, the Woodside on the Move, Inc., the Harlem Council of Elders, and the Neighborhood Initiatives Development Corporation (NIDC), within the budget of the Department of Youth and Community Development; and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Grace Lutheran Church of Queens, within the budget of the Department of Youth and Community Development; and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to a PEG Restoration of Senior Center Closures, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding;

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Pest Control PEG Restoration; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Woodside on the Move, Inc., an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development, and \$10,000 within the budget of the Department for the Aging in the Fiscal 2011 Budget to read: "Pay for program supplies, staffing and overhead costs, and stipends for school year interns and summer youth interns in our daytime summer graffiti removal and afternoon programs."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Harlem Council of Elders, an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development, to read: "Touring for Harlem Area Youth."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Neighborhood Initiatives Development Corporation (NIDC), an organization receiving local discretionary funding in the amount of \$45,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget, to read: "To sponsor community events, support the overall Prep for Success program and provide general administrative support."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Neighborhood Initiatives Development Corporation (NIDC), an organization receiving local discretionary funding in the amount of \$75,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget, to read: "To continue the Prep for Success program for students at the Columbus High School campus."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Grace Lutheran Church of Queens, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2010 Expense Budget, to read: "Funding for an after-school youth program."; and be it further

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

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

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

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Housing Preservation 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Food Retail Workforce Training 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Alternatives to Incarceration 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 and changes in the designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Shelter Beds for At Risk/LGBT Youth 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the HIV/AIDS Communities of Color 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 certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Autism Awareness 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 certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Geriatric Mental Health 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 of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Legal Services/Anti-Eviction Initiative, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Community Consultants Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to a PEG Restoration of Senior Center Closures, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 14, attached hereto as Exhibit N; and be it further

Resolved, The City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Pest Control PEG Restoration, to fund various services designed to address the bed bug epidemic in New York City. This Resolution approves funding in the amount of \$226, 730 to the Fund for Public Health in New York, Inc., EIN 050539199, and funding in the amount of \$273, 270 directly to the Department of Health and Mental Hygiene for this purpose.

ATTACHMENT:

EXHIBIT A

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *	Fiscal Conduct	Fiscal EIN
White, Jr	It Takes a Community to Raise a Child	85-097865	DYCD	(\$5,000.00)	260	312	*	
White, Jr	Bethany Baptist Church	11-2536795	DYCD	\$5,000.00	260	312	*	
Lapin	Eviction Intervention Services Homelessness Prevention, Inc.	13-3111682	DYCD	(\$10,000.00)	260	312	*	
Lapin	New 42nd Street, Inc. The	13-3846532	DYCD	\$10,000.00	260	312	*	
Combs	153rd Precinct Community Council	20-5464956	DYCD	(\$5,000.00)	260	312	*	
Combs	113th Precinct Community Council	11-3218377	DYCD	(\$4,000.00)	260	312	*	
Combs	Community Youth Care	77-0999007	DYCD	(\$6,000.00)	260	312	*	
Combs	Kieler's Youth Sports Association of South East Queens, Inc.	11-2988905	DYCD	(\$5,000.00)	260	312	*	
Combs	Project Hope - The New Directions, Inc.	11-3277651	DYCD	(\$10,000.00)	260	312	*	
Combs	Reversing the Projections	75-3260239	DYCD	(\$6,500.00)	260	312	*	
Combs	Youth Step USA, Inc.	27-1640480	DYCD	(\$5,000.00)	260	312	*	
Combs	Advocates for Children of New York, Inc.	11-2247307	DYCD	\$3,500.00	260	312	*	
Combs	Alley Pond Environmental Center, Inc.	11-2405466	DYCD	\$5,000.00	260	312	*	
Combs	Alter, Inc.	13-3650709	DYCD	\$5,000.00	260	312	*	
Combs	City Parks Foundation	13-3661657	DYCD	\$5,000.00	260	312	*	
Combs	It Takes a Community to Raise a Child (MCUSE), Inc.	80-0072605	DYCD	\$5,000.00	260	312	*	
Combs	Love Our Youth, Inc.	13-3673186	DYCD	\$5,000.00	260	312	*	
Combs	Love Our Youth, Inc.	11-3180064	DYCD	\$10,000.00	260	312	*	
Gentile	Public School 112K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 127K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 153K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 170K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 176K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 185K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 168K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 200K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	Public School 204K Parent Teacher Association	13-6400434	DYCD	(\$1,000.00)	260	312	*	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.
Gentile	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.	11-2697931	DYCD	(\$9,000.00)	260	312	*	11-2697931

* Indicates pending completion of pre-qualification review.

EXHIBIT D

CHART 4: Housing Preservation Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
New York ACORN Housing Company, Inc.	72-1303737	HPD	(\$180,000.00)	806	009 *
Mutual Housing Association of NY, Inc.	11-2848308	HPD	\$180,000.00	806	009 *

* Indicates pending completion of pre-qualification review.

EXHIBIT F

CHART 5: Food Retail Workforce Training

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Food Retail Workforce Training	NA	DSBS	(\$50,000.00)	801	011
Food Retail Workforce Training	NA	DSBS	\$50,000.00	801	010

* Indicates pending completion of pre-qualification review.

EXHIBIT E

CHART 6: Alternatives to Incarceration (ATIs)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Women's Prison Association's Hopper Home, Inc.	13-559836	MISC	(\$450,769.00)	098	002 *
Women's Prison Association's Hopper Home, Inc.	13-559836	MISC	\$450,769.00	098	002
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 7: Shelter Beds for At Risk/LGBT Youth

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	11-2838138	DYCD	(\$62,062.00)	260	312
Ali Forney Center - Brooklyn Drop-In Center and Auxillary Services	30-0104507	DYCD	\$10,031.00	260	312
Bronx Community Pride Center, Inc. - Drop-In Center Services	06-1552851	DYCD	\$10,031.00	260	312
Project Hospitality, Inc.	13-3234441	DYCD	\$42,000.00	260	312
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 8: HIV/AIDS Communities of Color

Organization	EIN Number	Agency	Amount	Agy #	UJA *
African Services Committee	13-574974	DOHMH	\$34,098.79	816	112
Alter House Project, Inc.	13-1007278	DOHMH	\$34,098.79	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$39,441.91	816	112
AIDS Service Center of Lower Manhattan, Inc.	13-5592071	DOHMH	\$34,098.79	816	112
All Forney Center	30-6104507	DOHMH	\$45,509.89	816	112
Arneftys Women's Project, Inc.	11-3505513	DOHMH	\$34,098.79	816	112
Arthur Ashe Institute for Urban Health	11-3185372	DOHMH	\$15,142.76	816	112
Asian & Pacific Islander Coalition on HIV/AIDS, Inc.	13-3705969	DOHMH	\$34,098.79	816	112
Bailey House, Inc.	13-3185181	DOHMH	\$34,098.79	816	112
Bedford Stuyvesant Family Health Center, Inc.	11-2412206	DOHMH	\$34,098.79	816	112
Black Veterans for Social Justice	11-2608983	DOHMH	\$15,165.80	816	112
Bronx Addiction Services Integrated Concepts Systems, Inc. (BASICS)	13-3244628	DOHMH	\$34,098.79	816	112
Bronx AIDS Services, Inc.	13-3599121	DOHMH	\$12,125.76	816	112
Bronx Community Pride Center, Inc.	08-1552851	DOHMH	\$43,756.01	816	112
Brooklyn AIDS Task Force, Inc.	11-3031206	DOHMH	\$34,098.79	816	112
Caribbean Women's Health Association, Inc.	13-3323166	DOHMH	\$34,098.79	816	112
Citywide Harm Reduction Program, Inc.	13-4009817	DOHMH	\$15,170.06	816	112
Clergy United for Community Empowerment, Inc.	11-3030795	DOHMH	\$33,588.72	816	112
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3556132	DOHMH	\$31,750.37	816	112
Community Healthcare Network, Inc.	13-5030068	DOHMH	\$34,098.79	816	112
Community Research Initiative on AIDS, Inc. (d/b/a AIDS Community Research Initiative of America)	13-3632234	DOHMH	\$34,098.79	816	112
Community Resource Exchange, Inc. (CRE)	13-3048683	DOHMH	\$151,696.62	816	112
Community House New York/Under 21, Inc.	13-3078278	DOHMH	\$45,509.89	816	112
Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	11-2336139	DOHMH	\$34,098.79	816	112
Expansions, Inc.	13-3528777	DOHMH	\$15,170.06	816	112
FACES NY, Inc.	13-3449087	DOHMH	\$34,098.79	816	112
Gay Men of African Descent (GMAD)	13-3597020	DOHMH	\$15,170.06	816	112
Gay Men's Health Crisis, Inc.	13-3130149	DOHMH	\$45,509.89	816	112
Haitian Centers Council, Inc.	11-2948501	DOHMH	\$24,272.04	816	112
Health People, Inc.	51-0418243	DOHMH	\$34,098.79	816	112
Housing Works Health Services III, Inc.	13-3826364	DOHMH	\$34,098.79	816	112
Iris House - A Center For Women Living with HIV/AIDS, Inc.	13-3699201	DOHMH	\$15,170.06	816	112
La Nueva Esperanza, Inc.	20-4393724	DOHMH	\$10,437.06	816	112
Latino Commission on AIDS, Inc.	13-3629468	DOHMH	\$31,747.18	816	112
Love Heals, Inc.	13-3693778	DOHMH	\$15,170.06	816	112
Make the Road New York	11-3344388	DOHMH	\$34,098.79	816	112

* Indicates pending completion of pre-qualification review.

CHART 8: HIV/AIDS Communities of Color (continued)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Momentum Project, Inc., The	13-3556768	DOHMH	\$34,098.79	816	112
New York Harm Reduction Educators, Inc.	13-3678499	DOHMH	\$34,098.79	816	112
Osborne Association, Inc., The	13-5563028	DOHMH	\$34,098.79	816	112
Public Health Solutions - Citywide Administrator	13-5669207	DOHMH	\$117,009.36	816	112
St. Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$15,068.73	816	112
United Community Centers, Inc.	11-1950787	DOHMH	\$15,170.06	816	112
Vocational Instruction Project Community Services, Inc.	13-3224700	DOHMH	\$34,098.79	816	112
Voces Latina Corp.	20-2312651	DOHMH	\$15,170.06	816	112
			\$1,500,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 9: Autism Awareness

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Association of Metroarea Autistic Children	13-1974582	DOHMH	\$63,546.00	816	121
Eden II School for Autistic Children	13-2872916	DOHMH	\$42,364.00	816	121
Federation Employment and Guidance Service (FEGS), Inc.	13-1624000	DOHMH	\$63,546.00	816	121
Grace Foundation of New York	13-4131863	DOHMH	\$42,364.00	816	121
Imagine Foundation, Inc. d/b/a Imagine Academy	20-2336717	DOHMH	\$42,364.00	816	121
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	\$71,400.00	816	121
Jewish Community Center in Manhattan, Inc., The	13-3490745	DOHMH	\$42,364.00	816	121
Jewish Community Center of Staten Island, Inc.	13-3490745	DOHMH	\$42,364.00	816	121
Job Path, Inc.	13-4038495	DOHMH	\$22,250.00	816	121
Labor and Industry for Education, Inc.	11-4088055	DOHMH	\$42,364.00	816	121
Lifespire, Inc.	13-2526022	DOHMH	\$78,053.00	816	121
Moshulu-Montefiore Community Center, Inc.	13-3622107	DOHMH	\$64,728.00	816	121
My Time, Inc.	68-0646329	DOHMH	\$42,364.00	816	121
New York Families for Autistic Children, Inc.	11-3442879	DOHMH	\$49,800.00	816	121
NYSARC, Inc., NYC Chapter Association for Help of Retarded Children	13-5586746	DOHMH	\$42,364.00	816	121
OHEL Children's Home and Family Services	11-6078704	DOHMH	\$36,150.00	816	121
Quality Services for the Autism Community (QSAC), Inc.	11-2482974	DOHMH	\$49,800.00	816	121
Ramapo for Children	13-5600422	DOHMH	\$44,962.00	816	121
Resources for Children with Special Needs, Inc.	11-2594790	DOHMH	\$53,550.00	816	121
Samuel Field YM & YWHA, Inc.	11-3071518	DOHMH	\$42,364.00	816	121
Shema Kolainu - Hear Our Voices	11-3503085	DOHMH	\$35,700.00	816	121
Shield of David, The d/b/a Shield Institute, The	13-1740041	DOHMH	\$65,775.00	816	121
Shorefront YM YWHA	11-3070228	DOHMH	\$42,364.00	816	121
Sinergia	13-3183344	DOHMH	\$35,700.00	816	121
YAU/National Institute for People with Disabilities Network	11-2030172	DOHMH	\$71,400.00	816	121
			\$1,250,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT J

CHART 10: Geriatric Mental Health

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Bridge, Inc. The	13-1919799	DOHMH	\$79,000.00	816	120 *
Bronx Jewish Community Council, Inc.	13-2744533	DOHMH	\$79,000.00	816	120 *
BronxWorks, Inc.	13-3254484	DOHMH	\$84,000.00	816	120 *
Catholic Charities Neighborhood Services, Inc.	11-2047151	DOHMH	\$84,000.00	816	120 *
Chinese American Planning Council, Inc.	13-6202692	DOHMH	\$84,000.00	816	120 *
East Side House, Inc.	13-1623989	DOHMH	\$79,000.00	816	120 *
Grand Street Settlement, Inc.	13-5562230	DOHMH	\$84,000.00	816	120 *
Hudson Guild	13-5562989	DOHMH	\$84,000.00	816	120 *
Institute for the Puerto Rican/Hispanic Elderly, Inc.	13-2987263	DOHMH	\$79,000.00	816	120 *
Jewish Association for Services for the Aged (JASA)	13-2620896	DOHMH	\$79,000.00	816	120 *
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	\$84,000.00	816	120 *
Lenox Hill Neighborhood House, Inc.	13-1628180	DOHMH	\$84,000.00	816	120 *
OHEL Children's Home and Family Services, Inc.	11-6078704	DOHMH	\$94,000.00	816	120 *
Project Hospitality, Inc.	13-3234441	DOHMH	\$79,000.00	816	120 *
Relief Resources, Inc.	52-2323151	DOHMH	\$40,000.00	816	120 *
Riverdale Mental Health Association, Inc.	13-1930700	DOHMH	\$118,000.00	816	120 *
Samuel Field YM & YWHA, Inc.	11-3071518	DOHMH	\$81,000.00	816	120 *
Sephardic Bikur Holim Community Service Network	23-7406410	DOHMH	\$40,000.00	816	120 *
Service Program for Older People, Inc. (SPOP)	13-2947616	DOHMH	\$79,000.00	816	120 *
Services and Advocacy for GLBT Elders, Inc. (SAGE)	13-2947657	DOHMH	\$84,000.00	816	120 *
Spanish Speaking Elderly Council-RAICES	11-2730462	DOHMH	\$81,000.00	816	120 *
St. Barnabas Hospital	13-1740122	DOHMH	\$79,000.00	816	120 *
Sunnyside Community Services Center, Inc.	51-0189327	DOHMH	\$84,000.00	816	120 *
Upper Manhattan Health Center	13-3389470	DOHMH	\$79,000.00	816	120 *
Visiting Nurse Service of New York Home Care, Inc.	13-1624211	DOHMH	\$79,000.00	816	120 *
			\$2,000,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT K

CHART 11: Legal Services/Anti-Eviction

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Bedford Stuyvesant Community Legal Services Corporation	11-2149962	HPD	\$94,866.00	806	011 *
Brooklyn Legal Services Corporation A	13-2605599	HPD	\$83,074.00	806	011 *
Goddard Riverside Community Center	13-1838908	HPD	\$310,126.00	806	011 *
Legal Aid Society / Civil Division- Bronx	13-5562265	HPD	\$124,643.00	806	011 *
Legal Aid Society / Civil Division- Brooklyn	13-5562265	HPD	\$163,993.00	806	011 *
Legal Aid Society / Civil Division- Community Law Office	13-5562265	HPD	\$262,782.00	806	011 *
Legal Aid Society / Civil Division- Queens	13-5562265	HPD	\$93,750.00	806	011 *
Legal Aid Society / Civil Division- Staten Island	13-5562265	HPD	\$88,750.00	806	011 *
Legal Services NYC - Bronx	16-1795900	HPD	\$87,500.00	806	011 *
Legal Services NYC - Brooklyn Branch	13-2600199	HPD	\$57,716.00	806	011 *
Legal Services NYC - Manhattan Legal Services (includes Harlem branch)	13-2613958	HPD	\$145,556.00	806	011 *
MFY Legal Services, Inc.	13-2622748	HPD	\$173,975.00	806	011 *
Northern Manhattan Improvement Corporation	13-2972415	HPD	\$80,405.00	806	011 *
Queens Legal Services Corporation	13-2605594	HPD	\$102,294.00	806	011 *
South Brooklyn Legal Services	13-2605605	HPD	\$160,571.00	806	011 *
			\$2,000,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT L

CHART 12: Community Consultants

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Belmont Arthur Avenue Local Development Organization	13-3020589	HPD	\$23,137.00	806	009 *
Brighton Neighborhood Association, Inc.	11-2413523	HPD	\$20,000.00	806	009 *
Brooklyn Housing and Family Services, Inc.	11-2412584	HPD	\$10,117.00	806	009 *
Central Astoria Local Development Coalition, Inc.	11-2652331	HPD	\$13,437.00	806	009 *
City-Wide Task Force on Housing Court, Inc.	13-3317188	HPD	\$8,108.00	806	009 *
Clinton Housing Development Company, Inc.	13-2851988	HPD	\$5,000.00	806	009 *
Community League of the Heights, Inc.	13-2564241	HPD	\$9,296.00	806	009 *
EI Barrio Operation Fight Back, Inc.	13-3248777	HPD	\$7,098.00	806	009 *
Eviction Intervention Services Homelessness Prevention, Inc.	13-3311582	HPD	\$5,482.00	806	009 *
Good Old Lower East Side, Inc.	13-2915659	HPD	\$11,510.00	806	009 *
Gowanus Canal Community Development Corporation	11-2498292	HPD	\$13,537.00	806	009 *
Greater Ridgewood Restoration Corporation	11-2382250	HPD	\$10,658.00	806	009 *
Harlem Congregations for Community Improvement, Inc.	13-3516262	HPD	\$10,000.00	806	009 *
Housing Conservation Coordinators, Inc.	51-0141489	HPD	\$7,555.00	806	009 *
Hudson Guild	13-5562989	HPD	\$5,000.00	806	009 *
Lenox Hill Neighborhood House, Inc.	13-1628180	HPD	\$5,000.00	806	009 *
MIFY Legal Services, Inc.	13-2622748	HPD	\$7,468.00	806	009 *
Mount Hope Housing Company, Inc. The	13-3419870	HPD	\$10,000.00	806	009 *
Neighborhood Housing Services of East Flatbush, Inc.	13-3098397	HPD	\$20,000.00	806	009 *
Neighborhood Housing Services of Jamaica, Inc.	23-7398279	HPD	\$13,437.00	806	009 *
Neighborhood Housing Services of the North Bronx, Inc.	13-3098397	HPD	\$10,000.00	806	009 *
Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	HPD	\$10,000.00	806	009 *
North Brooklyn Development Corporation	11-2555446	HPD	\$18,264.00	806	009 *
Northfield Community LDC of Staten Island, Inc.	13-2974137	HPD	\$15,860.00	806	009 *
Northwest Bronx Community and Clergy Coalition for Sistas and Brothas United	13-2806160	HPD	\$15,000.00	806	009 *
Pueblo Ein Marcha II, Inc.	13-4010925	HPD	\$10,000.00	806	009 *
Queens Community House, Inc.	11-2375583	HPD	\$13,437.00	806	009 *
Queensboro Council for Social Welfare, Inc.	11-1817497	HPD	\$13,114.00	806	009 *
Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453853	HPD	\$30,000.00	806	009 *
Staten Island Center for Independent Living, Inc.	13-3266398	HPD	\$10,000.00	806	009 *
Stuyckers Bay Neighborhood Council, Inc.	13-1943616	HPD	\$5,488.00	806	009 *
United Jewish Council of the East Side, Inc.	13-2735378	HPD	\$6,266.00	806	009 *
Vanguard Urban Improvement Association, Inc.	11-2442042	HPD	\$13,114.00	806	009 *
West Bronx Housing and Neighborhood Resource Center, Inc.	13-2941841	HPD	\$10,000.00	806	009 *
West Side Federation for Senior and Supportive Housing, Inc.	13-2926433	HPD	\$5,000.00	806	009 *
Woodside on the Move, Inc.	11-2435565	HPD	\$13,437.00	806	009 *
			\$415,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT M

CHART 13: Senior Center Closures - PEG Restoration

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Aging in America Community Services, Inc. - Giebe Senior Center	13-4090045	DFTA	\$40,885.00	125	003 *
Central Harlem Senior Citizens Coalition, Inc. - Abyssinian Center	13-2754783	DFTA	\$22,648.00	125	003 *
Church on the Hill Older Adult (COTHOA) Luncheon Club, Inc. - Wilson M. Morris Senior Center	13-3608860	DFTA	\$16,342.00	125	003 *
Citizens Care Committee, Inc. - Harlem Teams Senior Center	13-6179568	DFTA	\$39,812.00	125	003 *
East Side House, Inc. - Patterson Houses	13-1623989	DFTA	\$58,329.00	125	003 *
Fort Greene Senior Citizens Council, Inc. - Penn Wortman Senior Center	11-2300840	DFTA	\$178,262.00	125	003 *
Glenridge Senior Citizen Multi-Service & Advisory Center, Inc. - Glenridges Senior Citizen Multiservice Center	11-2327136	DFTA	\$272,923.00	125	003 *
Jewish Association for Services for the Aged (JASA) - Dreiser Senior Center	13-2620996	DFTA	\$127,719.00	125	003 *
Jewish Association for Services for the Aged (JASA) - Holliswood Senior Center	13-6820898	DFTA	\$132,494.00	125	003 *
Lutheran Medical Center - Shore Hill Housing Senior Center	11-1839567	DFTA	\$66,769.00	125	003 *
Mid-Bronx Senior Citizens Council, Inc. - Concourse Plaza Wellness Center	23-7354073	DFTA	\$165,000.00	125	003 *
Presbyterian Senior Services - Ennis Francis	13-1981482	DFTA	\$56,232.00	125	003 *
Regional Aid for Interim Needs, Inc. - Rain Bailey Avenue	13-6213586	DFTA	\$181,391.00	125	003 *
Regional Aid for Interim Needs, Inc. - Tolentine Zeiser Nutrition Program	13-6213586	DFTA	\$24,194.00	125	003 *
Spanish Speaking Elderly Council-RAICES - Gowanus Senior Center	11-2730462	DFTA	\$36,601.00	125	003 *
Union Settlement Association, Inc. - Washington Lexington Senior Center	13-1632530	DFTA	\$70,523.00	125	003 *
United Jewish Council of the East Side, Inc. - Lillian Wald Houses	13-2735378	DFTA	\$54,461.00	125	003 *
			\$1,644,586.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT N

CHART 14: Local Initiatives-2009

Member	Organization	EM Number Agency	Amount	Ag#	UA	Fiscal Credit Sponsoring Organization	Fiscal Credit EM *
Jackson	Community Assisted Tenant Controlled Housing, Inc.	13-0706258 DVCD	\$4,000,000	250	105		
Jackson	Community Assisted Tenant Controlled Housing, Inc.	13-0706258 DVCD	\$4,000,000	250	105		

* Indicates pending completion of pre-qualification review

DOMENIC M. RECCHIA JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, G. OLIVER KOPPELL, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, July 29, 2010.

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

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

Report for L.U. No. 156

Report of the Committee on Finance in favor of approving 89 Carlton Avenue, Block 2044, Lot 24 Brooklyn, Council District No. 35, Section 577 of the Private Housing Finance Law.

The Committee on Finance, to which the annexed Land Use resolution was referred on July 29, 2010, respectfully

REPORTS:

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

July 29, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of July 29, 2010-Resolution approving a tax exemption for one Land Use Item (Council District 35).

HPD has submitted a request to the Council to approve a property tax exemption for 89 Carlton Avenue, Brooklyn in Council Member James District.

89 Carlton Avenue consists of a new multiple dwelling that will provide 23 units of rental housing for low income families. The sponsor, 91 Carlton Avenue Housing Development Fund Corporation developed the project under the Inclusionary Housing Program. 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 \$59,585 in the first year of the exemption and \$4.4 million over the 40-year length of the exemption.

This item has the approval of Council Member James.

Accordingly, this Committee recommends the adoption of L.U. No. 156.

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

Res. No. 372

Resolution approving an exemption from real property taxes for property located at 89 Carlton Avenue (Block 2044, Lot 24) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 156).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 7, 2010 that the Council take the following action regarding a housing project to be located at 89 Carlton Avenue (Block 2044, Lot 24) Brooklyn ("Exemption Area"):

Approve an 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 July 29, 2010;

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 April 18, 2006, the date the Exemption Area was transferred to the New Owner.

(b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

(c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2044, Lot 24 on the Tax Map of the City of New York.

(d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(f) "New Owner" shall mean 91 Carlton Avenue Housing Development Fund Corp.

(g) "Prior Owner" shall mean Manatus Development Group, LLC.

(h) "Regulatory Agreement" shall mean the Lower Income Housing Plan Written Agreement, dated August 18, 2005, between the Prior Owner and HPD.

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

3. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DOMENIC M. RECCHIA JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, G. OLIVER KOPPELL, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, July 29, 2010.

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

Reports of the Committee on Land Use

Report for L.U. No. 71

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20105417 HAX, an Urban Development Action Area Project located at 100 West 163rd Street and 954 Anderson Avenue, Council District no. 17, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1361), 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>
100 West 163 rd Street 954 Anderson Avenue Redevelopment Bronx	2511/64	20105417 HAX 71		Neighborhood
190 Brown Place Neighborhood Bronx Redevelopment	2264/1	20105419 HAX 73		

WHEREAS, by submission dated July 26, 2010, and submitted July 26, 2010 the Department of Housing Preservation and Development withdrew the applications.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal of the applications.

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

Res. No. 373

Resolution approving a motion to file pursuant to withdrawal of an Urban Development Action Area Project located at 100 West 163rd Street (Block 2511, Lot 64) and 954 Anderson Avenue (Block 2504, Lot 59), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 71; 20105417 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 100 West 163rd Street (Block 2511, Lot 64) and 954 Anderson Avenue (Block 2504, Lot 59), Community District 4, Borough of the Bronx (the "Disposition Area"):

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

WHEREAS, by submission dated July 26, 2010 and submitted to the City Council on July 26, 2010, the Department of Housing Preservation and Development withdrew the application.

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 72

Report of the Committee on Land Use in favor of approving Application no. 20105418 HAX, an Urban Development Action Area Project located at 783 East 168th Street, Council District no. 16, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1361), 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>
783 East 168 th Street Neighborhood Bronx	2673/1	20105418 HAX	72	Redevelopment
565 West 125 th Street Interim Manhattan	1982/63	20105421 HAM	75	Tenant Lease
626 West 136 th Street Interim Manhattan	2002/95	20105422 HAM	76	Tenant Lease
312 Hendrix Street Brooklyn	3978/34	20105624 HAK	106	Asset Control Area

INTENT

HPD requests that the Council:

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. Nos. 75 and 76; and pursuant to Section 696 of the General Municipal Law for L.U. No. 106.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 374

Resolution approving an Urban Development Action Area Project located at 783 East 168th Street (Block 2673, Lot 01), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 72; 20105418 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 783 East 168th Street (Block 2673, Lot 01), Community District 3, Borough of the Bronx (the "Disposition Area"):

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2010;

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a

designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

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

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

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

ATTACHMENT:

PROJECT SUMMARY

Page 1 of 1
L.U. No. 72

- | | |
|-------------------------------------|--|
| 1. PROGRAM: | Neighborhood Redevelopment Program |
| 2. PROJECT: | Promesa Court Limited Partnership |
| 3. LOCATION: | |
| a. BOROUGH: | Bronx |
| b. COMMUNITY DISTRICT: | 3 |
| c. COUNCILMANIC DISTRICT: | 16 |
| d. DISPOSITION AREA: | <u>BLOCKS</u> <u>LOTS</u> <u>ADDRESSES</u>
2673 01 783 East 168 th Street |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$1 per building) |
| 5. TYPE OF PROJECT: | Rehabilitation |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | One Multiple Dwelling |
| 7. APPROXIMATE NUMBER OF UNITS: | 8 & 1 unit for a Porter |
| 8. HOUSING TYPE: | Rental |
| 9. ESTIMATE OF INITIAL RENTS: | Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies. |
| 10. INCOME TARGETS: | The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median. |
| 11. PROPOSED FACILITIES: | None |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Type II |
| 14. PROPOSED TIME SCHEDULE: | Approximately 24 months from closing to completion of construction (2 nd Phase). |

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 73

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20105419 HAX, an Urban Development Action Area Project located at 190 Brown Place, Council District no. 8, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1361), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 71 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 375

Resolution approving a motion to file pursuant to withdrawal of an Urban Development Action Area Project located at 190 Brown Place (Block 2264, Lot 01), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 73; 20105419 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 190 Brown Place (Block 2264, Lot 01), Community District 1, Borough of the Bronx (the "Disposition Area"):

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

WHEREAS, by submission dated July 26, 2010 and submitted to the City Council on July 26, 2010, the Department of Housing Preservation and Development withdrew the application.

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 75

Report of the Committee on Land Use in favor of approving Application no. 20105421 HAM, an Urban Development Action Area Project located at 565 West 125th Street, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1363), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 72 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 376

Resolution approving an Urban Development Action Area Project located at 565 West 125th Street (Block 1982, Lot 63), Borough of Manhattan, 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. 75; 20105421 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 565 West 125th Street (Block 1982, Lot 63), Community District 9, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2010;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) 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 Sponsor with, or for the benefit of, the City of New York.
- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

ATTACHMENT:

PROJECT SUMMARY

Page 1 of 1
L.U. No. 75

- 1. **PROGRAM:** TENANT INTERIM LEASE PROGRAM
- 2. **PROJECT:** 565 West 125th Street
- 3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY BOARD:** 09
 - c. **COUNCIL DISTRICT:** 7
 - d. **DISPOSITION AREA:**

BLOCK	LOT	ADDRESS
1982	63	565 West 125 th Street
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$250 per dwelling unit)
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
- 7. **APPROXIMATE NUMBER OF UNITS:** 20
- 8. **HOUSING TYPE:** Cooperative
- 9. **ESTIMATE OF INITIAL MAINTENANCE CHARGES:** Approximately \$1.15 to \$1.50 per square foot
- 10. **INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
- 11. **PROPOSED FACILITIES:** None
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Type II
- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 76

Report of the Committee on Land Use in favor of approving Application no. 20105422 HAM, an Urban Development Action Area Project located at 626 West 136th Street, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1363), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 72 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 377

Resolution approving an Urban Development Action Area Project located at 626 West 136th Street (Block 2002, Lot 95), Borough of Manhattan, 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. 76; 20105422 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 626 West 136th Street (Block 2002, Lot 95), Community District 9, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2010;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing

development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) 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 Sponsor with, or for the benefit of, the City of New York.

- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

ATTACHMENT:

PROJECT SUMMARY

2010S422 HAK
Page 1 of 1
L.U. No. 106

- 1. PROGRAM: TENANT INTERIM LEASE PROGRAM
- 2. PROJECT: 626 West 136th Street
- 3. LOCATION:
 - a. BOROUGH: Manhattan
 - b. COMMUNITY DISTRICT: 9
 - c. COUNCIL DISTRICT: 7
 - d. DISPOSITION AREA:

BLOCK	LOT	ADDRESS
2002	95	626 West 136 th Street
- 4. BASIS OF DISPOSITION PRICE: Nominal (\$250 per dwelling unit)
- 5. TYPE OF PROJECT: Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS: 1 Multiple Dwelling
- 7. APPROXIMATE NUMBER OF UNITS: 15
- 8. HOUSING TYPE: Cooperative
- 9. ESTIMATE OF INITIAL MAINTENANCE CHARGES: Approximately \$1.15 to \$1.50 per square feet.
- 10. INCOME TARGETS: The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
- 11. PROPOSED FACILITIES: None
- 12. PROPOSED CODES/ORDINANCES: None
- 13. ENVIRONMENTAL STATUS: Type II
- 14. PROPOSED TIME SCHEDULE: Approximately six months from authorization to sale.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 106

Report of the Committee on Land Use in favor of approving Application no. 20105624 HAK an Urban Development Action Area Project located at 312 Hendrix Street, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for a tax exemption

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1728), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 72 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 378

Resolution approving an Urban Development Action Area Project located at 312 Hendrix Street (Block 3978, Lot 34), 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. 106; 20105624 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 312 Hendrix Street (Block 3978, Lot 34), Community District 5, Borough of Brooklyn (the "Exemption Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2010;

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

RESOLVED:

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

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

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

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

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

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

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

Page 1 of 1
L.U. No. 106

PROJECT SUMMARY

1. PROGRAM:	ACA PROGRAM		
2. PROJECT:	Brooklyn, Site 5		
3. LOCATION:			
a. BOROUGH:	Brooklyn		
b. COMMUNITY DISTRICT:	5		
c. COUNCIL DISTRICT:	37		
d. DISPOSITION AREA:	<u>BLOCK</u> 3978	<u>LOT</u> 34	<u>ADDRESSES</u> 312 Hendrix Street
4. BASIS OF DISPOSITION PRICE:	Not Applicable		
5. TYPE OF PROJECT:	Moderate to Substantial Rehabilitation		
6. APPROXIMATE NUMBER OF BUILDINGS:	1		
7. APPROXIMATE NUMBER OF UNITS:	1		
8. HOUSING TYPE:	1-4 Family Homes.		
9. ESTIMATE OF INITIAL PRICE:	Affordable to individuals and families whose income does not exceed 115% of the area median income (AMI) for New York City (\$88,335). Purchasers must also repay any HUD and/or HPD subsidy attributable to their homes by delivering cash and/or notes and appropriate security instruments to HUD, and/or HPD. A portion of the HPD subsidy may be forgiven or unsecured based on the home's post-rehabilitation appraised value.		
10. INCOME TARGETS:	Up to 115% of AMI		
11. PROPOSED FACILITIES:	None		
12. PROPOSED CODES/ORDINANCES:	None		
13. ENVIRONMENTAL STATUS:	Type II		
14. PROPOSED TIME SCHEDULE:	Approximately 18 months from closing to completion of construction		

Printed on paper containing 30% post-consumer material.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 135

Report of the Committee on Land Use in favor of approving Application no. 20085322 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc. d/b/a Mamajuana Cafe, to establish maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street, Borough of Manhattan, Council District no. 7. 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 June 29, 2010 (Minutes, page 2585), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12 **20085322**
TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc., d/b/a Mamajuana, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 379

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 247 Dyckman Street, Borough of Manhattan (20085322 TCM; L.U. No. 135).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 11, 2010 its approval dated June 11, 2010 of the petition of Vida Café Inc, d/b/a Mamajuana, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street, Community District 12, 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 July 27, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA,

STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 136

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100206 PPQ, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of one city-owned property located at 38-15 138th Street, Borough Queens, Council District no. 20.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2585), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7 **C 100206 PPQ**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, p/o Lot 25), pursuant to zoning.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 380

Resolution approving the decision of the City Planning Commission on ULURP No. C 100206 PPQ, the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, part of Lot 25), Borough of Queens (L.U. No. 136).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services, for the disposition of one (1) city-owned property pursuant to zoning, located at 38-15 138th Street (Block 4978, part of Lot 25), Community District 7, Borough of Queens, to facilitate the proposed Flushing Commons development in Downtown Flushing (ULURP No. C 100206 PPQ) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209

ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 15, 2010; and

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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 consideration, from among the reasonable alternatives thereto, the actions, to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the Final Environmental Impact Statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and

(4) The Decision, together with 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. §617.9(c)(3).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision and based on the environmental determination and consideration described in this report, C 100206 PPQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 137

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100207 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 10a, Borough of Queens, Council District no. 20.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2586), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100207 ZMQ

City Planning Commission decision approving an application submitted by Flushing Commons LLC and the NYC 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. 10a, by changing from a C4-3 District to a C4-4 District property bounded by Congressman Rosenthal Place, Union Street, 39th Avenue, and 138th Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-247.

INTENT

To facilitate construction of a mixed-use development and an affordable housing development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 381

Resolution approving the decision of the City Planning Commission on ULURP No. C 100207 ZMQ, a Zoning Map amendment (L.U. No. 137).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by Flushing Commons LLC and the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the construction of an approximately 1.16 million square foot, mixed-use development, known as Flushing Commons, and a 140-unit affordable housing development known as Macedonia Plaza, in Downtown Flushing, Queens (ULURP No. C 100207 ZMQ) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces; and C 100216 HAQ (L.U. No. 145), an urban development action area project designation, project approval and disposition of city-owned property by the NYC Department of Housing Preservation and Development;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100207 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10a, by changing from a C4-3 District to a C4-4 District property bounded by Congressman Rosenthal Place, Union Street, 39th Avenue, and 138th Street, as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-247, Community District 7, Borough of Queens.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 138

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100208 ZSQ pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Queens, Council District no. 20 to facilitate a mixed-use development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2586), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100208 ZSQ

City Planning Commission decision approving an application submitted by Flushing Commons LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632, 33-432 and 35-60, the rear yard requirements of Sections 23-532 and 35-53, the rear yard setback requirements of Section 23-663, the minimum distance between buildings and minimum distance between legally required windows and building walls regulations of Section 23-711;
2. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements;
3. Section 74-744(b) - to allow residential and non-residential uses to be arranged within buildings without regard for the requirements of Section 32-42.

to facilitate a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large Scale Development.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 382

Resolution approving the decision of the City Planning Commission on ULURP No. C 100208 ZSQ (L.U. No. 138), for the grant of a special permit pursuant to the following sections of the Zoning Resolution of the City of New York: Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632, 33-432 and 35-60, the rear yard requirements of Sections 23-532 and 35-53, the rear yard setback requirements of Section 23-663, the minimum distance between buildings and minimum distance between legally required windows and building walls regulations of Section 23-711; Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements; Section 74-744(b) - to allow residential and non-residential uses to be arranged within buildings without regard for the requirements of Section 32-42; Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by Flushing Commons LLC and the NYC Economic Development Corporation, 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:

1. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632, 33-432 and 35-60, the rear yard requirements of Sections 23-532 and 35-53, the rear yard setback requirements of Section 23-663, the minimum distance between buildings and minimum distance between legally required windows and building walls regulations of Section 23-711;
2. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements;
3. Section 74-744(b) - to allow residential and non-residential uses to be arranged within buildings without regard for the requirements of Section

32-42;

to facilitate a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large Scale Development (ULURP No. C 100208 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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 74-743 and Section 74-744 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 July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100208 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 139

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100209 ZSQ pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Queens, Council District no. 20 to facilitate a mixed use development This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2586), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100209 ZSQ

City Planning Commission decision approving an application submitted by Flushing Commons LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 1600 spaces, including 908 self-park spaces and 692 attended parking spaces, on portions of the ground floor, 1st level cellar, 2nd level cellar and the 3rd level cellar, in connection with a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development.

INTENT

To facilitate the construction of a 1600 space public parking garage in a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 383

Resolution approving the decision of the City Planning Commission on ULURP No. C 100209 ZSQ (L.U. No. 139), for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution of the City of New York to allow a public parking facility with a maximum capacity of 1600 spaces, including 908 self-park spaces and 692 attended parking spaces, on portions of the ground floor, 1st level cellar, 2nd level cellar and the 3rd level cellar, in connection with a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by Flushing Commons LLC and the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, Section 74-512 of

the Zoning Resolution of the City of New York to allow a public parking facility with a maximum capacity of 1600 spaces, including 908 self-park spaces and 692 attended parking spaces, on portions of the ground floor, 1st level cellar, 2nd level cellar and the 3rd level cellar, in connection with a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development (ULURP No. C 100209 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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 74-512 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 July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100209 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 140

Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 100210 ZRQ, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, Section 74-743.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2587), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

N 100210 ZRQ

City Planning Commission decision approving an application submitted by Flushing Commons 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 Section 74-743 (Special provisions for bulk modification), relating to open space, in General Large Scale Developments in C4-4 Districts.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 384

Resolution approving the decision of the City Planning Commission on Application No. N 100210 ZRQ, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-743 (Special provisions for bulk modification), relating to open space, in General Large Scale Developments in C4-4 Districts, Borough of Queens (L.U. No. 140).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Flushing Commons LLC, for an amendment of the Zoning Resolution of the City of New York to allow modification of open space regulations within a proposed General Large Scale Development (GLSD) in a C4-4 District to facilitate the construction of an approximately 1.16 million square foot mixed use development, known as Flushing Commons, in Downtown Flushing in Community District 7 (Application No. N 100210 ZRQ), Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing

Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100210 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

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

3/26/98

**74-743
 Special provisions for bulk modification**

(a) For a #general large-scale development#, the City Planning Commission may permit:

- (1) Distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial#

or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;

- (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
- (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and
- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2, or C6-3 District within the boundaries of Community District 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of paragraph (a) (4) of this Section shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.
- (5) In an #Inclusionary Housing designated area# in a C4-6 or C5 District:
 - (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
 - (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #lower income housing# required pursuant to Section 23-942;

* * *

(b) In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:

* * *

- (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a) (4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general-large scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;

* * *

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 100211 ZRQ, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, Section 62-952.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2587), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

N 100211 ZRQ

City Planning Commission decision approving an application submitted by Flushing Commons 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 the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors pursuant to Section 62-952 of the Zoning Resolution.

INTENT

To facilitate parking during the construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 385

Resolution approving the decision of the City Planning Commission on Application No. N 100211 ZRQ, for an amendment of the Zoning Resolution of the City of New York, concerning the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors pursuant to Section 62-952 of the Zoning Resolution, Borough of Queens (L.U. No. 141).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Flushing Commons LLC, for an amendment of the Zoning Resolution of the City of New York concerning the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors pursuant to Section 62-952 of the Zoning Resolution, Community District 7, Borough of Queens (Application No. N 100211 ZRQ), (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ

(L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100211 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~Strikeout~~ is to be deleted;

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

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

62-952

Waterfront Access Plan Q-2; Downtown Flushing

Maps Q-2a through Q-2c in paragraph ~~(e)~~ (f) of this Section show the boundaries of the area comprising the Downtown Flushing Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on September 17, 1998, as follows:

- b) Special public access provisions by parcel

The requirements for #waterfront public access areas# of Sections 62-53 through 62-57 inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-2b in paragraphs ~~(e)~~(f) of this Section:

* * *

- (2) Parcel 2

- (i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the standards for a #supplemental public access area#, as set forth in Section 62-62.

(ii) #Upland connection#

An #upland connection# shall be located between College Point Boulevard and the #shore public walkway#, either: (1) within the flexible location zone indicated on Map Q-2b in paragraph (e)(f) of this Section, having as its northerly boundary the straight-line extension of that portion of the boundary between Parcels 1 and 2 which intersects with College Point Boulevard and, as its southern boundary, the prolongation of the southerly #street line# of 37th Avenue; or (2) continuously adjoining the boundary between Parcels 1 and 2.

(iii) No public access shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 (In other Districts) and is an interim use that is limited to a term of not more than ten years.

* * *

(c) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph (e)(f) of this Section:

(1) Parcel 1

A #visual corridor# shall be provided through Parcel 1 to the pierhead line as the prolongation of the #street lines# of 36th Road. Any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction.

(2) Parcel 2

A #visual corridor# shall be provided through Parcel 2 to the pierhead line as the prolongation of the #street lines# of 37th Avenue. However, no #visual corridor# shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 provided that the parking facility is an interim use limited to a term of not more than ten years.

* * *

(e) Special use provisions by parcel

(1) Parcel 2

The City Planning Commission may permit #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Section 74-512 provided that the parking facility is an interim #use# limited to a term of not more than ten years.

(e)(f) Downtown Flushing Waterfront Access Plan Maps

* * *

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 142

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100212 ZSQ pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit

under the Zoning Resolution in the Borough of Queens, Council District no. 20 to facilitate a mixed-use development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2587), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100212 ZSQ

Application submitted by Fulton/Max International (Holdings) Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 647 spaces, including 201 self-park spaces and 446 attended parking spaces, on property located at 133-41 39th Avenue (Block 4972, Lots 8, 23 and 65), in a C4-2 District.

INTENT

To facilitate the development and operation of a public parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 386

Resolution approving the decision of the City Planning Commission on ULURP No. C 100212 ZSQ (L.U. No. 142), for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 647 spaces, including 201 self-park spaces and 446 attended parking spaces, on property located at 133-41 39th Avenue (Block 4972, Lots 8, 23 and 65), in a C4-2 District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by Fulton/Max International (Holdings) Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 647 spaces, including 201 self-park spaces and 446 attended parking spaces, on property located at 133-41 39th Avenue (Block 4972, Lots 8, 23 and 65), in a C4-2 District (ULURP No. C 100212 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP

Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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 74-512 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 July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100212 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 143

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100213 ZSQ pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Queens, Council District no. 20 to facilitate a mixed-use development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2588), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100213 ZSQ

City Planning Commission decision approving an application submitted by Fulton/Max International (Holdings) Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 62-835 and 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 309 spaces, including 207 self-park spaces and 102 attended parking spaces, on property located at 37-02 College Point Boulevard (Block 4963, Lots 85), in a C4-2 District.

INTENT

To facilitate the development and operation of a public parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 387

Resolution approving the decision of the City Planning Commission on ULURP No. C 100213 ZSQ (L.U. No. 143), for the grant of a special permit pursuant to Sections 62-835 and 74-512 of the Zoning Resolution of the City of New York to allow a public parking lot with a maximum capacity of 309 spaces, including 207 self-park spaces and 102 attended parking spaces, on property located at 37-02 College Point Boulevard (Block 4963, Lot 85), in a C4-2 District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by Fulton/Max International (Holdings) Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 62-835 and 74-512 of the Zoning Resolution of the City of New York to allow a public parking lot with a maximum capacity of 309 spaces, including 207 self-park spaces and 102 attended parking spaces, on property located at 37-02 College Point Boulevard (Block 4963, Lot 85), in a C4-2 District (ULURP No. C 100213 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; and C 100214 ZSQ (L.U. No. 144), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 275 attended parking spaces;

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 Sections 62-835 and 74-512 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 July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100213 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 144

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100214 ZSQ pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Queens, Council District no. 20 to facilitate a mixed-use development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2588), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100214 ZSQ

City Planning Commission decision approving an application submitted by NYC Department of Transportation and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 275 spaces, on property located at 135-17 39th Avenue (Block 4975, Lot 15), in a C4-2 District.

INTENT

To facilitate the development and operation of a public parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 388

Resolution approving the decision of the City Planning Commission on ULURP No. C 100214 ZSQ (L.U. No. 144), for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution of the City of New York to allow a public parking lot with a maximum capacity of 275 spaces, on property located at 135-17 39th Avenue (Block 4975, Lot 15), in a C4-2 District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (the "Decision"), on the application submitted by NYC Department of Transportation and the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution of the City of New York to allow a public parking lot with a maximum capacity of 275 spaces, on property located at 135-17 39th Avenue (Block 4975, Lot 15), in a C4-2 District (ULURP No. C 100214 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100206 PPQ (L.U. No. 136), a disposition of city-owned property; C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District; C 100208 ZSQ (L.U. No. 138), special permit pursuant to Sections 74-743(a)(2), 74-743(a)(4) and 74-744(b) to modify certain zoning requirements within a General Large Scale Development (GLSD); C 100209 ZSQ (L.U. No. 139), special permit pursuant to Section 74-512 to allow a public parking facility with a maximum capacity of 1,600 spaces; N 100210 ZRQ (L.U. No. 140), a zoning text amendment relating to Section 74-743 (Special Provisions for Bulk Modification), relating to open space in General Large Scale Developments (GLSD) in C4-4 Districts; N 100211 ZRQ (L.U. No. 141), zoning text amendment pursuant to Section 62-952 relating to the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors; C 100212 ZSQ (L.U. No. 142), special permit pursuant to Section 74-512 to allow a public parking lot with a maximum capacity of 647 spaces; and C 100213 ZSQ (L.U. No. 143), special permit pursuant to Sections 62-835 and 74-512 to allow a public parking lot with a maximum capacity of 309 spaces;

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 74-512 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 July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

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) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (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. §617.9(c)(3).

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 100214 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 145

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100216 HAQ an Urban Development Action Area Designation and Project, located at 37-10 37th Avenue and the disposition of such property, Borough of Queens, Council District no. 20.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2588), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7 C 100216 HAQ

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of property located at 37-10 37th Avenue (Block 4978, part of 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 14-story building, tentatively known as Macedonia Plaza with approximately 140 residential units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the required findings, approve the tax exemption and approve the decision of the City Planning Commission.

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

Res. No. 389

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 100216 HAQ, approving the designation of property located at 37-10 37th Avenue (Block 4978, part of Lot 25), Borough of Queens, 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. 145; C 100216 HAQ).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 25, 2010 its decision dated June 23, 2010 (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 37-10 37th Avenue (Block 4978, part of 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 Department of Housing Preservation and Development to facilitate the development of a 14-story building, tentatively known as Macedonia Plaza, with approximately 140 residential units (the "Disposition"), Community District 7, Borough of Queens (ULURP No. C 100216 HAQ) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 100207 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from a C4-3 District to a C4-4 District;

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

WHEREAS, 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 July 20, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on July 15, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 11, 2010 (CEQR No. 06DME10Q);

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100216 HAQ, incorporated by reference herein, the Council approves the Decision.

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 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 Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development 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. The Department of Housing Preservation and Development 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.

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 148

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100259 HUX pursuant to §197-c and §197-d of the Charter of the City of New York and §505 of the General Municipal Law concerning the approval of an amendment to the Bathgate Urban Renewal Plan, Borough of the Bronx, Council District no. 16.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2590), respectfully

REPORTS:

SUBJECT

BRONX CB - 3 C 100259 HUX

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

INTENT

To facilitate development of a non-profit institution with sleeping accommodations.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings required by Article 15 of the General Municipal Law and approve the decision of the City Planning Commission.

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

Res. No. 390

Resolution approving the 4th Amended Bathgate Urban Renewal Plan for the Bathgate Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 100259 HUX (L.U. No. 148).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on June 11, 2010 its decision and report dated June 9, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, regarding the proposed Fourth Amended Bathgate Urban Renewal Plan (the "Plan") for the Bathgate Urban Renewal Area (the "Area") (ULURP No. C 100259 HUX), Community District 3, Borough of the Bronx (the "Application");

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

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

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

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

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application on June 23, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Plan on July 27, 2010;

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

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 09BSA049 X) and the Negative Declaration issued on December 15, 2009;

RESOLVED:

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

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

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

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;
3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;
5. There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment; and
6. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area.

Pursuant to Section 505 of the General Municipal Law, the Council approves the Fourth Amended Bathgate Urban Renewal Plan for the Bathgate Urban Renewal Area, dated March 2010.

Pursuant to Section 197-d of the New York City Charter, and on the basis of the Decision and Application, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 149

Report of the Committee on Land Use in favor of approving Application no. C 030223 ZMQ submitted by C & G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, by changing from a M1-1 District to an R6 District and establishing within the proposed R6 District a C2-2 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2590), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 030223 ZMQ

City Planning Commission decision approving an application submitted by C&G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and subject to the conditions of CEQR Declaration E-246.

INTENT

To facilitate the development of an 11-story, mixed-use building in Flushing, Queens.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 391

Resolution approving the decision of the City Planning Commission on ULURP No. C 030223 ZMQ, a Zoning Map amendment (L.U. No. 149)

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 11, 2010 its decision dated June 9, 2010 (the "Decision"), on the application submitted by C&G Empire Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone a portion of one block from M1-1 to R6/C2-2 to facilitate the development of an 11-story, mixed-use building in Flushing, Community District 7, (ULURP No. C 030223 ZMQ (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on June 7, 2010 (CEQR No. 04DCP013Q);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following conditions:

1. The applicant agrees via a restrictive declaration to conduct a Phase II Environmental Site Assessment (Phase II) in accordance with the sampling protocol approved by New York City Department of Environmental Protection (DEP). The applicant further agrees to perform any necessary remediation of the subject property if hazardous materials are found as the result of Phase II. The applicant would prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan, for DEP for approval. Remediation measures would be undertaken pursuant to the approved remediation plan.

The restrictive declaration also restricts the applicant from submitting any permit applications to the New York City Department of Buildings (DOB) that would allow for soil disturbance on the subject property until such time that DEP provides the necessary written notice to DOB.

2. The applicant agrees via a restrictive declaration to conduct archaeological identification, investigation and mitigation in accordance with the CEQR Technical Manual and New York City Landmarks Preservation Commission (LPC) Guidelines for Archaeological Work in New York City.

The restrictive declaration also restricts the applicant from submitting any permit applications to the DOB that would allow for soil disturbance on the subject property until such time that LPC provides the necessary written notice to DOB.

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 030223 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by

Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-246, Community District 7, Borough of Queens.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 150

Report of the Committee on Land Use in favor of approving Application no. C 050522 ZMQ submitted by 45-10 94th Street, LLC and 91st Place Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, by changing from a M1-1 District to an R7B District and establishing within the proposed R7B District a C2-3 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2590), respectfully

REPORTS:

SUBJECT

QUEENS CB - 4

C 050522 ZMQ

City Planning Commission decision approving an application submitted by 45-10 94th Street, LLC and 91st Place Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (North side Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
2. establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CECR Declaration E-248.

INTENT

To facilitate the development of a building for residential and commercial use on Corona Avenue in Elmhurst, Queens.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 392

Resolution approving the decision of the City Planning Commission on ULURP No. C 050522 ZMQ, a Zoning Map amendment (L.U. No. 150)

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 11, 2010 its decision dated June 9, 2010 (the "Decision"), on the application submitted by 45-10 94th Street, LLC and 91st Place Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change the existing M1-1 zoning district to an R7B district and to extend an existing C2-3 commercial overlay eastward along the north side of Corona Avenue to 94th Street to facilitate the development of a building for residential and commercial use on Corona Avenue in Elmhurst, Community District 4, Queens (ULURP No. C 050522 ZMQ (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Revised Conditional Negative Declaration, issued on June 4, 2010 (CEQR No. 05DCP093Q);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following conditions:

The applicant, 45-10 94th Street LLC, and 91st Place Realty, LLC, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 050522 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9d:

1. Changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (North side Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
2. Establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CECR Declaration E-248, Community District 4, Borough of Queens.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 151

Report of the Committee on Land Use in favor of approving Application no. C 100180 PCM, submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the site selection and acquisition of the High Line rail structure and easements (Block 676, 679 and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street, Community District 4, Borough of Manhattan.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2591), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 100180 PCM

City Planning Commission decision approving an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679, and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street in Community District 4, for use as public open space.

INTENT

To facilitate the transfer of ownership of the High Line to the City.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2010

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

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

Res. No. 393

Resolution approving the decision of the City Planning Commission on ULURP No. C 100180 PCM (L.U. No. 151), for the site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679, and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street in Community District 4, Borough of Manhattan, for use as public open space.

By Council Members Comrie and Lander.

WHEREAS, the City Planning Commission filed with the Council on June 11, 2010 its decision dated June 9, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Parks and Recreation and the Department of Citywide Administrative Services for the site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679, and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street in Community District 4, Borough of Manhattan (the "Site"), for use as public open space (ULURP No. C 100180 PCM) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 25, 2010 (CEQR No. 10DPR002M);

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, and based on the environmental determination and consideration described in this report C 100180 PCM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 153

Report of the Committee on Land Use in favor of approving Application no. 20105584 HKM (N 100318 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2354) by the Landmarks Preservation Commission of the Spring Mills Building, located at 104 West 40th Street (Block 815, Lot 21), as a historic landmark, Council District no.3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2591), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20105584 HKM (N 100318 HKM)

Designation by the Landmarks Preservation Commission (List No. 428/LP No. 2385), pursuant to Section 3020 of the New York City Charter, regarding the landmark designation of the Springs Mills Building located at 104 West 40th Street (aka 102-106 West 40th Street, 107-115 West 39th Street) (Block 815, Lot 21), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2010

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

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

Res. No. 394

Resolution affirming the designation by the Landmarks Preservation Commission of the Springs Mills Building located at 104 West 40th Street (aka 102-106 West 40th Street, 107-115 West 39th Street) (Block 815, Lot 21), Borough of Manhattan, Designation List No. 428, LP-2385 (L.U. No. 153; 20105584 HKM; N 100318 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 20, 2010 a copy of its designation dated April 13, 2010 (the "Designation"), of the Springs Mills Building, located at 104 West 40th Street (aka 102-106 West 40th Street, 107-115 West 39th Street), Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 815, Lot 21, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on June 11, 2010 its report on the Designation dated June 9, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on July 27, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 154

Report of the Committee on Land Use in favor of approving Application no. 20105450 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Picante, Inc, to establish, maintain and operate an unenclosed sidewalk café located at 3424 Broadway, Borough of Manhattan, Council District no. 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2592), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

20105450 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Picante Inc., d/b/a Picante Mexican Restaurant Bar & Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3424 Broadway.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 395

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 3424 Broadway, Borough of Manhattan (20105450 TCM; L.U. No. 154).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 24, 2010 its approval dated June 24, 2010 of the petition of Picante Inc., d/b/a Picante Mexican Restaurant Bar & Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3424 Broadway, Community District 9, 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 July 27, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Report for L.U. No. 155

Report of the Committee on Land Use in favor of approving Application no. 20105580 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2592), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105580 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café

Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 28, 2010

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

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

Res. No. 396

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan (20105580 TCM; L.U. No. 155).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 24, 2010 its approval dated June 24, 2010 of the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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 July 27, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2010.

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

Reports of the Committee on Rules, Privileges & Elections

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

Report for M-174

Report of the Committee on Rules, Privileges & Elections in favor of approving the re-appointment by the Mayor of Frederick Bland as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on July 29, 2010, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-175 printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Frederick Bland as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three- year term expiring on June 28, 2013.

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

Res. No. 397

Resolution approving the re-appointment by the Mayor of Frederick Bland as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Frederick Bland as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, July 29, 2010.

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

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

Report for M-175

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Robert Tierney as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on July 29, 2010, respectfully

REPORTS:

Topic: New York City Landmark Preservation Commission – (Candidates for re-appointment upon advice and consent review by the Council)

- **Robert Tierney [Pre-considered M 175]**
- **Frederick Bland [Pre-considered M 174]**
- **Joan Gerner [Pre-considered M 177]**
- **Christopher Moore [Pre-considered M 176]**

Pursuant to *New York City Charter* ("Charter") § 3020, the New York City Landmarks Preservation Commission ("LPC"), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC's

membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine Arts Federation of New York or any other similar organization. By statute, LPC's membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The Chair's salary is currently \$192,198. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.¹ Notices of proposed designation must be sent to the New York City Planning Commission ("CPC"), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report to the City Council with its recommendations. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [Administrative Code § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant's request. [Administrative Code § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel's review is applicable only to tax exempt properties.

If re-appointed, Mr. Tierney, a Manhattan resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2013. Copies of Mr. Tierney's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If re-appointed, Mr. Bland, a Brooklyn resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2013. Copies of Mr. Bland's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If re-appointed, Ms. Gerner, a Queens resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2013. Copies of Ms. Gerner's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If re-appointed, Mr. Moore, a Brooklyn resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2013. Copies of Mr. Moore's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

¹ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

After interviewing the candidate and reviewing the relevant material, the Committee approved the appointment of the nominee.

(For nominees Frederick Bland, Joan Gerner, and Christopher Moore, please see the Reports of the Committee on Rules, Privileges and Elections for M-175, 176, and 177, respectively).

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of

Robert Tierney as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2013.

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

Res. No. 398

Resolution approving the re-appointment by the Mayor of Robert Tierney as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Robert Tierney as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, July 29, 2010.

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

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

Report for M-176

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Christopher Moore as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on July 29, 2010, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-175 printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of **Christopher Moore** as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2013.

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

Res. No. 399

Resolution approving the re-appointment by the Mayor of Christopher Moore as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Christopher Moore as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E.

DICKENS, JAMES VACCA, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, July 29, 2010.

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

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

Report for M-177

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Joan Gerner as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on July 29, 2010, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-175 printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of **Joan Gerner** as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2013.

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

Res. No. 400

Resolution approving the re-appointment by the mayor of Joan Gerner as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Joan Gerner as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, July 29, 2010.

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

Reports of the Committee on Sanitation & Solid Waste Management

Report for Int. No. 141-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to commercial recycling.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1250), respectfully

REPORTS:

INTRODUCTION

On Wednesday, July 28, 2010, the Committee on Sanitation and Solid Waste Management will hold a second hearing on a series of eleven bills that would revise the City's comprehensive residential recycling law, commonly referred to as Local Law 19 ("LL 19"). All eleven bills should be read collectively rather than as independent bills.

Proposed Int. No. 141-A

Although the focus of LL 19 is on residential recycling, Proposed Int. No. 141-A addresses the need to study the commercial recycling stream. Commercial waste, which is collected by some 250 City-licensed private carters, is nearly twice the amount of residential and institutional waste collected by DOS. Ensuring compliance with the City's commercial recycling laws is more difficult since DOS does not have a direct role in the collection and transportation of that material. To improve the City's understanding of what is in the commercial waste stream and how it is collected and disposed of, Proposed Int. No. 141-A would require DOS to conduct a study of recycling in the commercial waste stream. Since DOS reports indicate that a significant amount of non-putrescible waste is already recycled, the study would be limited to focus on the putrescible portion of the commercial waste stream. The bill would require a study including the following components no later than January 1, 2012:

- an integration of all data on commercial waste in the city collected and transported through transfer stations and recycling processors;
- an assessment of current practices, operations and compliance with applicable local laws and rules, consistent with the scope of study set forth in the 2006 Solid Waste Management Plan;
- estimates of waste composition and recycling diversion rates from research conducted with respect to other jurisdictions;
- a computer-based model to measure the amount and composition of waste generated by different commercial sectors;
- recommendations of methods to encourage waste prevention, reuse, recycling and composting for each of the commercial sectors studied, including any recommended changes to applicable law; and
- an assessment of the efficiency of the transportation of commercial waste within the commercial system by, among other things, mapping and monitoring routes along which commercial waste and recycling trucks travel, including long-haul carriers within and outside the city.

Following completion of the commercial recycling study, the Commissioner would be required to determine whether any additional studies are necessary and would report any such determination to the mayor and the council

Proposed Int. No. 142-A

According to the 2004-05 residential Waste Characterization Study, 30% of household hazardous waste is comprised of post-consumer paint. Nationally, the American Coatings Association ("ACA"), a paint manufacturer's trade group, is working with a consortium of states to implement pilot paint stewardship programs that are funded by the paint manufacturers.

While the manufacturers await the results of those pilot programs, the Council believes it would be appropriate to implement a non-producer-funded pilot program in New York. Through such a program, manufacturers and retailers of consumer paint could voluntarily accept paint for recycling. Manufacturers and retailers would be permitted to charge residents a fee for recycling discarded post-consumer paint, with the ultimate goal of implementing a producer-funded program for New York City following the completion of the pilots here and in other jurisdictions, from which we should learn valuable lessons.

To this end, Proposed Int. No. 142-A would add a new section 16-310.2 to the Administrative Code which requires the Commissioner to establish a voluntary paint stewardship pilot program through which manufacturers of architectural paint, in cooperation with retail establishments that offer architectural paint for sale, and with the assistance of the Department, would provide for the collection, transportation and processing of post-consumer paint for reuse, recycling or environmentally sound disposal. In addition, Proposed Int. No. 142-A requires the Commissioner to work with participating architectural paint manufacturers and retail stores to develop and implement strategies to reduce paint in the waste stream, promote its reuse, and disseminate information regarding options to recycle such material. This voluntary pilot program would be required to be established within one year after this law is enacted.

Proposed Int. No. 147-A

Background

One of the most significant challenges to enhancing New York City's residential recycling program is improving individual recycling habits. Outreach, education and enforcement are key components to improving the City's diversion rates and while the City has utilized each of these components over the past 20 years, the Council believes there are ways to employ these tools more effectively.

Primary Components of Proposed Int. No. 147-A

- Establishes two distinct tiers for civil penalties based on number of units in a building (1-8; 9 and up) and increases civil penalties for larger buildings;
- Requires DOS to establish a curriculum for recycling workshops, including online tutorials;
- Requires DOS to create a guide to the residential recycling program, to be distributed and made available to the public;

- Requires DOS to establish a program to train owners and employees of buildings with 9 or more units that receive three tickets in one year on methods for improving recycling practices;
- Expands the scope of buildings that must provide a designated recycling space for tenants and requires building owners to distribute a recycling guide to residents at the inception of every lease; and
- Lowers the threshold for size of buildings that are subject to clear bag requirements if the building does not appear to be generating enough recyclable material.

Outreach and Education

A task force assembled around recycling in New York City in 2002-03 recommended that the City devote approximately \$1.00 per resident annually for recycling outreach and education. While DOS's proposed level of funding for recycling outreach and education in FY2011 is close to achieving that number – the executive budget indicates that the Department will spend approximately \$7 million for outreach and education – funding for recycling education was completely cut last year, and has been susceptible to budget cuts in every administration since 1989.

In light of the continuing challenges to developing and sustaining recycling outreach and education, the revisions to LL 19 give special consideration to novel ways to improve outreach and education.

Comprehensive Residential Recycling Guide

Proposed Int. No. 147-A calls on DOS to create a comprehensive guide to the City's residential recycling program, which will be distributed and made available to the public. DOS deserves significant credit for compiling a vast amount of recycling information on its website. Int. 147-A would ensure that all of that information is compiled in one portable, user-friendly way, which can be accessed by and distributed to all City residents.

Enforcement

The Council has not increased civil penalties since LL 19 was first enacted. The current civil penalty structure for failing to properly recycling (\$25 for a first offense, \$50 for a second offense, and \$100 for a third offense) does not differentiate between smaller and larger buildings, or commercial and residential buildings. In 2002, when the Council and Mayor raised civil penalties for most Sanitation violations, the City specifically eschewed raising civil penalties for recycling violations because at that time recycling had just been reinstated and there was concern that it would not be fair to increase civil penalties for residents for failing to comply with a law that had just been suspended. In the roughly seven years since that time, the recycling program has remained in place and recycling rules have not changed.

The proposal to amend recycling civil penalties would establish two distinct sets of civil penalties: for residential buildings between 1-8 units, and for commercial buildings, and residential buildings with 9 or more units. The Council selected buildings with 9 or more units because those buildings are required to provide janitorial services under the City's Building Code. Civil penalties for residential buildings containing 1-8 units will not increase. Civil penalties for commercial buildings and residential buildings with nine or more units will increase as follows: 1st Offense: \$100; 2nd Offense committed on a different day within a 12-month period: \$200; 3rd Offense committed on a different day within a 12-month period: \$400. The Council believes these are moderate increases, but vital in light of the need to increase compliance, particularly in larger buildings.

Although enforcement, through the imposition of civil penalties, has been an effective tool for encouraging compliance with recycling rules, the impact of enforcement is limited in the City's medium and large residential buildings. Residents in those buildings are generally not responsible for paying civil penalties for failing to properly recycle. While the language of the recycling law applies to "any person," it is practically not possible for an enforcement officer to determine the source of each and every bag of waste and recyclables. And although the law requires owners of buildings with nine or more units to remove non-designated materials from containers of source separated recyclables, there is little incentive for large building owners to do so since fine rates for those buildings are the same as they are for all other buildings. In fact, the proposed increase for large buildings are comparable or lower than other civil penalties for infractions issued by DOS:

Comparable Sanitation Civil penalties:

- Failure to clear sidewalk litter: \$100
- Failure to Curb Dog: \$200
- Failure to remove snow and ice from sidewalk: \$100; \$150; \$250
- Illegal posting (per poster): \$75; \$150
- Placing unsolicited ads on private property: \$250
- Failure to properly place a lid on a trash receptacle: \$100

Proposed Int. No. 148-A

Background

Proposed Int. No. 148-A would require the Department of Sanitation ("DOS" or "the Department") to designate as recyclable and begin accepting all rigid plastic containers through the curbside recycling program upon the opening of the new Sims Metal Management recycling facility, to be located at the South Brooklyn Marine Terminal in Sunset Park, Brooklyn (the "Sims Facility").¹ Currently, the Sims Facility is scheduled to open in 2012. Proposed Int. No. 148-A also gives the commissioner discretion to not designate any rigid plastics for which he determines the cost of designating to be unreasonable in comparison to the cost of recycling current designated materials.

Under the current rules governing residential plastic recycling, residents are only required to source separate plastic bottles and jugs made from plastic resin types 1 and 2.² DOS's rationale for limiting the designation of recyclable plastics is

twofold: first, those materials represent a majority of plastics in the waste stream, and second, plastic resin types 1 and 2 have the most stable markets of any of the plastic materials.³

In the past, DOS stated that expanding the designation of recyclable plastics is impeded by a lack of stable markets and inadequate sorting capacity for other plastic material.⁴ DOS also argues that the amount of plastics remaining in the categories of 1-2 and all 3-7 plastics is not enough to justify the cost of accommodating the additional material.⁵

The 2004-05 Waste Characterization Study commissioned by DOS illustrates that type 1 and 2 bottles and jugs represent 2.15% of the total waste stream. All remaining rigid plastic containers occupy 0.38% of the City's total waste stream, which is equal to approximately 15% of all rigid plastics within the total City waste stream.

Rationale for Expanding the Designation of Recyclable Plastics

There are a series of important economic and practical benefits related to expanding the designation of recyclable plastics. In sum, the cost of delivering plastics to a recycling facility is less than delivering them to a disposal facility, designating more material as recyclable renders recycling collection more efficient, and simplifying the system will encourage greater and more compliant resident participation. Chief among these reasons is the simple fact that DOS currently incinerates a significant percentage of the residential waste it collects. In fact, almost all of the residential waste collected from the borough of Manhattan is incinerated at the Essex County incinerator in New Jersey. The presence of plastics in the incinerated waste adds significant pollutants to the air that New Yorkers breathe. The remaining plastics that are not incinerated are brought to landfills outside of New York City. There, most of those plastics will not degrade for many years and their presence in the landfill risks the leaching of toxic substances into the soil below.

Economic Benefits

While certain important variables remain unknown at this time,⁶ a series of significant factors indicate that extending the designation of plastics will improve the economics of recycling plastics. There are two primary costs associated with the collection of recyclables from residences in the City: first, the cost of delivering that material to a recycling facility, and second, the cost of actually collecting the material from residences around the City.

Delivery Costs: Difference in Tip Fees

It is less expensive for the City to deliver a ton of plastic to a recycling facility than to a landfill. Under the 20-year contract between DOS and Sims, the City pays Sims \$67 per ton to tip metal, glass and plastic at a Sims facility in New York. Under DOS's long-term waste export contracts, the City pays approximately \$95-\$105 per ton of regular waste delivered to landfills or incinerators. Hence, under the current terms of the Sims Recycling Contract, the City would save a minimum of \$38 per ton for the cost of delivering all rigid plastics to a recycling facility instead of a landfill.

Collection Costs: Truck Capacity and Efficiency

It is important to note that designating additional plastics for recycling will not require additional collection trucks. Currently, DOS recycling trucks are operating at roughly one-half of their collection capacity. Although recycling trucks have the same capacity as regular waste collection trucks, in FY2009 recycling trucks only collected 5.6 tons of recyclables per truck shift as compared with 9.9 tons of waste per truck shift.⁷

Designating new materials into the City's recycling stream will actually make recycling collection more efficient. As one recent report on New York City recycling noted, the greatest inefficiency of the City's recycling program is the cost of collection.⁸ As the City recycles more material, it will decrease the per ton cost of recycling.⁹

A fiscal brief issued by the New York City Independent Budget Office (IBO) in 2004 notes that since the volume of recycling set out at curbside is less than that of garbage, a truck shift of the same distance will collect less in recycling than it will in garbage. Although the actual cost to the City to run a collection truck for recycling and waste is essentially identical, the transportation cost per ton of recycling is greater because there are fewer tons in the back of the recycling truck at the end of its shift. One important benefit of designating more material is to ensure that recycling trucks operate closer to full capacity. Assuming the current capture rate of 48% continues without improvement, designating all rigid plastics will add an additional 8,000 tons of plastic per year, bringing collection trucks closer to capacity and making recycling collections more efficient.

Simplifying the Recycling Rules

The change in Proposed Int. No. 148-A would simplify the recycling rules, as residents would be instructed to recycle all plastic containers and bottles, rather than dealing with the confusion of resin codes. Simplifying the recycling system in such a way will improve residents' ability to understand the recycling rules and increase diversion and capture rates.

Recycling diversion rates over the past 8 years illustrate that confusion about the recycling system leads to decreased participation and diminished diversion rates. Prior to suspending the City's residential recycling collections in 2002, the City achieved residential recycling diversion rates of 19.7% in FY2000¹⁰ and 20.1% in FY2001.¹¹ Unfortunately, since the suspension in recycling service imposed in 2002 and the subsequent piecemeal reinstatement of the recycling program, recycling diversion rates have not rebounded to their pre-suspension levels -- and show no signs of improving. The recycling diversion rate immediately following the resumption in service in FY2003 was 11.4%. By FY2005 it had recovered to 16.8%, but remains stagnant, at 16.4 in FY2006, 16.5% in FY07 and 16.2% in FY2009.

The most obvious explanation for this is that the confusion caused by the suspension of recycling has discouraged recycling. Simplifying the system by designating all rigid plastics is one important component to encouraging greater compliance with the City's recycling program.

It also bears mentioning that increased participation in the City's recycling program would likely also mean an increase in the City's capture rate of type 1 and 2 plastic bottles and jugs. Currently, the City only captures approximately 48% of all designated recyclables. Increased participation based on simpler rules promises to also improve the City's capture rate of the plastic materials with higher value.

Opening of the Sims Facility - Opportunity Cost and Markets

The technology exists to sort an extended array of plastics. In fact, a significant number of large cities in the U.S. already accept some formulation of plastics 3-7 including Los Angeles, Chicago, Houston, San Antonio, Dallas, San Francisco, Boston, Seattle, Cleveland and Miami. In order for New York City to join that group, it would first need the infrastructure necessary to properly sort those materials. Sims is about to commence the development of a state-of-the-art facility with premium sorting technology. It appears that the City would miss an opportunity by not addressing the extended designation of plastics prior to the opening of the Sims Facility since it makes greater financial sense to purchase the technology necessary today, at a time when Sims is in the process of constructing the facility, rather than upgrading or retrofitting a relatively new infrastructure to accommodate extended plastics some time in the near future.

A second key component of the long-term Sims contract is that Sims, in exchange for the exclusive right to the City's recyclables, will shoulder the burden of fluctuations in markets. But thanks to improved sorting technology, Sims and the City can count on cleaner streams of the additional plastics, which further strengthens markets. In the past, the City relied on short term contracts for the processing of its metal, glass, plastic and paper. As a result, the stability of the City's recycling program was highly vulnerable to market fluctuations. In addition to the cost associated with being subject to market fluctuations, the quality of the material that the City could actually sell suffered because, with no long term assurances, owners of recycling facilities had little incentive to improve sorting technology.¹² By one statistic, prior to the contract with Sims, firms with contracts with the City increased the cost of processing metal, glass and plastic by 40%.¹³

Proposed Int. No. 156-A

All Mayoral and non-Mayoral City agencies have been required to recycle since the passage of Local Law 19 in 1989. Recycling within agencies, however, has been inconsistent and inadequately monitored throughout the history of the recycling program. New York City often sets more stringent environmental goals for its own municipal operations than for the public at large, leading by example and showing other entities how aggressive environmental programs can work. Local Law 22 of 2008, for example, sets a mandatory 30% reduction in Citywide greenhouse gas emissions by the year 2030. Municipal operations, though, are required to achieve a 30% reduction in greenhouse gas emissions by 2017, 13 years earlier than the City as a whole. City agencies should lead by example in recycling as well, creating and maintaining efficient programs and monitoring them to ensure continued high performance.

Proposed Int. No. 156-A would strengthen the requirements for City agency recycling. The current recycling law simply requires the Commissioner of Sanitation to promulgate rules for the source separation or post-collection separation of designated recyclable materials. The revised law would specify that each agency must create a recycling plan and submit the plan to the Commissioner of Sanitation for approval by July 1, 2011. The plan is required to provide for the source separation of designated metal, glass, plastic and paper at any office or building occupied by a City agency, is required to provide for recycling receptacles at lobbies and entrances of buildings that receive Department collection (and where practicable, in buildings in which city agencies receive private carter collection), and is required to provide for a lead recycling coordinator for the agency. Where the agency occupies more than one building, assistant coordinators must be designated for each building the agency occupies. The lead recycling coordinator for each agency is responsible for submitting an annual report to the head of the agency.

By assigning recycling responsibilities to agency coordinators the Department of Sanitation will be better able to track and improve the recycling performance of municipal operations, and should strive to achieve a high level of recycling within the City's own offices and buildings.

Proposed Int. No. 157-A

Leaves and yard waste such as grass clippings and pruned tree and shrub branches make up a significant portion of the residential waste stream, but the amount of these materials in residential waste varies greatly by season and by area within the City. According to the Department of Sanitation's 2004-2005 Waste Characterization Study, yard trimmings are estimated to make up approximately 1.6% of the Citywide waste stream in the winter and almost 6% of the Citywide waste stream at times during the spring and fall.¹⁴ In districts where yards and lawns are more prevalent, though, those rates can be much higher – the 2004-2005 Waste Characterization Study estimated that yard waste made up about 10% of the Staten Island waste stream in the fall, and about 16% in the spring. On an annual basis, yard waste is estimated to make up 4.2% of the Citywide waste stream.¹⁵

In 1990, the Department of Sanitation began collecting leaves and yard waste separately for a limited time period each fall. The material is composted two DOS yard waste composting facilities – one at the former Fresh Kills landfill in Staten Island, and one in an inactive section of Soundview Park in the Bronx. These facilities also accept yard waste materials from private landscapers and from the Parks Department for composting. An additional facility has been constructed at Spring Creek Park in Brooklyn, adjacent to a Department of Environmental

Protection Water Pollution Control Plant, but it has not yet received State operating permits. Though the two operational facilities continue to accept yard waste from private landscapers and the Parks Department, residential leaf and yard waste collections have been suspended for budgetary reasons since 2008. No later than two years after enactment, such collections will resume in an expanded and improved program.

In the past, leaf and yard waste collections have taken place for a four-week period in mid-November determined by historical data on when the most leaves fall.¹⁶ Such separate collections are only carried out in leaf collection districts as determined by the Department of Sanitation, based on the amount of yard waste generated. Leaf collection districts include all of Queens and Staten Island as well as many parts of Brooklyn and the Bronx. While DOS collected and composted an average of 20,000 tons of leaf and yard waste per year in the years 2000-2008, even more could be collected and diverted from landfills and incinerators through extended collection. In many areas of the City, the proportion of yard waste in the spring waste stream exceeds that in the fall waste stream, indicating that collection service could be useful in periods other than the 4-week fall leaf collection that has occurred in the past. Proposed Int. No. 157-A would expand the duration of leaf and yard waste collections, requiring separate collections for composting between March 1 and July 31, and from September 1 through November 30 of every year. The bill would also require DOS to collect leaf and yard waste from NYCHA properties, which generally produce large amounts of such materials, regardless of whether they are located in leaf collection districts. DOS additionally has collected Christmas trees for a period of one week in January. This has resulted in an average of 1,300 tons of diverted waste, but one week is a short time in which to require all residents with Christmas trees to put them out for collection. Proposed Int. No. 157-A would require Christmas tree collection to be extended to a two week period in January.

Additional material collected for composting may overwhelm existing City yard waste composting facilities, and transportation to these facilities can be expensive when material comes from a long way away. The 2006 Solid Waste Management Plan created a Compost Facility Siting Task Force charged with finding locations for additional yard waste composting facilities. In addition, the 2006 Plan also emphasized principals of borough equity and self-sufficiency with respect to solid waste management. With these objectives in mind, Proposed Int. No. 157-A would also require DOS to work with the siting task force to identify additional sites with the goal of establishing at least one yard waste composting facility in each borough where the Department provides residential yard waste compost collection.

Businesses such as landscapers and garden centers that generate significant amounts of yard waste are already required to dispose of yard waste at composting facilities. Proposed Int. No. 157-A would additionally require composting facilities located in the City of New York to report annually the amount of compostable waste collected at the facility in order to give DOS more information on composting activity within the City.

Finally, Proposed Int. No. 157-A would prohibit residents in districts where the Department provides yard waste composting collection to dispose of grass clippings during the weeks when the Department provides such collection. Instead, residents would be required to either place the clippings out for composting collection, or leave the grass clippings on their lawns. Grass clippings can easily be left on lawns and allowed to decompose there rather than being collected and adding to the waste stream. NRDC estimates that 78,000 tons of grass clippings are generated each year by homes and institutions.¹⁷ Many view the cost of collecting and disposing of grass clippings as unnecessary, and encouraging residents to "leave it on the lawn," can enrich the lawn's soil as well as saving the City money.

Proposed Int. No. 158-A

Proposed Int. No. 158-A would expand the City's public space recycling program and establish a City-administered program for the siting of clothing and textile recycling bins on City-owned and private property.

Public Space Recycling Bins

Public space recycling bins are publicly accessible bins sited on sidewalks, parks and in other public locations designed specifically for the collection of designated metal, glass, plastic and paper. In 2007, DOS worked with CM Lappin and the rest of the Council to conduct a pilot program to study the feasibility of public space recycling in New York City. Through the pilot, DOS sited public space bins in six parks – two in Staten Island and one in each of the other borough – and two ferry terminals.

Although previous attempts to develop public space recycling in the early 1990's were abandoned due to high contamination rates and poor compliance, the results of the 2007 pilot were generally positive. Paper recycling through the pilot was highly successful with over 31,400 pounds of material collected from the paper recycling bins over the 12-week pilot with a contamination rate of less than five percent. Metal, glass and plastic generated some 18,700 pounds of material during the 12-week pilot with a higher contamination rate of 37%.

The 2007 pilot illustrated two important factors relevant to expanding the program in the future. First, the siting of public space recycling bins is a more complicated process than meets the eye. DOS is required to coordinate with a variety of agencies or business improvement districts ("BIDs") to ensure that bins are properly serviced and that bags are regularly removed to avoid contamination. Second, despite their high visibility, the results of the pilot illustrate that public space bins capture a relatively small percentage of the City's overall waste stream.

Despite the operational challenges and limitation, the overwhelmingly positive response generated by the pilot demonstrated the important role that public space recycling plays as a tool for educating residents and demonstrating the City's commitment to recycling.

DOS has expanded the public space recycling program since the 2007 pilot and there are currently about 300 public space bins throughout the City. Proposed Int. No. 158-A would require DOS to site an additional 200 bins within three years of enactment and an additional 700 bins within ten years of enactment.

Clothing and Textiles Recycling Bins

Discarded clothing and textiles comprise roughly 7% of the City's waste stream. These materials are eminently reusable and recyclable. In order to divert a greater amount of these materials from the City's waste stream, Proposed Int. No. 158-A would require DOS to develop a program for the siting of clothing and textile collection bins on public and private property throughout the City. Material collected in such bins would be used by not-for-profit organizations. DOS would be required to report monthly on the amount of material collected through such program.

Proposed Int. No. 162-A

Household hazardous wastes are toxic materials that exist in the residential waste stream. Examples of household hazardous wastes include bug spray, fertilizer, paint, gasoline, batteries, fluorescent lights and drain cleaners. Because these materials are toxic, it is important to keep them out of the waste stream. Proposed Int. No. 162-A would require DOS to establish a program for the diversion of household hazardous waste by providing for one annual drop-off collection in each borough by July 1, 2011. In addition, the Commissioner would be required to explore opportunities to establish additional collection events at designated household hazardous waste collection sites, or to offer regularly scheduled collection days at such locations within three years of enactment of the section. Finally, the Department would be required to report the category of material collected and the total amount of household hazardous waste diverted at each such event.

Proposed Int. No. 164-A

Background

Since the time that the Mayor and Council enacted LL 19, residential recycling and the methods used to conduct and measure it, have improved significantly. An ever-increasing amount of materials are recyclable, markets for recycled materials are increasingly stable, and the technology used to sort and measure the amounts of recycling collected has advanced considerably. Proposed Int. No. 164-A would implement several programmatic changes to update the way the City tracks and documents the materials it recycles, addresses shortfalls in the residential recycling program, and explores ways to expand local recycling infrastructure through the following:

- requiring the Commissioner to track diversion rates for all materials recycled under City and State law and to issue monthly and annual reports detailing the recycling totals for all such materials;
- establishing a two-tiered set of recycling diversion goals based on (i) the percentage of metal, glass, plastic and paper diverted from curbside and containerized waste, and (ii) the percentage of material recycled pursuant to any City or State law; and reporting on compliance with these goals;
- establishing a set of results-oriented contingencies if DOS does not meet recycling diversion goals;
- requiring DOS in conjunction with the New York City Economic Development Corporation or the Mayor's Office of Long Term Planning and Sustainability to study recycling markets and opportunities to expand recycling facilities and recycling-related jobs in New York City; and
- requiring DOS to conduct follow-up waste characterization studies and a comprehensive study of the residential and institutional waste stream.

Reporting Requirements

In order to best understand the state of the City's recycling program, it is vitally important to have reliable and consistent statistics concerning the materials we recycle. To this end, Proposed Int. No. 164-A would establish greater transparency and specificity with respect to how the City counts and calculates its recycling rates. Specifically, Proposed Int. No. 164-A would require DOS to report monthly on diversion rates for all of the materials collected curbside and any other non-Department collected materials for which monthly statistics are available. In addition, DOS would be required to report annually on recycling statistics for all other residential materials recycled under City and State law.

Calculating Recycling Goals

Proposed Int. No. 164-A would establish a two-tiered set of recycling goals. The first set of goals would focus on the diversion rate of the materials that DOS collects through curbside and containerized collection -- source separated metal, glass, plastic and paper. The second set of recycling goals would include the curbside and containerized component and would add totals for residential material recycled through non-curbside means, which are referred to for purposes of this bill as "Department-managed waste." Department-managed waste includes, but is not limited to, the following:

2. recyclable bottles and cans returned under the state "bottle bill" deposit program;
3. leaf and yard waste and any other material collected for composting;
4. rechargeable batteries returned through retailer take-back programs;
5. household hazardous waste collected at Department-sponsored events;
6. electronic waste collected pursuant to the City's e-waste recycling law; and
7. textiles collected from bins sited on City owned or City managed properties.

Because certain materials are counted under this formulation which would not otherwise enter the DOS waste stream, the Council specifically states in §16-305(h)

of the bill that any material counted towards the numerator must also be factored in to the denominator.

Paragraph 1 of section 16-305(a) sets forth the following recycling goals for all "Department-managed" waste:

1. By July first, two thousand eleven, sixteen percent;
2. By July first, two thousand thirteen, nineteen percent;
3. By July first, two thousand fourteen, twenty-one percent;
4. By July first, two thousand sixteen, twenty-four percent;
5. By July first, two thousand eighteen, twenty-seven percent;
6. By July first, two thousand nineteen, thirty percent; and
7. by July first, two thousand twenty, thirty-three percent.

Paragraph 2 of that same subdivision sets forth the following recycling goals for all Department-collected curbside and containerized waste:

1. By July first, two thousand eleven, sixteen percent;
2. By July first, two thousand thirteen, eighteen percent;
3. By July first, two thousand fourteen, nineteen percent;
4. By July first, two thousand sixteen, twenty-one percent;
5. By July first, two thousand eighteen, twenty-three percent;
6. By July first, two thousand nineteen, twenty-four percent; and
7. by July first, two thousand twenty, twenty-five percent.

Calculating recycling rates based on two distinct tiers will lead to a clearer understanding of the strengths and weaknesses of recycling in the City and decreases the chance that success in one facet will obscure evidence of weakness -- and the need to devote time and resources -- in another.

Basis for Determination of Percentages

As noted above, paragraph 2 of section 16-305(a) requires DOS to recycle up to 25% of material collected from its curbside and containerized operations within ten years of enactment of that section. The current curbside and containerized diversion rate is 16.2%. The City achieved its highest diversion rate of 20.1% in 2001. Based on the most recent waste characterization study, approximately 36% of the material within the waste stream is designated as a recyclable under the rules for metal, glass, plastic and paper. This means that if residents recycled 100% of the designated material, the highest possible diversion rate would be 36%. In order to achieve a 25% diversion rate within ten years, the capture rate will need to increase to approximately 70%, or additional materials must be designated for curbside and containerized recycling.

Contingencies for Failure to Meet Recycling Goals

If the Department is unable to achieve any of the aforementioned recycling goals, it will be required to expand outreach and public education, and undertake other measures to achieve the recycling goals. This includes directing outreach and education to neighborhoods and community districts with below-average recycling diversion rates and consulting with the Council to explore additional measures to ensure future compliance with recycling goals. If the Department is unable to achieve two consecutive recycling goals, the Department will be required to repeat the requirements set forth above and, in addition, will be required to retain an expert or consultant in the field of recycling, to be selected by the Mayor and the Speaker, who would be charged with reviewing the City's recycling program and submitting a report recommending additional steps to be taken by the Department to meet its recycling percentage goals.

Tonnage Mandates and Percentage Goals

The recycling percentage goals described above represent a departure from the tonnage mandates that have been a component of Local Law 19 since its inception. In 1992, the City failed to recycle the mandated tonnage required under the law and a group of plaintiffs lead by the Natural Resources Defense Council ("NRDC") sued the City. The City has been sued several times subsequently for failing to meet its tonnage obligations under the law.

When City Council enacted Local Law 19 in 1989, it sought to require DOS to recycle 25% of the solid waste it collected. At that time, it was presumed that there were approximately 17,000 tons per day of Department collected waste. Based on this assumption, Local Law 19 required the Department to collect 4,250 tons per day, or 25% of the projected waste stream within five years of enacting the law. But the City's waste stream has been declining steadily since 1989 -- today there are less than 12,000 tons per day of material in the waste stream, 5,000 tons per day less than originally projected.

Since LL 19 was enacted, additional methods of recycling have emerged that result in significant amounts of materials being recycled outside of the DOS-controlled waste system. Many jurisdictions have increased emphasis on producer responsibility and enacted retailer and manufacturer take-back programs. In the last two years alone, New York City has enacted legislation for the recycling of electronic waste and plastic bags which remove those materials from the DOS waste stream and shift the responsibility of recycling onto manufacturers or retailers. In addition, the recent expansion of the New York State bottle bill means more bottles and cans with deposit value are likely to be diverted from the curbside recycling waste stream.

It also bears noting that over the past several years, the City has strengthened the foundation upon which the recycling program is constructed. In 2008, DOS entered into a 20-year contract with Sims to construct a recycling sorting facility in Brooklyn. As a result, recycling promises to be less expensive for the City, and markets for the materials we recycle promise to be significantly more stable. In addition, as part of the City's 2006 Solid Waste Management Plan, the City is constructing a marine transfer station devoted exclusively to the collection and water-based transportation of the City's recyclables via barge, significantly diminishing the amount of truck-based traffic caused by transporting recyclables.

To improve recycling outreach and education, the City contracted with the Office of Recycling Outreach and Education (“OROE”). And to ensure that curbside collection remains a fixture of the City’s recycling program, the City passed Local Law 50 of 2003, which requires the weekly curbside collection of designated recyclables.

In light of these changes, and in conjunction with the expansion and improvements to the City’s recycling program set forth in the accompanying legislation, a new method for addressing shortcomings in the recycling system, as explained in Section E above, will provide targeted recourse aimed at constructively and directly addressing potential shortfalls in the City’s recycling program.

Study of Recycling-Related Industries

One of the primary impediments to stabilizing and expanding the City’s recycling system is ensuring the existence of facilities to process recyclable materials within close proximity to the City. One positive example of the value of these facilities is the Visy Paper recycling facility on Staten Island, which employs several hundred employees and has contributed significantly to securing stable markets for the City’s paper and cardboard. In fact, when the City suspended recycling collection in 2002, it continued collection of paper and cardboard due in part to the stabilized markets encouraged by the Visy facility. The proposed Sims Facility promises to serve a similar role for New York.

Proposed Int. No. 164-A would require DOS, with the assistance of either the New York City Economic Development Corporation or the Mayor’s Office of Long Term Planning and Sustainability to explore recycling markets to understand and identify recycling industries that are suitable for development in New York City. Specifically, the Department would be called on to perform the following:

1. an assessment of the New York City recycling market including a growth forecast for recycling markets and related industries for the next five years;
2. a description of industries or businesses that would address shortcomings in the City’s recycling and composting infrastructure and areas where opportunities for recycling and composting-related job growth in the City appear practical;
3. a description of barriers to attracting recycling and composting businesses in the City;
4. an outline of financial and other incentives that may be used to attract new recycling and composting-related businesses to the City or encouraging the expansion of existing recycling and composting-related businesses;
5. an examination of existing markets for processing and purchasing recyclable materials, and the potential and steps necessary to expand these markets;
6. a plan developed in conjunction with the City’s Department of Finance to use, where feasible, the City’s tax and finance authority to stimulate recycling and the demand for recycled materials.

Follow-up Studies

In 2004-05, the City conducted an extensive waste characterization study of the City’s residential waste stream. To ensure that the information available concerning the City’s waste stream remains current, Proposed Int. No. 164-A requires DOS to conduct follow-up studies on or before January 1, 2012 and January 1, 2018. In addition, DOS would be required to conduct a new comprehensive study by 2024, or twenty years from the time of the most recent study.

Proposed Int. No. 165-A

Currently, the City’s recycling law requires recycling at City schools, but does not create requirements for schools that are separate from other City agencies. With a public school system that serves 1.1 million students in over 1,600 schools¹⁸ and hundreds more private schools, New York City has a unique opportunity to educate students about responsible environmental behaviors. A single agency-wide recycling plan is not enough to establish effective recycling programs in each school and ensure that students, teachers, and administrative staff participate in the program.

Proposed Int. No. 165-A would create separate requirements for schools under the jurisdiction of the Department of Education (DOE) as well as private and religious schools that are not under DOE’s jurisdiction which receive Department collection. The bill would require the Chancellor of the Department of Education to designate a sustainability coordinator for DOE who would set policies, guidelines, and goals for waste prevention, reuse and recycling in public schools. Each school would then be required to develop a site-specific waste prevention, reuse and recycling plan, to be implemented by January 1, 2011, with the principal designating a school sustainability coordinator. Each school would be required to complete an annual survey detailing compliance with the recycling plan, and the Chancellor would prepare an annual report assessing the rates of recycling and compliance with site-specific school recycling plans Citywide.

For private schools, DOS would, in consultation with DOE, develop a model recycling plan and distribute it to all schools receiving Department collection not under the jurisdiction of DOE. Each of these schools would use the model plan to create a site-specific waste prevention, reuse and recycling plan and designate a sustainability coordinator, also to be implemented by January 1, 2011. Recycling plans both at DOE schools and non-DOE schools would be required to provide for separate recycling receptacles in each classroom, at school entrances, and in locations where food and beverages are consumed. Because non-public schools often provide day care services for children below school age – and who would be too young to derive the pedagogical lesson from having bins in classrooms – the requirements for non-public schools apply only to students between the ages of kindergarten and twelfth grade. In addition, because non-public schools sometimes lack a defined cafeteria or lunch room, the requirements for non-public schools also

allow such schools to place a bin for metal, glass and plastic in a location readily accessible to all students if any such school lacks a cafeteria or lunch room.

School recycling is important in achieving a higher recycling rate, but equally important is the establishment of early recycling habits and knowledge. While some schools recycle quite well, others do not have well-developed recycling programs – in 2007, the Department of Sanitation reported the under 10% of waste was recycled in New York City schools, compared to 16.5% of residential waste.¹⁹ Basic elements of the required site-specific recycling plan under this bill would include bins for paper and cardboard in classrooms and bins for all designated recyclable materials at entrances and eating places within the school, giving students the opportunity to recycle in key locations where the recyclables are generated. Site-specific plans could include education, creation of brochures or posters, or other items that are tailored to the needs of each school. Each principal or a designee would report to DOE and with this annual report on recycling compliance, a DOE sustainability coordinator will be able to monitor the performance of all schools and will be able to target efforts to improve school recycling to schools that are having more difficulty. A recycling program in schools that is required by law will therefore be continued regardless of changes in a school’s administration. A consistent program in schools will encourage young people throughout the City to develop positive recycling behavior that will last far beyond school age.

Proposed Int. No. 171-A

Food waste constitutes about 18% of New York City’s residential waste stream, according to the 2004-2005 Waste Characterization Study.²⁰ This is a larger portion of the waste stream than the combined weight of all currently recyclable metals, glass, and plastics, and all rigid plastic containers that are currently not recyclable. With such a significant portion of the waste stream made up of food waste, it is imperative that alternative means of disposal of this material be investigated.

In the early 1990’s, the Department of Sanitation conducted two pilot programs in Brooklyn to assess the benefits of separate collections for food scraps and other organic household waste.²¹ DOS composted this waste at the Fresh Kills landfill in Staten Island and produced finished compost that met State standards for Class I compost. The first pilot for source separation of compostable household waste took place in part of Park Slope, a medium density neighborhood that has historically embraced environmental initiatives, and involved 3500 households. The second took place in 6 high-rise buildings in Starrett City, and involved about 600 households. For both pilot programs, residents were asked to source separate food scraps and other organic waste such as houseplant trimmings, and a weekly collection was instituted to pick up this waste separately. In Park Slope, residents were asked to place the compostable waste out for curbside collection, and in Starrett City, residents were asked to bring separated compostable waste to an in-building utility room. The Park Slope pilot succeeded in getting residents to separate compostable waste; after four years of service, approximately 40% of compostable waste was captured for composting within the pilot area, a capture rate that is similar to that of other recyclables. The overall recycling diversion rate in the pilot area was increased by 6% as a result of the collection of compostables. In Starrett City, however, residents were very concerned about pests being attracted to separated food scraps which were collected less frequently than normal garbage, and were reluctant to dispose of this waste separately. In addition, the compostable material that was collected was highly contaminated with plastic and was not usable at DOS’s composting facility. DOS concluded that serious impediments existed to source separation of food waste in high-rise apartment buildings, and that the expense and environmental impact of an additional truck route was not justified by the success achieved in the Park Slope pilot program. DOS initially tested the viability of composting in institutions that produce large amounts of food waste, but found that institutions with City-provided waste collection had too little incentive to source-separate compostables effectively.

Although DOS concluded that the additional expense of collecting compostable materials separately was not justified in the early 1990’s when these pilots were performed, composting and related services have evolved significantly in the 15 years since the pilots were completed, and environmental awareness has increased greatly. At several farmers’ markets in the City, residents are permitted to dispose of compostable food waste voluntarily. The Lower East Side Ecology Center collects compostable material from residents at the Union Square Greenmarket, without providing any incentive to residents, and receives about 6 tons of material per week.²² Several private carting companies have found that it can be economical to offer their customers separate collection for compostable materials, and some offer reduced rates for pick-up of compostables. Private carters have experimented with changed in truck design that allow them to collect these materials more efficiently. A few composting facilities in close proximity to New York City accept compostable materials at much lower rates than those charged by transfer stations and landfills that accept trash. With many new practices having developed since DOS’s last experiments with composting, exploring alternative ways to dispose of compostables is once again timely.

Proposed Int. No. 171-A would require DOS, in conjunction with the Mayor’s Office of Long-Term Planning and Sustainability, to prepare a report on the potential to expand composting of food waste within the City by July 1, 2012. The report would be required to explore the feasibility of curbside collection of compostable material, and would require an examination of the capacity for facilities in and around the City to accept more material for composting. It would be required to explore the capacity of existing transfer stations in and around the City to accept compostable material, and the opportunity for those transfer stations to accept such materials in the future. The report would also include a list of locations throughout the City that accept compostable material on a voluntary basis, and would explore the feasibility of building on the capacity of these locations to compost more

material. Finally, the study requires DOS to study the viability of instituting a food waste composting program for the residential or commercial waste stream, to be completed within two years of the report.

¹ 16-305(b)(2) & (3).

² 16 RCNY § 1-09.

³ DSNY 2004-05 Waste Characterization Study "Focus on Plastics".

⁴ *Id.*

⁵ *Id.*

⁶ Among the unknown variables are the impact that an extended designation would have on diversion rates, capture rates and the tip fee paid by DOS to Sims for delivering plastics to the Sims facility. Sims and DOS may need to renegotiate the tip fee DOS pays to Sims but that is not clear at this time.

⁷ 2009 Mayor's Management Report, Department of Sanitation p. 96.

⁸ NRDC "Recycling Returns," Pg. 7. Collection costs account for 86% of the direct expenses of the recycling program. Those costs go down as the amount of material diverted goes up

⁹ *Id.*

¹⁰ 2000 Mayor's Management Report, Pg. 80.

¹¹ 2001 Mayor's Management Report, Pg. 98.

¹² NRDC, et. al "Recycling Returns, Ten Reforms for Making New York City's Recycling program More Cost-Effective" Pg. 7 (2004).

¹³ *Id.*

¹⁴ NYC Department of Sanitation, 2005. Waste Characterization Study: Focus on Residential Yard Trimmings.

¹⁵ NYC Department of Sanitation, 2005. Waste Characterization Study: Executive Summary.

¹⁶ The New York City Compost Project, Leaf and Yard Waste Collection, <http://www.nyccompost.org/program/dsny-leafwaste.html#collection>

¹⁷ NRDC, 2004. Recycling Returns: Ten Reforms for Making New York City's Recycling Program More Cost-Effective.

¹⁸ New York City Department of Education, 2010. <http://schools.nyc.gov/AboutUs/default.htm>

¹⁹ WNYC, 2007. November 29, 2007. "School Recycling Lags Behind City Recycling"

²⁰ NYC Department of Sanitation, 2005. Waste Characterization Study: Executive Summary.

²¹ NYC Department of Sanitation, 2001. Composting in New York City: A Complete Program History.

²² Christine Datz-Romero, 2010. Personal Communication.

(The following is from the text of the Fiscal Impact Statement for Int. No. 141-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$1,000,000	\$1,500,000	\$0
Net	(\$1,000,000)	(\$1,500,000)	\$0

IMPACT ON REVENUES: It is estimated there will be no impact on revenues resulting in enactment of this local law.

IMPACT ON EXPENDITURES: Because this is only a study, the impact of this legislation will be \$1,000,000 in FY 2011 and \$1,500,000 in FY 2012 only.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 141 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 141-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends the adoption of Int. Nos. 141-A, 142-A, 147-A, 148-A, 156-A, 157-A, 158-A, 162-A, 164-A, 165-A, and 171-A.

(For text of Int No. 141-A, please see below; for text of Int Nos. 142-A, 147-A, 148-A, 156-A, 157-A, 158-A, 162-A 164-A, 165-A and 171-A and their respective Fiscal Impact Statements, please see the Reports for the Committee on Sanitation and Solid Waste Management for Int Nos. 142-A, 147-A, 148-A, 156-A, 157-A, 158-A, 162-A 164-A, 165-A and 171-A, respectively:)

Int. No. 141-A

By Council Members Eugene and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Crowley, Dickens, Dromm, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Nelson, Gennaro, Van Bramer, Levin, White, Chin, Jackson, Garodnick, Mealy, Reyna and Barron.

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

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city [trade waste] *business integrity* commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the [trade waste] *business integrity* commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.

§2. Section 16-306 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. *The department shall complete a study of commercial recycling in the city no later than January first, two thousand twelve. Such commercial recycling study shall focus on the putrescible portion of the commercial waste stream, and shall include, but need not be limited to, the following: (i) an integration of all data on commercial waste in the city collected and transported through transfer stations and recycling processors; (ii) an assessment of current practices, operations and compliance with applicable local laws and rules, consistent with the scope of study set forth in the 2006 Solid Waste Management Plan; (iii) estimates of waste composition and recycling diversion rates from research conducted with respect to other jurisdictions; (iv) a computer-based model to measure the amount and composition of waste generated by different commercial sectors; (v) recommendations of methods to encourage waste prevention, reuse, recycling and composting for each of the commercial sectors studied, including any recommended changes to applicable law; and (vi) an assessment of the efficiency of the transportation of commercial waste within the commercial system by, among other things, mapping and monitoring routes along which commercial waste and recycling trucks travel, including long-haul carriers within and outside the city. Following completion of the commercial recycling study, the commissioner shall determine whether any additional studies are necessary in order to improve commercial recycling practices in the city and shall promptly report such determination to the mayor and the council.*

§3. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 142-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1252), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 142-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$100,000	\$100,000
Net	\$0	(\$100,000)	(\$100,000)

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have an impact of \$100,000 in FY 2012 and \$100,000 in outyears.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 142-A was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 142-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 142-A:)

Int. No. 142-A

By Council Member Ferreras and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Reyna, Seabrook, Van Bramer, Williams, Rose, Nelson, Gennaro, Koppell, Levin, White, Chin, Jackson, Barron, Garodnick and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.2 to read as follows:

§16-310.2 *Paint stewardship program. a. Within one year of the effective date of this section, the commissioner shall establish a voluntary paint stewardship program under which manufacturers of architectural paint, in cooperation with distributors of architectural paint and retail establishments that sell, or offer for sale, architectural paint in the city of New York, may establish a collection or other reclamation system to collect architectural paint from consumers for reuse, recycling or environmentally sound disposal.*

b. The commissioner shall provide assistance or guidance to participating architectural paint manufacturers, distributors and retail establishments in developing and implementing strategies to reduce the quantity of architectural paint in the waste stream, promote the reuse of architectural paint that would otherwise be discarded and disseminate information regarding options to recycle architectural paint including, but not limited to, posting information regarding the voluntary paint stewardship program on the department's website.

§2. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 147-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to recycling outreach, education and enforcement; and to repeal subdivisions d and e of section 16-305 and section 16-311 of the administrative code of the city of New York, relating to source separation of recyclable materials and recycling centers.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1259), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 147-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$2,500,000	\$2,500,000	\$2,500,000
Expenditures (-)	\$1,300,000	\$1,000,000	\$1,000,000
Net	\$1,200,000	\$1,500,000	\$1,500,000

IMPACT ON REVENUES: This bill will increase fine revenue collected by the agency by \$2,500,000 annually.

IMPACT ON EXPENDITURES: This bill will have an impact on expenditures of \$1,300,000 in FY 2011 and \$1,000,000 in FY 2012 and outyears.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
Estimate Prepared By: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 147-A was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 147-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 147-A:)

Int. No. 147-A

By Council Member Fidler and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dromm, Ferreras, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson,

Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene, Jackson, Gennaro, Van Bramer, White, Garodnick, Mealy, Reyna and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to recycling outreach, education and enforcement; and to repeal subdivisions d and e of section 16-305 and section 16-311 of the administrative code of the city of New York, relating to source separation of recyclable materials and recycling centers.

Be it enacted by the Council as follows:

Section 1. Subdivisions d and e of section 16-305 of the administrative code of the city of New York are REPEALED, and new subdivisions d and e are added to read as follows:

d. *The commissioner shall adopt and implement rules establishing procedures requiring the placement of the designated materials at the curbside, in specialized containers, or in any other manner the commissioner determines, to facilitate the collection of such materials in a manner that enables them to be recycled. Under such rules, no person shall be liable for incorrectly placing a non-designated rigid plastic container in the recycling stream.*

e. *Where the department provides solid waste collection services to a building containing at least four and no more than eight dwelling units, the commissioner shall adopt and implement rules requiring the owner, net lessee or person in charge of such building to:*

1. *provide for the residents, where practicable, a designated area and, where appropriate, containers in which to store the source separated or other designated recyclable materials to be collected by the department; and*

2. *inform all residents of the requirements of this chapter and the rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area and making available to each resident at the inception of a lease, where applicable, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16-315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16-315 of this chapter.*

If reasonably accessible space for the storage of source separated or other designated recyclable materials is not available in such building, and such space is available behind the building's property line, such space behind the property line may be designated as the area for the storage of source separated or other designated recyclable materials. If no such space is available, the owner, net lessee or person in charge of such building shall post instructions on recycling and source separation in or near a designated area that is visible to all residents in the building.

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner, net lessee or person in charge of such building under this chapter shall be limited to those set forth in this subdivision and subdivisions d and g of this section or rules promulgated pursuant to such subdivisions.

§ 2. Subdivisions f and g of section 16-305 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

f. *Where the department provides solid waste collection services to a building containing nine or more dwelling units, the commissioner shall[, within nine months of the effective date of this chapter,] adopt and implement [regulations]rules requiring the owner, net lessee or person in charge of such building to:*

1. *provide for the residents a designated area and, where appropriate, containers in which to [accumulate]store the source separated or other designated recyclable materials to be collected by the department;*

2. *[notify]inform all residents of the requirements of this chapter and the [regulations]rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area, and making available to each resident at the inception of a lease, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16-315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16-315 of this chapter; and*

3. *remove non-designated materials from the containers of designated source separated recyclable materials before such containers are placed at the curbside for collection and ensure that the designated materials are placed at the curbside in the manner prescribed by the department.*

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner [or a], net lessee or person in charge of such building under this [local law]chapter shall be limited to those set forth in this subdivision and subdivisions [b]d and g of this section or rules promulgated pursuant to such subdivisions.

g. *[Eighteen months from the enactment date of this chapter, the] The commissioner shall adopt and implement [regulations]rules for any building containing [nine]four or more dwelling units in which the amount of designated materials placed out for collection is significantly less than what can reasonably be expected from such building. These [regulations]rules shall require residential generators, including tenants, owners, net lessees or persons in charge of such building to use transparent bags or such other means of disposal the commissioner deems appropriate to dispose of solid waste other than the designated recyclable materials. Upon request of the owner, net lessee or person in charge of such building, and if the commissioner determines that such owner, net lessee or person in*

charge of such building has complied with this subdivision, subdivision d of this section and, as applicable, subdivision e or subdivision f of this section or rules promulgated pursuant to such subdivisions and that the amount of designated materials placed out for collection remains significantly less than what can reasonably be expected from such building, the department [shall]may develop a schedule to conduct random inspections to facilitate compliance with the provisions of this chapter by tenants of such building, provided that lawful inspections may occur at reasonable times without notice to ensure compliance by the tenants, owner, net lessee or person in charge of such building.

§ 3. Section 16-311 of the administrative code of the city of New York is REPEALED and a new section 16-311 is added to read as follows:

§ 16-311 *Recycling outreach and education. a. The department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, in order to improve compliance with the provisions of this chapter.*

b. *The commissioner shall establish a recycling education program that shall include recycling instructional workshops, training curricula and other relevant materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, including an internet-based recycling tutorial. Such program shall also provide instructional workshops, training curricula, and other relevant material to employees of city agencies, including a leaf and yard waste training program for employees of any such agencies that generate significant leaf and yard waste. The commissioner may utilize a private entity or not-for-profit corporation to assist with the establishment or performance of such program.*

§ 4. Section 16-315 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§ 16-315 *Notice, education and research programs. a. In addition to the notice requirements of section one thousand forty-three of chapter forty-five of the charter, within thirty days of the effective date of any [regulations]rules promulgated pursuant to this chapter, and as frequently thereafter as the commissioner deems necessary, the department shall notify all community boards and persons occupying residential, commercial and industrial premises affected by the [regulations]rules, of the requirements of the [regulations]rules, by [placing advertisements in newspapers of citywide, borough-wide and community circulation,] posting notices containing recycling information in public places where such notices are customarily placed[,] and, in the commissioner's discretion, employing any other means of notification deemed necessary and appropriate.*

b. *The commissioner shall compile relevant recycling, reuse and composting information, including material available on the department's website, to create and make available a guide to the city's residential recycling program. Such guide shall, at a minimum, summarize and explain the laws and rules governing curbside recycling, list the collection locations and collection dates for non-curbside collected recyclable materials such as household hazardous waste and textiles, and provide detailed information and instructions on how to recycle any materials not collected by the department for which non-city or non-department recycling programs exist. Such guide shall be made available to residential building owners, or the net lessees or persons in charge of such buildings, community boards, not-for-profit organizations, public schools, and other relevant agencies and entities, and shall also be made available on the department website. The commissioner shall update the recycling guide biennially, or as necessary, based on changes to recycling laws, rules or other relevant information to be included therein.*

[Within twelve months of the effective date of this chapter, the]c. *The department shall develop and implement an educational program, in conjunction with the [board]department of education, private schools, labor organizations, businesses, neighborhood organizations, community boards, and other interested and affected parties, and using flyers, print and electronic advertising, public events, promotional activities, public service announcements, and such other techniques as the commissioner determines to be useful, to assure the greatest possible level of compliance with the provisions of this chapter. The educational program shall encourage waste reduction, the reuse of materials, the purchase of recyclable products, and participation in city and private recycling activities.*

[c]d. *The department shall perform such research and development activities, in cooperation with other city agencies, and public and private institutions, as the commissioner determines to be helpful in implementing the city's recycling program. Such research shall include, but not be limited to, investigation into the use of cooperative marketing programs, material recovery facilities, recycling as an economic development tool, export promotion, tax credits and exemptions for market promotion.*

§ 5. Section 16-323 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§ 16-323 *[Regulations]Rules submitted to council. [In addition to the requirements of section one thousand forty-three of chapter forty-five of the charter, no regulations promulgated by the commissioner pursuant to this chapter shall be effective until such regulations are submitted to the council and within thirty days of receipt thereof the council has not voted to disapprove such regulations. If the council votes to disapprove the regulations, it shall forward its reasons for such disapproval to the commissioner and the commissioner shall either amend the regulations or withdraw them from consideration. The amended regulations shall not be effective until the commissioner submits them to the council and within thirty days of receipt thereof the council has not voted to disapprove such amended regulations.] Rules adopted by the commissioner pursuant to this chapter shall become effective only after filing and publication as prescribed by chapter forty-five of the charter. In addition, notwithstanding the provisions of chapter forty-five of the charter, prior to adoption by the commissioner of a final rule pursuant to*

subdivision e of section one thousand forty-three of the charter, and after consideration of relevant comments presented pursuant to subdivision d of such section, the commissioner shall submit to the council the text of the final rule proposed to be published in the city record. The council shall have thirty days from the date of such submission to comment upon such text. The final rule may include revisions in response to comments from the council and shall not be published in the city record before the thirty-first day after such submission, unless the speaker of the council authorizes earlier publication.

§ 6. Subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 40 for the year 2006, is amended to read as follows:

a. [Any]Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision [h] f of section 16-308 of this chapter or 16-310.1 of this chapter, or any rule [or regulation] promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board, as follows:

1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation committed on a different day within a period of twelve months, and one hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. [A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation.]

2. For residential buildings containing nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units or a commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. For [a] persistent [violation] violators only, [except where such violation occurs at a building of less than nine dwelling units,] each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the [regulations] rules promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any [further notice] such notices of [violations] violation to a persistent violator [after the fourth violation committed within a period of six months] on a per bag or per container basis, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

[Any person who violates subdivision h of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation within a period of twelve months from the first violation, and two thousand five hundred dollars for the third or subsequent violation within a period of twelve months from the first violation.]

4. There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this section reflects the number of dwelling units in the residential building for which the notice of violation was issued. Where such presumption is rebutted, the number of dwelling units on such notice of violation shall be deemed modified accordingly, and in no event shall such notice of violation be dismissed solely on the ground that the number of dwelling units on the original notice of violation was incorrectly stated.

5. The commissioner or the commissioner's designee shall establish a recycling training program for owners or employees of residential buildings of nine or more dwelling units for which at least three notices of violation for failing to properly source separate designated recyclable material have been issued within a twelve-month period and which the commissioner determines to be in need of recycling training. Such training program shall require the building owner, or an employee who is primarily responsible for waste disposal and/or janitorial services for any such building, to attend a training program established by the commissioner or the commissioner's designee designed to improve recycling practices at such building and a fee may be imposed on any owner or employee who participates in such training program. Such training program may be held in any location designated by the commissioner or the commissioner's designee, including, in order to facilitate tenant participation, at such building.

b. Any person who violates subdivision f of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.

c. Any owner or other person responsible for a publicly accessible textile drop-off bin who violates subdivision b of section 16-310.1 of this chapter shall be liable as follows:

1. In the event that a publicly accessible textile drop-off bin is impermissibly

placed on city property, or property maintained by the city, or on any public sidewalk or roadway, the owner of the publicly accessible textile drop-off bin, if the address of such owner is ascertainable, shall be notified by the department by certified mail, return receipt requested, that such publicly accessible textile drop-off bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner or other responsible person is ascertainable, shall also be affixed to the publicly accessible textile drop-off bin. This notice shall state that if the address of the owner or other responsible person is not ascertainable and notice is not mailed by the department, such publicly accessible textile drop-off bin shall be removed within thirty days from the affixing of such notice. This notice shall also state that the failure to remove the publicly accessible textile drop-off bin within the designated time period will result in the removal and disposal of the publicly accessible textile drop-off bin by the department. This notice shall also state that if the owner or other responsible person objects to removal on the grounds that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner or other responsible person may send written objection to the department at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner or other responsible person is not ascertainable and notice is not mailed by the department, within twenty days from the affixing of such notice, with proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway. Proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified by the record owner of such property.

2. Any owner or other person responsible for an impermissibly placed publicly accessible textile drop-off bin that fails to respond within twenty days of receipt of such notice under paragraph one of this subdivision or otherwise fails to establish that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway pursuant to paragraph one of this subdivision, shall be liable for a civil penalty in the amount of one hundred dollars, recoverable in a proceeding returnable before the environmental control board.

[b]d. Any notice of violation or notice of hearing for a violation issued to the owner [or agent], net lessee or person in charge of a premises at which a violation of this chapter or any [regulation] rule promulgated pursuant thereto is alleged to have occurred shall be served by delivering a copy of the notice [to the owner or agent] thereof at [both] the address maintained in the records of the [department of buildings and] department of housing preservation and development or the department of finance. The notice of violation or notice of hearing may be served by regular mail or in accordance with section one thousand forty-nine-a of the charter.

§ 7. This local law shall take effect one hundred twenty days after enactment.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 147-A:)

**THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007**

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to recycling outreach, education and enforcement; and to repeal subdivisions d and e of section 16-305 and section 16-311 of the administrative code of the city of New York, relating to source separation of recyclable materials and recycling centers.

Given under my hand and seal this 26th day of July, 2010 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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. 148-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the designation of rigid plastic containers as recyclable materials, and to repeal subdivision c of section 16-305 of the administrative code of the city of New York, relating to staggering the source separation and collection of designated recyclable materials.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1265), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 148-A:

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: *This bill will have an impact on expenditures that are unknown at this time and will be tied to future determinations regarding the expansion of recyclable material.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 148-A was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 148-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 148-A:)

Int. No. 148-A

By Council Member Fidler and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Chin, Comrie, Dickens, Dromm, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Sanders, Seabrook, Vann, Rose, Eugene, Jackson, Gennaro, Van Bramer, Levin, White, Williams, Ferreras, Garodnick, Mealy and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to the designation of rigid plastic containers as recyclable

materials, and to repeal subdivision c of section 16-305 of the administrative code of the city of New York, relating to staggering the source separation and collection of designated recyclable materials.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-305 of the administrative code of the city of New York is REPEALED and a new subdivision c is added to read as follows:

c. 1. Prior to commencing delivery of department-managed recyclable materials to the designated recycling processing facility at the South Brooklyn Marine Terminal, the commissioner shall designate as recyclable materials, and require the source separation of, rigid plastic containers.

2. If the commissioner, in his or her discretion, determines that the cost to the city of recycling rigid plastic containers required to be designated as recyclable materials pursuant to paragraph one of this subdivision is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall within ten business days notify and provide documentation to the council of the factors relied upon to make such determination and shall not be required to designate any such rigid plastic containers as recyclable materials.

3. If the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall annually reevaluate the cost to the city of designating such rigid plastic containers as recyclable materials, and shall annually make a new determination as to whether the cost of designating such containers as recyclable materials is reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision and shall report such evaluations to the council as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter. The department shall not promulgate rules designating rigid plastic containers as recyclable materials, and need not conduct outreach or education relating thereto if, pursuant to paragraph two of this subdivision, the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision.

4. Immediately following the promulgation of rules designating rigid plastic containers as recyclable materials, the department shall undertake outreach and education, in cooperation with any other agency or entity designated for that purpose by the commissioner, to inform residents of such new designation and to provide instruction on compliance with the requirements of this subdivision and the rules promulgated pursuant thereto.

§2. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 156-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to recycling by city agencies.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1294), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 156-A:

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 156 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 156-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 156-A:)

Int. No. 156-A

By Council Member James and The Speaker (Council Member Quinn) and Council Members Barron, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, Koppell, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Rose, Vann, Williams, Crowley, Eugene, Jackson, Gennaro, Van Bramer, Levin, Koslowitz, White, Ferreras, Garodnick, Mealy, Reyna and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to recycling by city agencies.

Be it enacted by the Council as follows:

Section 1. Section 16-307 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-307 City agency waste. *a.* The commissioner shall, within six months of the effective date of this chapter, adopt, amend and implement [regulations requiring] rules, as necessary, governing the source separation or post-collection separation, collection, processing, marketing, and sale of designated recyclable materials including, but not limited to, designated metal, glass, plastic and paper generated by [city mayoral and non-mayoral agencies, including the council and the board of estimate] any agency, as such term is defined in section 1-112 of the code.

b. Every agency shall, no later than July first, two thousand eleven, prepare and submit to the commissioner for approval, a waste prevention, reuse and recycling plan. Such plan shall provide for the source separation of designated metal, glass, plastic and paper, and such other designated recyclable materials as the commissioner deems appropriate, in all offices and buildings occupied by agencies that receive collection service from the department and, to the extent practicable, in those that receive private carter collection. Such plans shall provide for the source separation of designated recyclable materials in the lobbies of such offices or buildings that receive department collection, unless the placement of bins for the source separation of designated recyclable materials would be in violation of any other provision of law, and, to the extent practicable, in the lobbies of such offices or buildings that receive private carter collection. Each agency shall designate a lead recycling or sustainability coordinator to oversee implementation of such plans. If an agency has offices in more than one city-owned building, then such agency shall designate one assistant coordinator for each building in which such agency has offices, except the building in which the lead coordinator has his or her office, to assist the agency's lead coordinator.

c. On or before July first, two thousand twelve and annually thereafter, every lead recycling or sustainability coordinator shall submit a report to the head of his or her respective agency and to the commissioner, summarizing actions taken to implement the waste prevention, reuse and recycling plan for the previous twelve-month reporting period, proposed actions to be taken to implement such plan, and updates or changes to any information included in such plan. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§2. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 157-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to yard waste.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1299), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 157-A:

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill may have an impact on expenditures beginning in FY 2013, the amount of which cannot be determined at this time. There will be a cost to implement the requirements of this legislation as well as a savings from reduced residential waste tonnage as a result of the removal of yard waste from the residential waste stream.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
Estimate Prepared By: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 157 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 157-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 157-A:)

Int. No. 157-A

By Council Members Koslowitz and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Vann, Crowley, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, White, Recchia, Chin, Williams, Ferreras, Barron, Garodnick, Reyna and Sanders.

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

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subdivisions g and h as amended by local law number 40 for the year 2006, is amended to read as follows:

§16-308 Yard waste. a. [Within eighteen months of the effective date of this chapter, the commissioner shall provide for the source separation, collection and composting of department-collected yard waste, with the exception of yard waste generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other city agency, generated within designated areas of the city in which a substantial amount of yard waste is generated from October 15 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities.

b. Within thirty-six] *Except as provided in subdivision b of this section, within twenty-four* months of the effective date of [this chapter] *the local law that amended this section*, the commissioner shall provide for the source separation, collection and composting of [department-collected] *department-managed* yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from March 1 to July 31 and September 1 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. [The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities. c] *In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the 2006 solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.*

b. [Within eighteen months of the effective date of this chapter, the department of parks and recreation or any other] *Any city agency, or person under contract with a city agency, that generates a substantial amount of yard waste shall, in coordination with the department, provide for the source separation, collection and composting of such yard waste [generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other city agency].* [d. Within eighteen months of the effective date of this chapter, no landfill, incinerator or resource recovery facility owned, operated or used by the department shall accept for final disposal from October 15 to November 30 of each year truckloads primarily composed of yard waste, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

e] *Unless otherwise provided by law, the department shall accept for composting any city agency yard waste source separated for department collection pursuant to this subdivision.*

c. Within [thirty-six] *twenty-four* months of the effective date of *the local law that amended this [chapter] section*, no landfill, waste transfer station, intermodal facility, incinerator or resource recovery facility owned, operated or used by the department shall accept *truckloads of department-managed waste primarily composed of yard waste* for final disposal from March 1 to July 31 and September 1 to November 30 of each year [truckloads primarily composed of yard waste], except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

[f]d. All city agencies responsible for the maintenance of public lands shall to the maximum extent practicable and feasible give preference to the use of compost materials derived from the city's [solid] *yard waste* in all land maintenance activities.

[g]e. Generators of yard waste, except those identified in subdivision [h]f of this section, shall separate, tie, bundle, or place into paper bags[,] or *unlined* rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [b]a of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

[h]f. No person engaged in a business that generates yard waste[,] shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

g. *Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other compostable waste collected and disposed of by weight at such*

composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

h. *No person residing in a district where the department provides residential yard waste composting collection pursuant to subdivision a of this section shall dispose of grass clippings as regular waste for collection by the department during the period of time when the department conducts such composting collection. The department shall conduct outreach and education to inform residents within such districts of the dates when it will conduct yard waste composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.*

§2. Section 16-309 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-309 Christmas trees. [Within eighteen months of the effective date of this chapter, the] *The* commissioner shall [designate areas and within these designated areas] establish and implement a *curbside* collection system for Christmas trees during [the first three] *a minimum of two weeks [of] in* January of each year and provide for the composting or recycling of the Christmas trees the department collects or receives for disposal.

§3. This local law shall take effect one hundred twenty days after enactment except that the commissioner shall take such actions as are necessary for its implementation, including promulgation of rules prior to such effective date.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 158-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to public space recycling and a citywide textile reuse and recycling program, and the repeal and reenactment of section 16-310 of the administrative code of the city of New York, relating to batteries and tires.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1301), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 158-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$200,000	\$200,000	\$200,000
Net	(\$200,000)	(\$200,000)	(\$200,000)

IMPACT ON REVENUES: This bill will bid out the collection program and receive revenues that are undetermined at this time.

IMPACT ON EXPENDITURES: This bill will have an impact on expenditures of \$200,000 in FY 2011 and \$200,000 in FY 2012 and outyears.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 158 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 158-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 158-A:)

Int. No. 158-A

By Council Member Lappin and The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rodriguez, Vann, Williams, Crowley, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, White, Vallone, Jr., Chin, Ferreras, Barron, Garodnick, Mealy and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to public space recycling and a citywide textile reuse and recycling program, and the repeal and reenactment of section 16-310 of the administrative code of the city of New York, relating to batteries and tires.

Be it enacted by the Council as follows:

Section 1. Section 16-310 of the administrative code of the city of New York is REPEALED and a new section 16-310 is added to read as follows:

§16-310 Public space recycling. a. The department shall expand its public space recycling program by increasing the number of public space recycling receptacles for the collection of recyclable materials including, but not limited to, metal, glass, plastic and paper designated as recyclable materials by the commissioner, to a cumulative total of at least five hundred public space recycling receptacles within three years of the effective date of this section, and to a cumulative total of at least one thousand public space recycling receptacles within ten years of the effective date of this section, at public locations in the city, which shall be in or near public parks, transit hubs, or commercial locations with high-pedestrian traffic. As part of such expansion, the department shall place public space recycling receptacles in all business improvement districts that provide public litter basket maintenance. Wherever practicable, public space recycling receptacles placed pursuant to this section shall be placed adjacent to public litter baskets.

b. Notwithstanding the provisions of subdivision a of this section, the department shall not be required to expand the public space recycling program beyond existing or newly-established collection routes that can be efficiently serviced by the department. The commissioner shall have the authority to remove any public space recycling receptacle placed pursuant to this section, provided that the department replaces any such public space recycling receptacle, within thirty days of removal, with additional public space recycling receptacles at the same or in a different location on a one-to-one basis.

c. No person responsible for removing or transporting recyclable materials placed in public space recycling receptacles shall commingle such recyclable materials with non-recyclable materials or otherwise improperly dispose of such recyclable materials.

d. The department shall report the total number of public space recycling receptacles added during the relevant reporting year, and the locations in which they were placed. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

e. The department may enter into sponsorship or partnership agreements with entities such as for-profit and not-for-profit corporations and district management associations established in accordance with section 25-414 of the code to further the goals of this chapter.

§2. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.1 to read as follows:

§16-310.1 Textile reuse and recycling program. a. On or before January first, two thousand eleven, the department shall establish a citywide textile reuse and recycling program that shall, at a minimum, provide for the recovery of textiles by placing department-approved publicly accessible textile drop-off bins at appropriate locations on city property or property maintained by the city and organizing public textile reuse and recycling sites throughout the city that provide convenient drop-off locations for all city residents. In addition, the commissioner shall explore opportunities to work cooperatively with private entities, including, but not limited to, not-for-profit corporations and religious institutions, to promote expanded siting of publicly accessible textile drop-off bins on private property throughout the city. The department shall consider using department personnel and/or facilities in order to implement the provisions of this section.

b. No publicly accessible textile drop-off bin placed pursuant to this section shall be placed on city property or property maintained by the city, or on a public sidewalk or roadway, unless otherwise authorized by the city. No publicly accessible textile drop-off bin shall be placed on private property without the written permission of the property owner or the property owner's authorized agent. The owner or other person responsible for each such bin shall report at least every three months to the department the amount of textiles collected in such bin by weight. Each publicly accessible textile drop-off bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the owner or other person responsible for the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this subdivision.

c. The department shall report by weight the amount of textiles collected in publicly accessible textile drop-off bins located on city property or property maintained by the city, through public textile reuse and recycling sites pursuant to subdivision a of this section and in publicly accessible textile drop-off bins maintained on private property. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§3. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 162-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to household hazardous waste collection.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1313), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 162-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$1,000,000	\$1,000,000
Net	\$0	(\$1,000,000)	(\$1,000,000)

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures in FY 2011, and will have expenditures of \$1,000,000 in FY 2012 and outyears.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 162 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 162-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 162-A:)

Int. No. 162-A

By Council Members Mark-Viverito and The Speaker (Council Member Quinn) and Council Members Brewer, Dickens, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Lappin, Palma, Recchia, Rodriguez, Williams, Foster, Rose, Jackson, Nelson, Gennaro, Van Bramer, Levin, Chin, Barron, Garodnick, Mealy and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to household hazardous waste collection.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.3 to read as follows:

§16-316.3 Household hazardous waste collection. a. No later than July first, two thousand eleven, the commissioner shall establish a citywide program for the diversion of household hazardous waste from department-managed solid waste which shall include, but need not be limited to, at least one annual drop-off collection event at one or more designated sites in each borough.

b. The department shall report annually the total amount of household hazardous waste diverted by the program established pursuant to subdivision a of this section. Such report shall specify each category of material and the amount of such material collected at each collection event or site established pursuant to subdivision a of this section. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

c. The commissioner shall study opportunities to establish additional household hazardous waste collection events and sites, as well opportunities to provide for the collection of household hazardous waste at designated sites on a regular basis. The commissioner shall report on such opportunities to the mayor and the council within two years of the effective date of this section, and annually thereafter, and such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§2. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 164-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to recycling goals, and to repeal section 16-304, subdivisions a and b of section 16-305 and subchapter three of chapter 3 of title 16 of the administrative code of the city of New York, relating to department-disposed of solid waste, department-collected solid waste and a recycling plan.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1326), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 164-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$150,000	\$300,000	\$300,000
Net	(\$150,000)	(\$300,000)	(\$300,000)

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have an impact on expenditures in FY 2011 of \$150,000 and will have an impact of \$300,000 in FY 2012 as well as potential impact in outyears incase of failure to meet the goals set forth in the legislation. The bill would require the appointment of a special advisor who would make recommendations for improvement in the program. These potential costs cannot be determined at this time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
Estimate Prepared By: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 164 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 164-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 164-A:)

Int. No. 164-A

By Council Member Palma and The Speaker (Council Member Quinn) and Council Members Brewer, Dickens, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene, Jackson, Gennaro, Van Bramer, Levin, Koslowitz, Recchia, Chin, Ferreras, Barron, Garodnick, Mealy and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to recycling goals, and to repeal section 16-304, subdivisions a and b of section 16-305 and subchapter three of chapter 3 of title 16 of the administrative code of the city of New York, relating to department-disposed of solid waste, department-collected solid waste and a recycling plan.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The Council finds that, despite the progress that has been made since the enactment of the New York City Recycling Law (Local Law 19 of 1989), there remains a significant amount of recyclable material that could be re-directed from the City's solid waste stream to the recycling stream. The recovery and reuse of such recyclable material will: (1) minimize environmentally unsound solid waste disposal methods; (2) conserve energy and reduce the City's contribution to global warming emissions; (3) reduce the quantity of heavy metals and other harmful substances in the waste stream; (4) reduce the amount of waste materials that must be exported at ever-increasing costs to out-of-state landfills and incinerators; and (5) reduce the costs to the City of handling solid waste.

The Council further finds that according to the Independent Budget Office, the costs per ton for collection and recycling of City solid waste are now similar to the costs per ton for curbside collection and disposal of non-recycled waste. It is projected that within the next five years, the costs to the City of recycling may actually fall below the costs for out-of-state export of City waste, and thereafter City taxpayers will benefit with each ton of waste that is recycled rather than exported for landfilling or incineration.

Additionally, the Council finds that recycling can benefit the City's economy by creating opportunities for new jobs in industries performing activities related to the recycling of City waste, as is exemplified by the Pratt Industries paper recycling plant on Staten Island and the new Sims Group recycling processing facility that is soon to be constructed at the South Brooklyn Marine Terminal in Sunset Park.

The New York State Solid Waste Management Act of 1988 established a hierarchy that identifies preferred waste management practices to reduce the State's dependency on land burial of solid wastes. The hierarchy, in descending order of preference, is waste prevention, reuse and recycling, followed by incineration and, lastly, landfilling. Pursuant to that law, the City has adopted its own 20-year Comprehensive Solid Waste Management Plan, which was most recently approved by the New York State Department of Environmental Conservation in 2006. Among the highlights of the 2006 Plan are commitments to a 20-year contract for the handling of City recyclables and a commitment to use rail and water-based modes of transportation instead of relying on environmentally harmful truck transportation when exporting our waste outside of the City.

The Council finds that while the City has made substantial progress in the implementation of its citywide recycling program since the passage of the New York City Recycling Law, there remain significant additional opportunities to increase recycling in New York City to the benefit of the City's environment and its economy. In the more than 20 years since Local Law 19 was enacted, recycling methods, markets and technologies have evolved, and recycling has become a major global industry. This bill revises the City's residential and institutional recycling programs to reflect changes to recycling systems, while also striving to set the course for continuing improvements to the City's recycling program in the future. The Council also expects this bill to ensure that the Department of Sanitation continues to explore improvements to and the expansion of recycling in New York City in the next decade.

Accordingly, the Council finds that two decades after the passage of the landmark New York City Recycling Law, it is necessary to amend that law to enhance its effectiveness and take advantage of new opportunities to move the City's recycling program into the 21st century.

§2. Section 16-303 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subparagraph viii of paragraph 3 of subdivision n, as amended by local law number 75 for the year 1989, is amended to

read as follows:

§16-303 Definitions. When used in this chapter:

[a. "Buy-back center" means a recycling center that purchases and may otherwise accept recyclable materials from the public for the purpose of recycling such materials.]

[b. "Department-collected solid waste"]

"Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or residential use, but does not include architectural coatings purchased for industrial use or for use in the manufacture of products.

"Compostable waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. Such term may also include disposable plastic food service ware and bags that meet the American Society for the Testing of Materials standard specification for compostable plastics, but shall not include liquids and textiles.

"Department-managed solid waste" means all solid waste that the department and its contractors collect [and], all solid waste that the department receives for free disposal, all solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and all solid waste diverted from collection by the department that is accepted through non-department infrastructure for recycling or reuse and counted towards the department's recycling goals as set forth in subdivision h of section 16-305 of this chapter.

[c. "Department-disposed of solid waste" means all solid waste, including department-collected solid waste, disposed of at a department landfill, incinerator, resource recovery facility or other waste disposal facility owned, operated or used by the department.

d. "Drop-off center" means a recycling center that accepts and may otherwise purchase recyclable materials from the public for the purpose of recycling such materials.

e.] "Household" means a single dwelling or a residential unit within a multiple dwelling, hotel, motel, campsite, ranger station, public or private recreation area, or other residence.

[f.]

"Household and institutional compostable waste" means any compostable waste, excluding yard waste, in or otherwise destined for any waste stream collected by the department.

"Household hazardous waste" means:

1. any household waste that is ignitable, corrosive, reactive or toxic and that, but for its point of generation, would be a hazardous waste under part three hundred seventy-one of title six of the New York code, rules and regulations, as may be amended from time to time, and includes all pesticides, as defined in article thirty-three of the environmental conservation law, and hazardous waste, as defined in section 27-0901 of the environmental conservation law, as such laws may be amended from time to time; and

2. any other household waste that the commissioner determines, by rule, to be hazardous and require special handling.

"Post-collection separation" means the dividing of solid waste into some or all of its component parts after the point of collection.

[g.] "Post-consumer material" means [only] those products generated by a business or a consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling and disposition.

[h.] "Private carter" means any person required to be licensed or permitted pursuant to [subchapter eighteen of chapter two of title twenty] chapter one of title sixteen-A of this code.

[i.]

"Publicly accessible textile drop-off bin" means any enclosed container that allows for members of the public to deposit textiles into such container for reuse or recycling in accordance with the textile reuse and recycling program established by section 16-310.1 of this chapter.

"Recyclable materials" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to, types of metal, glass, paper, plastic, [food waste, tires and] yard waste and any other solid waste required to be recycled or composted pursuant to this chapter, solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and solid waste accepted through non-department infrastructure for recycling or reuse.

[j.] "Recycled" or "recycling" means any process by which recyclable materials are separated, collected, processed, marketed and returned to the economy in the form of raw materials or products.

[k.] "Recycling center" means any facility operated to facilitate the separation, collection, processing or marketing of recyclable materials for reuse or sale.

[l.] "Recycling district" means any borough or smaller geographic area the commissioner deems appropriate for the purpose of implementing this chapter.

[m. "Secondary material" means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

n.]

"Rigid plastic container" means any plastic container having a semi-flexible or

inflexible finite shape or form that is capable of maintaining its shape while holding other products and is designed to hold food, beverages, and consumer household products, including, but not limited to, the following types of containers: plastic bottles, plastic jugs, plastic tubs, plastic trays, plastic cups, plastic buckets, plastic crates and plastic flower pots, and any other rigid plastic material that the commissioner may designate by rule, but not including containers made of polystyrene foam.

"Solid waste" means all putrescible and non-putrescible materials or substances, except as described in paragraph three of this subdivision, that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to, garbage, refuse, industrial and commercial waste, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

1. A material is discarded if it is abandoned by being:

- i. disposed of;
- ii. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
- iii. accumulated, stored, or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.

2. A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

3. The following are not solid waste for the purpose of this chapter:

- i. domestic sewage;
- ii. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except (A) any material that is introduced into such system in order to avoid the provisions of this chapter or the state regulations promulgated to regulate solid waste management facilities pursuant to 6 NYCRR [Part] *part* 360 or (B) *food waste*;

iii. industrial wastewater discharges that are actual point source discharges subject to permits under article seventeen of the environmental conservation law; industrial wastewaters while they are being collected, stored, or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;

iv. irrigation return flows;

v. radioactive materials that are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.;

vi. materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

vii. hazardous waste as defined in section 27-0901 of the environmental conservation law; and

viii. regulated medical waste or other medical waste as described in section 16-120.1 of this title.

[o.] "Source separation" means the dividing of solid waste into some or all of its component parts at the point of generation.

[p.] "Yard waste" means leaves, grass clippings, garden debris, and vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

§3. Section 16-304 of the administrative code of the city of New York is REPEALED.

§4. The section heading of section 16-305 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-305 [Department-collected] *Recycling of department-managed solid waste.*

§5. Subdivisions a and b of section 16-305 of the administrative code of the city of New York are REPEALED and new subdivisions a and b are added to read as follows:

a. 1. *The following recycling percentage goals are established for the recycling of department-managed solid waste:*

i. *by July first, two thousand eleven, sixteen percent of department-managed solid waste;*

ii. *by July first, two thousand thirteen, nineteen percent of department-managed solid waste;*

iii. *by July first, two thousand fourteen, twenty-one percent of department-managed solid waste;*

iv. *by July first, two thousand sixteen, twenty-four percent of department-managed solid waste;*

v. *by July first, two thousand eighteen, twenty-seven percent of department-managed solid waste;*

vi. *by July first, two thousand nineteen, thirty percent of department-managed solid waste; and*

vii. *by July first, two thousand twenty, thirty-three percent of department-managed solid waste.*

2. *In addition, the following recycling goals are established for curbside and containerized waste collected by the department:*

i. *By July first, two thousand eleven, sixteen percent of curbside and containerized waste collected by the department;*

ii. *By July first, two thousand thirteen, eighteen percent of curbside and containerized waste collected by the department;*

iii. *By July first, two thousand fourteen, nineteen percent of curbside and containerized waste collected by the department;*

iv. *By July first, two thousand sixteen, twenty-one percent of curbside and*

containerized waste collected by the department;

v. *By July first, two thousand eighteen, twenty-three percent of curbside and containerized waste collected by the department;*

vi. *By July first, two thousand nineteen, twenty-four percent of curbside and containerized waste collected by the department; and*

vii. *by July first, two thousand twenty, twenty-five percent of curbside and containerized waste collected by the department.*

b. *The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16-308 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.*

§6. Section 16-305 of the administrative code of the city of New York is amended by adding new subdivisions h, i, j and k to read as follows:

h. 1. *In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16-310 of this chapter, and may include yard waste collected pursuant to section 16-308 of this chapter and any other material collected for composting pursuant to this chapter, Christmas trees collected pursuant to section 16-309 of this chapter, clothing and textiles donated or collected pursuant to section 16-310.1 of this chapter, household hazardous waste diverted pursuant to section 16-310.3 of this chapter, rechargeable batteries collected pursuant to chapter four of this title, beverage containers returned within the city pursuant to title ten of article twenty-seven of the environmental conservation law, electronic waste collected within the city or otherwise diverted from the city's waste stream, including such waste collected or diverted pursuant to title twenty-six of article twenty-seven of the environmental conservation law, and plastic bags collected within the city or otherwise diverted from the city's waste stream, including such plastic bags collected or diverted pursuant to title twenty seven of article twenty seven of the environmental conservation law. Only recyclable materials specifically enumerated in this paragraph shall be counted for purposes of calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section.*

2. *In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph two of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16-310 of this chapter.*

3. *In calculating the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section, the department shall not include recycling of abandoned vehicles or recycling from lot cleaning operations, asphalt and mill tailings, construction and demolition debris or other commercial recycling programs. The commissioner shall not designate any such materials as recyclable materials under this section for purposes of calculating the extent to which the department has met such recycling percentage goals.*

4. *In calculating the percent of the department-managed solid waste stream recycled in connection with the percentage goals set forth in paragraph one of subdivision a of this section, the department shall ensure that any quantity of material counted as recycled must be fully included in the calculation of the city's total department-managed solid waste stream.*

5. *All data used to make calculations pursuant to paragraphs one and two of this subdivision shall be made available on the department's website in raw form disaggregated by material type and using a non-proprietary format on a monthly basis, or, if such data is not generated by the department, within one month from the date that the department receives reports of such information.*

i. *In the event that the department does not meet any recycling percentage goal set forth in paragraphs one or two of subdivision a of this section by the dates specified therein, the department shall, within sixty days of the date for meeting such goal, expand recycling outreach and education and shall take such other appropriate measures including, but not limited to, directing such outreach and education to the neighborhoods and community districts in which recycling diversion rates fall below the median city recycling diversion rate and consulting with the council to explore additional measures to meet the recycling percentage goals set forth in such subdivision. In expanding recycling outreach and education, the department may work with other agencies or entities designated for that purpose by the commissioner.*

j. *In the event that the department is unable to achieve two consecutive recycling percentage goals set forth in paragraphs one and two of subdivision a of this section by the dates specified therein, in addition to the requirements of subdivision i of this section, the commissioner shall retain a special advisor, who shall be selected by the mayor and the speaker, provided that the commissioner need not retain such special advisor more than once every three years. Within one hundred twenty days of such retention, such advisor shall submit a report to the mayor and council recommending additional measures that may be taken by the city following such report in order to meet such recycling percentage goals.*

k. 1. *Beginning on March first, two thousand eleven and annually thereafter, the department shall submit to the mayor and the council and make available on its website, an annual department recycling report which shall include provisions addressing: the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section and*

including a description of the methodology used to arrive at its recycling percentages; city agency recycling pursuant to section 16-307 of this chapter; department of education recycling pursuant to section 16-307.1 of this chapter; yard waste composting pursuant to section 16-308 of this chapter; Christmas tree composting or recycling pursuant to section 16-309 of this chapter; the public space recycling program pursuant to section 16-310 of this chapter; the clothing and textiles collection program pursuant to section 16-310.1 of this chapter; household hazardous waste collected pursuant to section 16-310.3 of this chapter or otherwise collected by the department; and any composting capacity determinations or food waste composting pilot programs pursuant to section 16-316.2 of this chapter.

2. Beginning the year that the department commences delivering department-managed recyclable materials to a designated recycling processing facility, the department shall annually report to the council the cost to the city of designating as recyclable materials any rigid plastic containers not previously designated by the commissioner pursuant to subdivision c of this section, and the then-current market value of any such materials.

§7. Sections 16-312, 16-313 and 16-314 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

§16-312 Processing recyclable materials. The commissioner shall establish procedures and standards for processing recyclable materials *designated pursuant to section 16-305 of this chapter* in city owned or operated recycling centers, city owned or operated transfer stations or any city owned or operated facility that renders recyclable materials suitable for reuse or marketing and sale. The commissioner shall *annually* review [the]such procedures and standards [at least annually] and make any changes necessary to conform to the requirements of the marketplace.

§16-313 Marketing recyclable materials. [a.] The department shall establish procedures, standards and strategies to market the [department-collected] recyclable materials designated pursuant to section 16-305 of this chapter, including, but not limited to, maintaining a list of prospective buyers, establishing contact with prospective buyers, entering into contracts with buyers, and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

[b. Within eighteen months of the effective date of this chapter, the commissioner in conjunction with the office for economic development shall submit to the mayor, the council, the board of estimate, each citizens' board created under section 16-317 of this chapter and the citywide board created under section 16-319 of this chapter a study of existing markets for processing and purchasing recyclable materials, and the potential and the steps necessary to expand these markets. Such study shall also include a proposal developed in conjunction with the department of finance to use, where feasible, the city's tax and finance authority to stimulate recycling and the demand for recycled materials.]

§16-314 Recycling program revisions. [a.] The commissioner shall annually review the recycling program and all rules [and regulations] promulgated [therefor] *thereunder*, and shall make the necessary revisions to improve the efficiency of collecting, processing, marketing and selling the materials recycled pursuant to this chapter. These revisions may include designating additional recyclable materials. The commissioner shall not delete designated materials without designating additional materials so that the total quantity, by weight, of all designated recyclable materials collected, processed, marketed and sold does not decrease. [b. By the end of the fifth year following the enactment date of this chapter, the commissioner shall designate two additional recyclable materials contained in residential or commercial solid waste and provide for the recycling of these materials in accordance with the provisions of this chapter.] *Where the commissioner determines that it is appropriate to delete a designated material, the department shall provide notice of such deletion to the mayor and the council, including the reason for such deletion, and shall provide any relevant data supporting such decision.*

§8. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is REPEALED and a new subchapter 3 is added to read as follows:

Subchapter 3 - Recycling Studies

16-316 - Recycling and composting economic development study

16-316.1 - Waste Characterization Study

§16-316 Recycling and composting economic development study. *Within two years of the effective date of this section, the department, in conjunction with the mayor's office of long-term planning and sustainability and the New York city economic development corporation, shall perform a study on the economics of recycling and composting and the development of recycling and composting-related industries in the city of New York. Such study shall: (i) assess the New York city recycling market including but not limited to a growth forecast for recycling markets and related industries for the next five years; (ii) describe those industries or businesses that would address shortcomings in the city's recycling and composting infrastructure and areas where opportunities for recycling and composting-related job growth in the city appear practical, describing barriers to recycling and composting businesses, and outlining financial and other incentives that might be successful in attracting new recycling and composting-related businesses or encouraging the expansion of existing recycling and composting-related businesses; (iii) examine existing markets for processing and purchasing recyclable materials and the potential and steps necessary to expand these markets; and (iv) look at the city's taxation and finance authority to stimulate recycling and the demand for recycled materials. Sections of such study may be shared with or derived from the composting report required pursuant to section 16-316.2 of this subchapter.*

§16-316.1 Waste characterization study. a. The commissioner shall complete follow-up studies to the studies performed in two thousand five regarding the

characteristics of the city's residential and institutional waste streams for department-managed solid waste on or before January thirty-first, two thousand twelve, and on or before January thirty-first, two thousand eighteen. The results of each such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of their completion.

b. On or before January thirty-first, two thousand twenty-four, the commissioner shall complete a detailed, comprehensive citywide multi-season study of the city's residential and institutional waste streams for the purpose of determining the composition of the waste stream characterized by type of material. The results of such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of its completion.

§9. Sections 16-318 and 16-319 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

§16-318 Functions of the citizens' board. a. The department shall submit to each borough president the [recycling plans prepared pursuant to section 16-316 of this chapter] *portion of the biennial report addressing the city's recycling program that is prepared pursuant to the city's two thousand six solid waste management plan*, simultaneous with [their] *the submission of such report* to the mayor and the council. Each borough president shall distribute copies of [the plans] *such portion* to each member of the citizens' board in his or her borough. Within ninety days thereafter, each citizens' board shall review [the plans] *such portion*, conduct a public hearing on [the plans] *such portion* and make written recommendations to its borough president, the department and the council with respect to the recycling program within its borough. Each citizens' board shall also annually advise its borough president and the department with respect to the development, promotion and operation of the recycling program in its borough and pursuant to this function shall formulate and recommend:

1. annual recycling [and reduction] goals equal to or greater than those set forth in [sections 16-304 and] *section 16-305* of this chapter and the methods proposed to achieve such goals;

2. means to encourage community participation in the recycling program; and

3. means to promote the recycling program and educate the public with regard to the program.

b. In each borough, the citizens' board shall assume all the responsibilities and functions of the borough's citizens' advisory committee on resource recovery.

§16-319 Citywide recycling advisory board; membership. [Within nine months of the effective date of this chapter,] *There shall be a citywide recycling advisory board (the "citywide board") [shall be formed,] consisting of at least one representative from each citizens' board, five members appointed by the council, and five members appointed by the mayor. The membership of the citywide board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, real property owners, tenant organizations and members of the general public. Members shall serve for a term of one year without compensation and shall designate one member to serve as chairperson and one as vice-chairperson.*

§10. Subdivision a of section 16-321 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

a. Whenever a person, other than a public servant, appointed to any advisory board created pursuant to this subchapter, engages in any business dealings with the department, or engages in business dealings with any other agency [which] *that* relate to processing or disposal of solid waste or of waste described in paragraph three of [subdivision m of] *the definition of solid waste* in section 16-303 of this chapter or to recycling, or has an interest in a firm [which] *that* is engaged in such business dealings with the department or with such other agency, such person shall, prior to appointment, disclose the nature of such business dealings to the commissioner and to the body or officer appointing such person, and, after appointment, disclose the nature of such business dealings to the commissioner and to all other members of such board; provided that such person need not disclose the amount of such business dealings.

§11. Paragraph 2 of subdivision b of section 16-321 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

2. "Agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the [board] *department* of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development corporation and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

§12. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 165-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to recycling in public and private schools.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1337), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 165-A:

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 165 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 165-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 165-A:)

Int. No. 165-A

By The Public Advocate (Mr. de Blasio) and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Palma, Rodriguez, Vann, Williams, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, Recchia, Chin, Ferreras, Garodnick, Mealy and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to recycling in public and private schools.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.1 to read as follows:

§16-307.1 School recycling. a. The chancellor of the department of education shall designate a sustainability director for the department of education, who shall be responsible for (i) setting policies, guidelines and goals to promote waste prevention, reuse and recycling practices, and (ii) coordinating the department of education's waste prevention, reuse and recycling program in all school buildings, charter school locations, office buildings, and any other facilities under the jurisdiction of the department of education that receive department collection service.

b. The chancellor of the department of education shall promulgate such rules as may be necessary to require that each school building, charter school location, office building, and any other facility under the jurisdiction of the department of education that receives department collection service, develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each classroom maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school entrances, unless the placement of such bins would be in violation of any other provision of law, and in locations within schools where food and beverages are routinely consumed.

c. The principal of each school under the jurisdiction of the department of education shall designate a sustainability coordinator for his or her school who shall be responsible for implementing his or her school's waste prevention, reuse and recycling plan. The principal or the sustainability coordinator shall complete, and submit to the department of education sustainability director and to the chancellor, an annual survey regarding such school's compliance with its waste prevention, reuse and recycling plan.

d. On or before January first, two thousand twelve, the chancellor shall submit a report to the commissioner regarding compliance with the requirements of this section for the period of January first, two thousand eleven through June thirtieth, two thousand eleven, and shall submit an annual compliance report by January first of each year thereafter for the preceding July first through June thirtieth. The department shall include the chancellor's report as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

e. The department shall distribute a model school waste prevention, reuse and recycling plan to all primary and secondary schools not under the jurisdiction of the department of education that receive department collection service. All such primary and secondary schools shall designate a sustainability coordinator for each such school, and develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each room used primarily as a classroom for students between kindergarten and the twelfth grade maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school entrances, unless the placement of such bins would be in violation of any other provision of law. Such bins shall also be placed in centralized locations within such schools where food and beverages are routinely consumed, other than classrooms, such as cafeterias and lunchrooms, or, if such school lacks a cafeteria or lunchroom, in a location readily accessible to all students in such school.

§2. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

Report for Int. No. 171-A

Report of the Committee on Sanitation & Solid Waste Management in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the composting of food waste.

The Committee on Sanitation & Solid Waste Management, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1348), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed above in these Minutes).

The following is from the text of the Fiscal Impact Statement for Int. No. 171-A:

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$150,000	\$0
Net	\$0	(\$150,000)	\$0

IMPACT ON REVENUES: It is estimated there will be no impact on revenues resulting in enactment of this local law.

IMPACT ON EXPENDITURES: Because this is only a study, the impact of this legislation will be \$150,000 in FY 2012 only.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Michael Strasburg, Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 171-A was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On April 26, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On July 29, 2010, the full Council will vote on Proposed Intro. 171-A

DATE SUBMITTED TO COUNCIL: April 14, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 171-A:)

Int. No. 171-A

By Council Members Rose and The Speaker (Council Member Quinn) and Council Members Brewer, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Williams, Jackson, Gennaro, Van Bramer, Levin, Recchia, Ferreras, Barron, Garodnick and Reyna.

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

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.2 to read as follows:

§16-316.2. *Food waste composting study. The department, in conjunction with the mayor's office of long-term planning and sustainability, shall issue a report by July first, two thousand twelve recommending methods to expand the diversion of compostable waste from the city's waste stream. In preparing such report, the department or the office of long-term planning and sustainability shall (1) study the viability of a curbside collection program for household and institutional compostable waste including, but not limited to, cost considerations and any concerns regarding siting composting facilities to conduct such a curbside collection program; (2) identify existing private and public facilities within three hundred miles of the city that accept compostable waste for composting and determine the available capacity at and cost to deliver compostable waste to such facilities and any siting considerations concerning such facilities; (3) review capacity at putrescible solid waste transfer stations permitted by the city, and putrescible solid waste transfer stations within sixty miles of the city, and determine whether any such transfer stations are capable of accepting source-separated compostable waste for consolidation and transportation, the cost to deliver source-separated compostable waste to such facilities and any siting considerations concerning such facilities; (4) explore opportunities to expand the currently available capacity to compost compostable waste at existing sites within the city or, in conjunction with the study required by section 16-316 of this chapter, explore opportunities to develop one or more new facilities within the city or within sixty miles of the city for the composting of compostable waste, including, but not limited to, opportunities to work with one or more entities to develop such facilities and any siting considerations concerning*

such a facility; (5) compile a comprehensive list of sites around the city including, but not limited to, city botanical gardens and greenmarkets, that accept household and institutional compostable waste on a voluntary basis, and recommend methods to encourage and expand options for voluntary composting; and (6) provide a plan to study the viability of instituting a food waste composting program for the residential or commercial waste stream, to be completed within two years of the issuance of such report.

§2. This local law shall take effect on the earlier of (i) ninety days after enactment or (ii) on the same date as a local law for the year 2010 amending the administrative code of the city of New York relating to recycling goals, as proposed in introductory number 164, or as such introductory number may be amended.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

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

Report for Res. No. 367

Report of the Committee on Sanitation & Solid Waste Management in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A.

The Committee on Sanitation & Solid Waste Management, to which the annexed resolution was referred on July 29, 2010, respectfully

REPORTS:

(For text of report, please see the related Report of the Committee on Sanitation and Solid Waste Management for Int No. 141-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 367:)

Res. No. 367

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A.

By Council Members James, Reyna and Williams.

Whereas, The enactment of Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A is each an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Mayor's Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for these bills, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the

relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and
- (2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

ATTACHMENT:

NYC City Environmental Quality Review ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. Does Action Exceed Any Type I Threshold In 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?
 Yes No
 If yes, STOP, and complete the FULL EAS

2. Project Name: Amendments to the New York City Recycling Law

3. Reference Numbers
 CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency): 11-CCO-002Y
 BSA REFERENCE NUMBER (If Applicable):
 ULURP REFERENCE NUMBER (If Applicable):
 OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc): Intros 141-A, 142-A, 147-A, 148-A, 159-A, 157-A, 158-A, 162-A, 164-A, 165-A, 171-A

4a. Lead Agency Information
 NAME OF LEAD AGENCY: City Council and Office of the Mayor (Co-Lead Agencies)
 NAME OF LEAD AGENCY CONTACT PERSON: Jeffrey Haberman, Esq.; Robert Kulikowski, Ph.D.
 ADDRESS: City Hall; 253 Broadway, 14th floor
 CITY: New York STATE: NY ZIP: 10007
 TELEPHONE: (212) 788-8122/2937 FAX:
 EMAIL ADDRESS: jhaberman@council.nyc.gov

4b. Applicant Information
 NAME OF APPLICANT: NA
 NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON:
 ADDRESS:
 CITY: STATE: ZIP:
 TELEPHONE: FAX:
 EMAIL ADDRESS: rkulikowski@cityhall.nyc.gov

5. Project Description:
 The proposed action involves eleven bills amending the New York City Recycling Law (Local Law 19 of 1989). Please see attachment Supplement to Environmental Assessment Form.

6a. Project Location: Single Site (for a project at a single site, complete all the information below)
 ADDRESS: NA NEIGHBORHOOD NAME:
 TAX BLOCK AND LOT: BOROUGH: COMMUNITY DISTRICT:
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS:
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: ZONING SECTIONAL MAP NO.:

6b. Project Location: Multiple Sites (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)
 Entire City of New York - Amendments to the City Administrative Code. Generic Action involves potential changes in residential recycling practices and DSNY collection citywide.

7. REQUIRED ACTIONS OR APPROVALS (check all that apply)

City Planning Commission: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <input type="checkbox"/> CITY MAP AMENDMENT <input type="checkbox"/> ZONING CERTIFICATION <input type="checkbox"/> ZONING MAP AMENDMENT <input type="checkbox"/> ZONING AUTHORIZATION <input type="checkbox"/> ZONING TEXT AMENDMENT <input type="checkbox"/> HOUSING PLAN & PROJECT <input type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP) <input type="checkbox"/> SITE SELECTION — PUBLIC FACILITY <input type="checkbox"/> CONCESSION <input type="checkbox"/> FRANCHISE <input type="checkbox"/> UDAAP <input type="checkbox"/> DISPOSITION — REAL PROPERTY <input type="checkbox"/> REVOCABLE CONSENT ZONING SPECIAL PERMIT, SPECIFY TYPE: <input type="checkbox"/> MODIFICATION OF <input type="checkbox"/> RENEWAL OF <input type="checkbox"/> OTHER	Board of Standards and Appeals: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <input type="checkbox"/> SPECIAL PERMIT EXPIRATION DATE MONTH DAY YEAR <input type="checkbox"/> VARIANCE (USE) <input type="checkbox"/> VARIANCE (BULK) SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION
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Department of Environmental Protection: YES NO IF YES, IDENTIFY:

Other City Approvals: YES NO

<input checked="" type="checkbox"/> LEGISLATION	<input checked="" type="checkbox"/> RULEMAKING
<input type="checkbox"/> FUNDING OF CONSTRUCTION, SPECIFY:	<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES
<input type="checkbox"/> POLICY OR PLAN, SPECIFY:	<input type="checkbox"/> FUNDING OF PROGRAMS, SPECIFY:
<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)	<input type="checkbox"/> PERMITS, SPECIFY:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> OTHER, EXPLAIN
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) (not subject to CEQR)	

State or Federal Actions/Approvals/Funding: YES NO IF YES, IDENTIFY:

8. Site Description: Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.
GRAPHICS The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5x11 inches for submission.
 Site location map Zoning map Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
 Sanborn or other land use map Tax map For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING (both developed and undeveloped areas)
 Total directly affected area (sq. ft.):
 NA - Generic Type of Waterbody and surface area (sq. ft.): Roads, building and other paved surfaces (sq. ft.)
 Other, describe (sq. ft.):

9. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development below facilitated by the action)
 Size of project to be developed: NA (gross sq. ft.)
 Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "Yes," identify the total square feet owned or controlled by the applicant: Total square feet of non-applicant owned development:
 Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES NO
 If "Yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
 Area: sq. ft. (width x length) Volume: cubic feet (width x length x depth)

DESCRIPTION OF PROPOSED USES (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	NA	NA	NA	NA
Type (e.g. retail, office, school)	NA	units	NA	NA

Does the proposed project increase the population of residents and/or on-site workers? YES NO Number of additional residents? Number of additional workers?
 Provide a brief explanation of how these numbers were determined:
 Does the project create new open space? YES NO If Yes (sq. ft.)
 Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: see attachment A (pounds per week)
 Using energy modeling or Table 15-1, estimate the project's projected energy use: NA (annual BTUs)
 Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO If "Yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly.

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10. Analysis Year: CEQR Technical Manual Chapter 2
 ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2010 ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: NA
 WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY PHASES:
 BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: NA

11. What is the Predominant Land Use in Vicinity of Project? (Check all that apply)
 RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, Describe: project is Generic

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.
 • If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
 • If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
 • Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
 • The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
1. LAND USE, ZONING AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes," complete a preliminary assessment and attach.		<input checked="" type="checkbox"/>
(b) Is the project a large, publicly sponsored project? If "Yes," complete a PlaNYC assessment and attach.		<input checked="" type="checkbox"/>
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes," complete the Consistency Assessment Form.	<input checked="" type="checkbox"/>	
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		<input checked="" type="checkbox"/>
• Generate a net increase of 200,000 or more square feet of commercial space?		<input checked="" type="checkbox"/>
• Directly displace more than 500 residents?		<input checked="" type="checkbox"/>
• Directly displace more than 100 employees?		<input checked="" type="checkbox"/>
• Affect conditions in a specific industry?		<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Does the proposed project exceed any of the thresholds outlined in Table 6-1 of Chapter 6?		<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?		<input checked="" type="checkbox"/>
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents? If "Yes," would the proposed project generate 125 or more additional employees?	<input checked="" type="checkbox"/>	
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents? If "Yes," would the proposed project generate 750 or more additional employees?	<input checked="" type="checkbox"/>	
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate 200 or more additional residents? 500 additional employees?	<input checked="" type="checkbox"/>	

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2010 Amendments to NYC Recycling Law

Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.

Issue **Conditional Negative Declaration**

A **Conditional Negative Declaration (CND)** may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR 617.

Issue **Positive Declaration** and proceed to a draft scope of work for the Environmental Impact Statement.

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a **Positive Declaration**.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the [City Council & the Mayor's Office] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [Co-Lead Agencies have] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

- would be consistent with the City's Solid Waste Management Plan's emphasis on waste reduction, reuse and recycling, would improve the city's recycling programs and would have no significant adverse impacts on solid waste and sanitation services. It would also be consistent with New York State's hierarchy for solid waste management, which favors recycling. The proposed action is expected to decrease the amount of refuse generated in New York City for disposal while increasing the amount of composting and recyclable material.
- collection events for household hazardous waste would not result in a significant impact from hazardous materials as they would promote the safe collection, reuse, recycling, processing, transport, and disposal of such materials. The action would have no significant adverse impacts on the City's natural resources.
- would have city-wide application and thus include those areas within the designated coastal zone. As a result a Waterfront Revitalization Program consistency assessment form was completed. The project was found to be consistent with the policies of the Program.
- would not lead to a significant increase in truck traffic on the city's roadways. As a result of the proposed amendments to the recycling law, additional recycling bins would require servicing, offset by reduced need for refuse collections. See also Supplement to EAS.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

Deputy Director Infrastructure Div, Assistant to the Mayor	City Council and Office of the Mayor (Co-Lead Agencies)
TITLE	LEAD AGENCY
Jeffrey Haberman, Esq.; Robert Kulkowski, Ph.D.	<i>[Signature]</i> 7/28/10
NAME	<i>[Signature]</i> 7/28/2010

To help guide the siting and development of new solid waste management facilities with appropriate and sufficient capacity, the SWMA's implementing regulations required municipalities to prepare solid waste management plans, based in part on a comprehensive analysis of local waste stream recycling potential, and to establish recycling programs where economic markets for recyclables exist, taking into account collection costs and avoided disposal costs.³ New York City went further and replaced its voluntary recycling program with the mandatory Recycling Law in 1989 (Local Law 19/1989, or the "Recycling Law"), which was to be an integral part of the City's Solid Waste Management Plan then under development.

Purpose of NYC Recycling Law

The Recycling Law included a declaration of policy: "to reduce environmental pollution and dangers to health, to decrease the demand for scarce landfill space, to minimize the size and cost of the proposed resource recovery program, and to encourage the conservation of valuable natural resources and energy" and "to promote the recovery of materials from the New York city waste stream for the purpose of recycling such materials and returning them to the economy." Administrative Code §16-302.

The Recycling Law required residences as well as commercial establishments to separate out from their trash and set aside for recycling collection certain items designated by DSNY. Residential and institutional recycling by DSNY began in NYC on a district-by-district and, in some cases, material-by-material basis. The Recycling Law contained specific recycling tonnages mandates that DSNY was expected to collect on an annual average daily basis. (A court eventually held that the recycling mandates from the 1989 law were not achievable.) By September 1993, DSNY had implemented the program citywide for recycling which included newspapers, magazines, corrugated cardboard, telephone books, metal cans, aluminum foil and containers, glass jars, and plastic bottles and jugs. DSNY expanded the program between 1995 and late 1997 by adding to the list of recyclables three categories: smooth cardboard, paper bags, paperback books, wrapping paper, and mail (referred to as Mixed Paper); Household Metal, including both small and bulky items; and Beverage Cartons, which are collected with the metal, glass and plastic. From March 1999 to April 2000, DSNY phased in an increase in collection frequency, creating the weekly collection of recyclables throughout the five boroughs that continues today. DSNY collects most of the material at curbside with trucks dedicated to specific recycling collection routes. At some apartment complexes and institutions, DSNY collects the material in mechanized trucks from large containers.

³NY GML 120-aa provides that municipalities must "adopt a local law or ordinance to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility, shall be separated into recyclable, reusable or other components for which economic markets for alternative uses exist." The law defines an "economic market" to exist when "the full avoided costs of proper collection, transportation and disposal of source-separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said material."

2010 Amendments to NYC Recycling Law

Supplement to Environmental Assessment Form

1. Introduction and Overview

After more than 20 years of experience with New York City's Recycling Law since it was mandated by Local Law 19 of 1989 (LL19/1989), the City Council is proposing legislation to modify aspects of the City's recycling program and to require studies to be conducted that could help inform further modifications. This package of eleven bills and related rulemaking is referred to here as "2010 Amendments to the NYC Recycling Law", or "the Proposed Action." Pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 New York Codes, Rules and Regulations (NYCRR) §617), and the City Environmental Quality Review (CEQR) procedures, the City Council and the Mayor's Office are Co-Lead Agencies for the purposes of conducting the environmental review of the Proposed Action. Following a discussion of the background and current state of the City's recycling program, the individual bills are summarized below, together with a discussion of the purpose for each of the bills. Next, the environmental impacts of the proposed legislation are considered where applicable, as per SEQRA/CEQR regulations and the guidance provided in the 2010 City Environmental Quality Review Technical Manual (*CEQR Manual*).

Summary Conclusion: This review supports the conclusion that the Proposed Action does not have the potential to result in any significant adverse impact to the environment.

2. Background: City's Current Recycling Program: Origins, Purpose and Current Status

By the 1980's, it was becoming increasingly clear that traditional ways of managing solid waste by simple burial in dumps and poorly controlled incineration to reduce waste disposal volumes were insufficient to protect public health and the environment, leading to unacceptable contamination of air, soil and groundwater. As part of a nationwide effort to take a more sustainable approach to managing municipal solid waste that would conserve resources and minimize environmental impacts from improper waste disposal, New York State in 1988 passed the Solid Waste Management Act (SWMA) codified at New York State Environmental Conservation Law §27-0107 and at General Municipal Law §120-aa. The New York State Department of Environmental Conservation (NYSDEC) promulgated comprehensive regulations to carry out the SWMA.¹ The SWMA set forth the State's preferred hierarchy for solid waste management strategies. Waste reduction was put at the top of the preferred list, followed in order by, respectively, reuse and recycling, recovery of energy (for example, by incineration with steam generation), and landfilling.²

¹ Title 6 of the New York Codes Rules and Regulations Part 360 *et seq.*
² The State Solid Waste Management Policy establishes the following solid waste management priorities:
 "(a) first, to reduce the amount of solid waste generated;
 (b) second, to reuse material for the purpose for which it was originally intended or to recycle material that cannot be reused;
 (c) third, to recover, in an environmentally acceptable manner, energy from solid waste that can not be economically and technically reused or recycled; and
 (d) fourth, to dispose of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by the department." NYS Environmental Conservation Law §27-0106.1

Recycling Program Today

The City has a new Solid Waste Management Plan (SWMP), which was approved by the City Council and NYSDEC in 2006. Recycling and waste reduction continue to be key components of the City's integrated solid waste management system. Items currently designated by regulation for mandatory source-separation and weekly recycling collection by residences and institutions are: newspapers, magazines, corrugated cardboard, high grade office paper, catalogs, phone books, and mixed paper (collectively referred to as designated recyclables "Paper"); and metal cans, metal items, aluminum foil, aluminum foil products, glass containers, plastic bottles and jugs (mainly high density polyethylene "HDPE" and polyethylene terephthalate, "PET"); and beverage cartons, collectively referred to as designated recyclable metal, glass and plastic, or "MGP".⁴ The Paper and MGP recycling items together are referred to in this document as Recyclables. The DSNY's Bureau of Waste Reduction, Reuse and Recycling coordinates DSNY's various planning and outreach efforts in this area, while the Bureau of Cleaning and Collection implements DSNY's curbside and containerized recycling collections utilizing dedicated recycling trucks and takes the Recyclables to processing facilities for further sorting and marketing.

Private contractors process the recyclable material collected from residences. The processors have a contractual obligation to resell the processed material for re-manufacturing or other reuse.

DSNY collects leaves and yard waste seasonally for composting at one City facility, mulches Christmas trees, recovers chlorofluorocarbon (CFC) refrigerant from discarded refrigerators and other appliances, manages weekly "Special Waste" drop-off sites for residents in each borough for recycling certain hazardous or problem household waste items⁵, and assists with other City agency recycling efforts such as food waste composting at Riker's Island under the Department of Corrections. DSNY also oversees other various waste reduction and reuse efforts, detailed in the City's new SWMP.

Composition of the DSNY-managed Curbside Waste Stream

A Waste Characterization Study conducted for DSNY during 2004-05 found that approximately 35% of what DSNY collects from the curbside — refuse plus recyclables — consists of materials that are currently designated for recycling. A summary table of the Waste Characterization findings appears as an Attachment to this document. The Waste Characterization Study is available on DSNY's website.

Recycling Capture Rates

Based on the Waste Characterization Study, if 100% of the designated recyclables were separated out correctly, the City would achieve the theoretical maximum 35% recycling rate for curbside waste, as the figures are currently calculated. New Yorkers put about half of their

⁴ 16 RCNY §1-18(a)
⁵ Items accepted are motor oil and oil filters, latex paint, fluorescent tubes, mercury thermostats, automotive batteries and household batteries, transmission fluid, and passenger car tires.

2010 Amendments to NYC Recycling Law

designated recyclables out for pickup on average, yielding an actual curbside recycling "diversion" rate that fluctuated between 16% and 18% at the time of the Study, and was about 16% in FY2010. The "capture rate" for this designated recyclable stream – the proportion that is actually separated for recycling – was estimated to be 50.8% overall. This capture rate compares favorably with other large cities in the United States. The capture rate for designated paper was 47.5% and for MGP 56.6%.

These recycling figures exclude certain other recycling activity within the City, such as the private redemption of beverage containers for deposits pursuant to the New York State Bottle Bill (yielding an estimated 1.4 billion containers in the City in 2001), plastic bags returned to retail sites pursuant to the State's Plastic Bag law, electronic waste sent back by consumers directly to manufacturers or collected pursuant to the State's new electronic waste collection mandate for manufacturers, rechargeable batteries returned for collection at retail sites pursuant to local law, and textiles donated to Goodwill Industries and similar charities not under City control. The figures also exclude recycling by the commercial sector.

Commercial Recycling

The Recycling Law requires recycling of certain designated materials in private-carter collected waste. Source-separation is required for certain items that the DSNY Commissioner has declared to have economic markets, i.e., where the net cost of collecting and selling the separated materials is less than the cost of managing it as ordinary waste for disposal.⁶ The following items are the minimum designated Recyclables for private-carter-collected waste: high grade office paper, newspaper, magazines, catalogs, phone books and corrugated cardboard, metal components of bulk waste, construction waste (excluding plaster, wall coverings, drywall, roofing shingles, wood and lumber, and glass window panes); and textiles generated by establishments whose solid waste is routinely comprised of at least 10% textiles. Food and beverage establishments must recycle glass or metal containers, bottles and jugs of PET and HDPE (#1 and #2, but not trays or tubs of #1 and #2 plastics), aluminum foil and foil products, cardboard, metal components of bulk waste, and construction waste, with the same exclusions as noted above, and must undertake certain source-separation to do so. Generators of private-carter-collected waste must source-separate the paper, cardboard, textiles and metal components of bulk waste from the construction waste.⁷ Operators of putrescible and non-putrescible transfer stations also have certain responsibilities with respect to recyclables. Construction and Demolition debris processing facilities sort items for recycling as a matter of course, while fill material transfer stations are able to process and/or reuse virtually all the clean fill they receive.

Certain trends have been noted with respect to recyclables, both in the City and elsewhere. First, there has been a reduction by weight in the amount of glass and plastic in packaging, as plastic bottles substitute for glass or metal containers, and as packaging design creates plastic bottles that are thinner and lighter in weight. Second, there has been a reduction in the quantity of newsprint that is in the waste stream, due to changes in the publishing industry, which includes more publishing of content on line.

⁶ NYC Admin. Code §16-306.b.
⁷ 16 RCNY §1-10.

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*2010 Amendments to NYC Recycling Law**The Sims Contract*

As a major initiative of the new SWMP, DSNY signed a long-term contract with Sims Municipal Recycling of New York, LLC on September 17, 2008, by which Sims would be the sole processor of the approximately 250,000 tons per year of metal, glass and plastic (MGP) and a portion (approximately 150,000 tons per year) of the mixed paper collected by DSNY. The contract took effect January 1, 2009. In association with this contract, the City also entered into a long-term lease with Sims for the use of the 30th Street Pier at the South Brooklyn Marine Terminal near Sunset Park, Brooklyn. Sims agreed to construct a 215,000 square feet recyclables processing facility and recycling education center on the Pier, served by barge and truck.

3. Project Description

The individual bills are summarized below. They are attached as Exhibit 1 to this report.

A. Intro 141-A: Commercial Recycling

This bill would require DSNY to complete a Commercial Recycling Study by January 1, 2012 that would focus on the putrescible portion of the commercial waste stream. The study would include elements as set forth under the 2006 approved SWMP, including but not limited to data on commercial waste processed at transfer stations, assessment of current private carting industry practices, comparison of waste estimates and diversion rates in other jurisdictions, measurement of waste in different commercial sectors, and potential efficiencies in transporting waste within and outside the City. Following completion of the Commercial Recycling Study, the Commissioner would determine and advise the Council whether additional studies are necessary to improve commercial waste recycling practices in the City.

This bill would require studying the commercial waste stream's potential for recycling, determine what barriers exist, and suggest strategies for overcoming them, if possible. Identifying efficiencies in commercial waste transport would be desirable, if possible, to reduce the potential impacts of waste truck traffic.

B. Intro 142-A: Paint Stewardship Pilot Program; Promotion of Paint Waste Reduction and Recycling

Under this bill, within one year after the law is enacted, DSNY's Commissioner would establish a voluntary, post-consumer paint collection pilot program between manufacturers and retailers who choose to participate in such program to facilitate the reclamation of unwanted architectural paint for re-use, recycling or sound disposal. The bill would also require DSNY to provide assistance or guidance to participating architectural paint manufacturers, distributors and retail establishments in developing and implementing strategies to reduce the quantity of architectural paint in the waste stream, encourage re-use of post-consumer architectural paint, and disseminate

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2010 Amendments to NYC Recycling Law

information regarding options to recycle post-consumer architectural paint, including posting information on the voluntary paint stewardship program on DSNY's website.

This bill would facilitate voluntary partnerships with retailers and manufacturers to collect from consumers surplus architectural paint that is still useful. Such paint can cause problems in the waste stream, from splashing collection workers to introducing hazards from toxic petroleum-based paint solvents (oil-based paints).

C. Intro 147-A: re Recycling Outreach, Education, and Enforcement

The bill would establish two tiers of fines based on the number of units in a building, and increase fines for larger buildings and commercial buildings. For residential buildings containing fewer than nine units, the fine amounts would remain unchanged: \$25 for a first violation, \$50 for a second violation, and \$75 for a third violation committed on a different day within twelve months. The provision in current law for a \$500 violation for persistent violators would be eliminated.

For residential buildings of nine or more units and non-residential buildings, fines would increase for the first violation to \$100 (from the current \$25), for the second violation (within 12 months) to \$200 (from the current \$50), and the third violation (within 12 months) to \$400 (from the current \$100).

The bill also provides that no person will be liable for a violation for incorrectly placing a non-designated rigid plastic container in the recycling stream.

For residential buildings having 9 or more units that receive three or more recycling violations in one year, the owner, net lessee, person in charge or a designated employee who is primarily responsible for oversight of waste disposal and/or janitorial services for such building would be required to complete an instructional recycling workshop at a location designated by DSNY, which may also be conducted on-site at the apartment building to facilitate tenant participation, in addition to payment of the civil penalty.

This bill also requires DSNY to promulgate separate rules governing requirements by owners of buildings containing four to eight units, and owners of buildings containing nine or more units, to provide a designated storage area for source separated recyclables, post instructions to the buildings' residents concerning the designated storage area and general recycling information in or near the storage area, and issue a DSNY recycling guide to new tenants at the time of lease inception. The current Recycling Law requires such designated areas and posting requirements in buildings of nine or more units.

This bill would repeal Section 16-311 of the Recycling Law, which, among other things, requires DSNY to develop and establish or support at least 10 recycling centers to process recyclables collected pursuant to the Recycling Law, unless fewer recycling centers have the requisite capacity. As provided for in the SWMP, the City will have the requisite capacity with the Sims facility at the South Brooklyn Marine Terminal. Such centers are no longer provided for in the

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2010 Amendments to NYC Recycling Law

new SWMP. Also, the bill would repeal the requirement in Section 16-311 of at least one buy-back center for recyclables in each Borough. Such centers were to buy back bottles and cans subject to deposits under the State's bottle bill law. As existing retail establishments are available and sufficient to redeem such deposits, there is no need for each borough to have a buy-back center.

DSNY would be required to distribute and make publicly available a guide to the residential recycling program. The recycling guide would be updated every two years, or as necessary, and would also be made available on DSNY's website.

Under a newly enacted Section 16-311, DSNY would be required to provide workshops and training material to employees of City agencies, including a leaf and yard waste training program for employees of any such agencies that generate significant leaf and yard waste. The DSNY Commissioner may utilize a private entity or not-for-profit corporation to assist with the establishment or performance of such program.

The bill also provides for enforcement procedures and a \$100 penalty for any person who puts a textile recycling bin on public property without authorization.

Overall, the measures in this bill would require owners, managers and occupants of residential buildings, and non-residential buildings to recycle correctly. It would also enhance DSNY's current outreach and education efforts.

D. Intro 148-A: Designation of Rigid Plastic Containers for Recycling

This bill is intended to expand the stream of recyclables to include rigid plastic containers, and would require DSNY's Commissioner to designate rigid plastic containers as recyclable materials for the DSNY-managed waste stream, unless the Commissioner determines that the cost to the City of doing so would be unreasonable as compared to the cost of recycling the metal and glass containers and plastic bottles and jugs currently designated by rule for recycling. Upon such determination, DSNY would undertake rulemaking that would obligate households and other waste generators served by DSNY to separate out such rigid plastic containers from their refuse for separate collection by DSNY, undertake outreach and education to inform residents of the new rules governing rigid plastic containers.

If the Commissioner determines that adding rigid plastic containers from residential waste as recyclables would not be reasonable in cost, he must provide documentation to the Council of the factors relied upon to make such determination. Thereafter, the Commissioner would have to reevaluate annually the potential cost to the City of designating such rigid plastic containers as recyclable and report such evaluations to the Council in the Annual Recycling Report.

E. Intro 156-A: Recycling Plans by City Agencies

This bill would require each City agency by January 1, 2011 to develop and submit to the DSNY Commissioner for approval and implementation, agency-specific Recycling Plans to increase

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recycling by agencies occupying city-owned buildings, and buildings receiving private curbside collection service to the extent practicable. The bill would require each agency to designate a Recycling or Sustainability Coordinator at each of its offices or facilities to oversee implementation of such plans. By July 1, 2012 and annually thereafter, every Recycling or Sustainability Coordinator would have to submit a report to the head or his respective agency and to the DSNY Commissioner summarizing the steps taken to implement the Recycling Plan over the previous year, proposed actions to be taken, and any updates or changes to the plan. DSNY would include a summary of the agency reports in its Annual Recycling Report to the Council.

This bill would foster increased recycling by City agencies.

F. Intro No. 157-A: Leaf and Yard Waste Composting; Grass Clipping Collection Ban

This bill would expand DSNY's separate collection programs for leaf and yard waste generated between March through July 31 and from September 1 through November 30 each year in districts that generate substantial amounts of leaf and yard waste, but provide for a 24-month hiatus from yard waste collections due to current budget constraints. The bill would require DSNY to operate at least one yard waste composting facility and to work with the Composting Facility Siting Task Force created by the SWMP to identify additional locations with the goal of establishing at least one composting facility in each borough. The bill also would require DSNY to collect and compost yard waste from New York City Housing Authority residences, and to designate areas of the City where DSNY will conduct January collection of Christmas trees placed at the curbside for mulching. The bill provides that DSNY must accept for composting any City agency yard waste that has been source separated, and to include in DSNY's Annual Recycling Report the amount of yard waste and any other compostable waste collected and disposed of by weight and volume at permitted composting facilities within the City, including those operated by City agencies. Finally, the bill would add transfer stations and intermodal facilities to the categories of solid waste management facilities owned, operated or used by the City that would be barred from accepting truckloads consisting primarily of yard waste during certain periods when such waste is typically generated. This bill also would prohibit persons from disposing of grass clippings for collection by DSNY, unless the clippings are collected specifically for composting. The intent is to promote the "leave it on the lawn" approach to managing grass clippings.

The bill would increase leaf yard waste composting and minimize waste generation by generally prohibiting grass clippings from being placed out for DSNY collection.

G. Intro No. 158-A: Public Recycling Bins and Textile Bins.

This bill would require DSNY to site 500 public recycling bins for metal, glass and plastic and paper within the next three years at public space locations that it can efficiently service, and to site a total of 1000 such bins in such places within ten years. Bin locations are specified to include parks, transit hubs, and commercial locations with high pedestrian traffic, and within business improvement districts that provide public litter basket maintenance. DSNY could

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remove bins that receive high rates of contaminated material (non-recyclable material or material that is rendered non-recyclable due to contamination with a different material such as food waste) provided that any such bins are replaced in another location within thirty days. The bill would allow DSNY to enter into sponsorship or partnership agreements with for-profit and not-for-profit corporations and district management associations to promote this program, and would require DSNY to report annually the number of such receptacles added and their locations.

The bill also requires DSNY to establish a citywide textile collection program by January 1, 2011 by siting deposit bins on city-owned or city-managed property, establishing other collection locations, and working with private entities such as non-profit organizations to site bins in appropriate locations on privately-owned property. DSNY would be required to include in its Annual Recycling Report the amount of textiles collected (by weight) from all such bins and locations.

This bill would increase the availability of public recycling bins throughout the City to foster increased recycling by the public. The textile bin and collection component would address a portion of the recyclable waste stream that is not provided for under normal recycling truck collections due to inclement weather.

H. Intro No. 162-A: Household Hazardous Waste Collection

This bill would require DSNY to establish a collection program for household hazardous waste by July 1, 2011, which would include, at a minimum, one annual drop-off collection event at one or more designated sites in each Borough. As part of its Annual Recycling Report, DSNY would be required to report to the Council on the quantity and types of waste collected from such events. The bill would also require DSNY to study opportunities to establish additional household hazardous waste collection events and sites, as well as opportunities to provide for the collection of household hazardous waste at designated sites on a regular basis. DSNY would be required to report on such opportunities to the Mayor and the Council within two years, and annually thereafter.

This bill would foster the diversion from curbside refuse collections, landfills and incinerators, certain kinds of household waste, such as paints, solvents, glues, pesticides, batteries, and fluorescent bulbs, that pose hazards in the refuse stream because they are toxic, ignitable, reactive, corrosive, or have other harmful characteristics.

I. Intro No. 164-A: (Definitions, Percentage Goals, Studies/Reports).

This bill would eliminate the current mandated tonnage figures in the Recycling Law and establish instead two sets of recycling percentage goals for certain recyclable material. The first set of goals would pertain to all "department [DSNY]-managed solid waste," a category that is broader than curbside residential and institutional material collected by DSNY, and would include metal, glass, plastic and paper; yard waste; Christmas trees, any other material collected for composting, collections from public space recycling receptacles, as well as certain other recycled consumer items, which are limited to electronic waste, clothing and textiles, household hazardous waste, bottles returned for deposit under the State bottle bill, plastic bags returned to

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retailers pursuant to the State plastic bag law, and rechargeable batteries recycled via drop off at retailers.

The first set of goals for DSNY-managed solid waste begins at 16% on July 1, 2011, and increases to 19% (July 1, 2013), 21% (July 1, 2014), 24% (July 1, 2016) 27% (July 1, 2018), 30% (July 1, 2019), and 33% (July 1, 2020).

The second set of goals pertains exclusively to DSNY's curbside and containerized collections of recyclables. This goal set begins at 16% on July 1, 2011, and increases to 18% (July 1, 2013), 19% (July 1, 2014), 21% (July 1, 2016), 23% (July 1, 2018), 24% (July 1, 2019), and 25% by July 1, 2020. In reaching this goal, DSNY may not count abandoned vehicles or recycling from lot cleaning operations, asphalt and mill tailings, construction and demolition debris or other commercial recycling programs. The data to be used to calculate the recycling tonnages must be posted on DSNY's website in raw data by material type or in report form. If DSNY does not reach any of the first set or second set of goals on time, within 60 days it would have to expand its recycling outreach and education efforts, target the lower performing districts, and consult with the Council. If DSNY fails to meet two consecutive recycling percentage goals on time, it would be obligated to retain a special advisor, every three years, selected jointly by the Mayor and the Council Speaker, who would report to the Mayor and the Council within 120 days with recommendations for additional possible recycling measure that the City could undertake.

The bill also requires DSNY to submit to Mayor and Council an Annual Recycling Report beginning March 1, 2011, and annually thereafter, with certain specified content. In addition, following delivery of DSNY-managed recyclables to a designated recycling processing facility, DSNY would have to annually report to the Council the cost of designating as recyclable materials any rigid plastic containers not previously designated by the DSNY Commissioner, and the then-current market value of any such materials. The bill further provides that any decision by the DSNY Commissioner to delete a designated recyclable material would give notice to the Mayor and the Council, together with any relevant supporting data.

The bill requires DSNY, in conjunction with the Mayor's Office of Long Term Planning and Sustainability and the New York City Economic Development Corporation, to prepare a study on the economics of recycling and composting and the development of related industries in the City. The study would cover certain specified topics. In addition, DSNY would have to complete follow-up studies to the 2005 Waste Characterization Study by January 31, 2012 and January 31, 2018, and a comprehensive study by January 31, 2024.

This bill sets forth recycling percentage goals that better reflect the current realities of the recyclable waste streams in the City, as well as help provide information and suggestions on ways to improve the recycling program.

J. Intro No. 165-A: Recycling in Public and Private Schools

This bill would require the Department of Education (DOE) Chancellor to designate a Sustainability Director to set policies, guidelines and goals to promote waste prevention, reuse

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and recycling, and to coordinate the agency's recycling programs for its schools, charter schools, office buildings and other facilities. The DOE must also ensure through rule making that such locations develop and implement site-specific recycling plans by January 1, 2011. It requires every school within DOE as well as non-DOE schools that receive DSNY collection service (such as sectarian and non-sectarian private primary and secondary schools) to designate a Sustainability Coordinator and to provide paper recycling receptacles in each classroom and recycling bins for metal, glass and plastic near school entrances and in central locations where food and beverages are consumed, such as lunch rooms. A report would be required to the Chancellor from each school on compliance with its waste prevention, reuse and recycling plan. The bill also would require the Chancellor to submit an annual agency Recycling Compliance Report; the first one would only cover six months and be due on January 1, 2012. DSNY would be required to distribute a Model School Waste Prevention, Reuse and Recycling Plan to all primary and secondary schools not under DOE jurisdiction but served by DSNY.

This bill would facilitate increased recycling by the City's public and private primary and secondary schools.

K. Intro No. 171-A: Food Waste Composting Study

This bill would require DSNY and the Mayor's Office of Long Term Planning and Sustainability to study and report on methods for expanding the diversion of compostable waste from the city's waste stream. Due by July 1, 2012, the composting report would: 1) study the viability of a curbside collection program for household and institutional compostable waste including, but not limited to, costs and any concerns involving siting composting facilities that may be required for such a program; 2) identify existing private and public facilities within three hundred miles of the City that accept compostable waste for composting and determine the available capacity at and cost to deliver compostable waste to such facilities and any siting considerations concerning such facilities; 3) review capacity at putrescible solid waste transfer stations permitted by the City, and putrescible solid waste transfer stations within sixty miles of the city, and determine whether any such transfer stations are capable of accepting source-separated compostable waste for consolidation and transportation and the cost to deliver source-separated compostable waste to such facilities and any siting considerations concerning such facilities; 4) explore opportunities to expand the currently available capacity to compost compostable waste at existing sites within the City, or explore opportunities to develop one or more new facilities within the City or within sixty miles of the City for the composting of compostable waste, including, but not limited to, opportunities to work with one or more entities to develop such facilities; and any siting considerations concerning such a facility; 5) compile a comprehensive list of sites around the City including, but not limited to, City botanical gardens and greenmarkets, that accept household and institutional compostable waste on a voluntary basis, and recommend methods to encourage and expand options for voluntary composting; and 6) provide a plan to study the viability of instituting a food waste composting program for the residential or commercial waste stream, which study would be completed within two years of the issuance of the composting report.

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This bill would explore ways to increase the potential for composting food and other organic composted waste.

4. Technical Analyses

None of the proposed bills requires construction or other land disturbance. Studies required to be conducted by certain of the bills are exempt from environmental review as a Type II action, pursuant to 6 NYCRR §617.5(c)(18). Therefore, the bills discussed below are limited to those provisions that require operational changes by DSNY and certain minor land use changes.

Analytical Assumptions

Additional Rigid Plastic Containers for Recycling: Assuming for analysis purposes that the Commissioner finds the cost to the City of recycling additional rigid plastic containers collected by DSNY to be reasonable, the Proposed Action would affect DSNY's collection, transfer and disposal destinations for such waste. Based on the Waste Characterization Study, it would divert an estimated 11,700 additional tons per year of such plastic tub and tray waste to Sims for processing. On a citywide basis, this would result in 39 tons per day of material being diverted from the solid waste stream into the recycling stream. This assumes conservatively that all such waste would be sorted correctly and placed in recycling bins. DSNY recycling trucks have sufficient excess capacity to accommodate such plastics without adding significant numbers of truck shifts. Most of the additional designated plastics would arrive at the Sims facility by barge. At the Sims facility the additional plastics would be sorted, baled and trucked out of the City for further processing. It would result in approximately two additional long-haul trucks per day leaving the Sims facility, assuming a capacity of 22 tons per truck.

Yard Waste Collections: Additional pickups of yard waste would occur from NYCHA properties and are assumed to take place on Sundays, as is generally the case for DSNY's other yard waste collections. Peak hour collection truck trips to DSNY's existing composting facilities would not be expected to increase from past practices at such facilities. Any establishment of additional composting facilities would be subject to a separate environmental review.

Recycling Outreach, Enforcement and Education; City Agency Recycling; Department of Education Recycling: It is assumed that any additional recyclables generated as a result of these proposed measures would be accommodated by the existing capacity of DSNY's recycling trucks, which are generally not filled to capacity.

CEQR Technical Analysis Categories

The Proposed Action does not involve any new construction, development or land disturbance. In accordance with the CEQR Environmental Assessment Short Form as guided by the CEQR Technical Manual, the Proposed Action would have no significant impact upon the following categories, and no further discussion is warranted: Land Use, Zoning and Public Policy, Socioeconomics Community Facilities and Services, Open Space, Shadows, Historic and Cultural Resources, Natural Resources, Water and Sewer Infrastructure, Public Health, and

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Neighborhood Character. As discussed further in the Traffic section, below, the diversion of a relatively small amount of recyclable plastics on a weekly basis from refuse trucks to recycling trucks waste will result in a relatively small increase in recyclables being delivered to facilities already under contract with the DSNY, and a corresponding modest decrease in daily tonnage being delivered to refuse transfer stations in the City and disposal facilities outside the City. Because DSNY recycling crews will use their existing excess truck capacity to accommodate most of the additional plastic collected, DSNY may need to add only a minimal number of new trucks to the existing recycling routes. The establishment of textile recycling bins and additional public space MGP and Paper recycling bins would modify the use of certain small areas of land on City and private property, but would not be considered a significant change given the existence of recycling bins and public litter baskets.

Waterfront Revitalization Program

The proposed action would involve certain activities such as the placement of public recycling and textile bins and the holding of annual household hazardous waste collection events in locations to be determined that may include the designated Coastal Zone. Therefore an assessment of the Action's compatibility with the City's Waterfront Revitalization Program (WRP) was conducted and a WRP form was completed (see attached). Based on that analysis, there will be no impacts to the WRP.

Urban Design and Visual Resources

The placement of up to 1000 public recycling bins for MGP and Paper near public litter baskets would be insignificant in the context of daily waste and recyclables collection. Therefore, the Proposed Action will have no adverse impacts on these aspects of the environment.

Hazardous Materials

The Proposed Action does not involve any new construction or development. Therefore, site-specific contamination is not a concern. The proposed one-day household hazardous waste collection events at one or more sites in each borough annually would be held in accordance with NYSDEC regulations. Such collection events must meet certain criteria and are presumed by state regulation not to result in an adverse environmental impact. Such collection events would reduce the quantity of household hazardous wastes such as oil-based paints and paint thinners, batteries, pesticides, and other items that are currently disposed of via DSNY's refuse collection. Most of these items, which constitute approximately 0.2% of the total waste stream collected by DSNY according to the Waste Characterization Study, are not currently accepted by DSNY's Special Waste Sites in each Borough, which take only oil filters and used oil, fluorescent lamps, household and automotive batteries, latex paint, mercury thermostats, and automobile tires. Instead, such wastes would be carefully sorted by qualified personnel and transported for recycling or for disposal in special facilities such as landfills or hazardous waste incinerators, as appropriate. Household hazardous waste collection initiatives are part of the SWMP milestones. The Proposed Action would not result in any significant adverse impacts from hazardous materials.

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Solid Waste and Sanitation Services

The Proposed Action will not increase or decrease the amount of waste generated in the City of New York, nor add or eliminate any solid waste facilities. It will, however, potentially affect the City's management of a portion of its waste, by reducing somewhat the amount of waste as refuse for transfer and/or disposal, and increasing the amount processed for recycling and composting. The Proposed Action will not cause DSNY to change its current procedures for collecting and transporting designated recyclable materials to recycling vendors. Paper recyclables collection would remain unchanged, while there would potentially be a modest increase in the tonnage of MGP collected per week. As DSNY crews will (entirely or almost entirely) pick up the additional designated plastics as part of their regular recyclables collection routes, and as they have ample surplus capacity in their existing recycling trucks without adding additional truck shifts, no impact is expected to the recycling collection program.

As the proposed Action would change in certain respects the way DSNY manages the City's residential waste and recycling program, the Action's consistency with the City's Comprehensive Solid Waste Management Plan (SWMP) was considered. The actions would increase recycling, which is consistent both with New York State's hierarchy of preferred solid waste management strategies and with the City's SWMP. The City's long-term vendor for the processing of MGP and a certain amount of Paper recyclables, Sims, is constructing a central recyclables processing facility within the South Brooklyn Marine Terminal near Sunset Park. This facility will have the storage and processing capacity to accommodate the anticipated 11,600 tons per year in additional designated plastics without physically expanding its facility on the Pier that it leases from the City.

The Proposed Action will not result in a significant adverse impact on the City's management of solid waste.

Energy

The Proposed Action will not significantly increase existing demands for energy, and would not significantly affect the transmission or generation of energy. Additional plastics recycling may lead to a reduction in fossil fuels used to produce plastics from virgin material (primarily natural gas, and to a lesser extent petroleum). The Action would potentially divert some plastics and yard waste from waste-to-energy facilities, which currently accept 23% of DSNY refuse, and from landfills, where they would be expected to break down eventually into biogas, and turn them instead into plastic goods and compost, respectively. Recycled plastics, in turn, will eventually have to be disposed of, and thus will likely end up in landfills or waste-to-energy facilities. The proposed action will have no significant adverse impacts on energy.

Transportation

DSNY recycling trucks have ample excess capacity to accommodate more designated plastics without the need for additional truck shifts. At most, DSNY may add a minor number of new

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truck trips to weekly recycling truck collection routes, while eliminating a similar number of refuse collection truck trips. The *CEQR Technical Manual* guidelines suggest that projects generating fewer than 50 one-way automobile vehicle trips in any given peak hour should not raise traffic concerns and, therefore, would not warrant detailed traffic analysis. For DSNY collection trucks, the screening threshold is 33 trips per hour. The Proposed Action will generate far fewer additional vehicle trips on the daily DSNY collection routes than that threshold value. DSNY will collect the new designated plastics together with the metal, glass, plastic, and beverage cartons in the regularly scheduled MSW collection trucks.

The Proposed Action will result in the placement of up to 1000 public recycling bins for MGP and Paper on public spaces such as parks and street corners, especially near litter baskets. Based on current DSNY public space recycling bins, each such bin is projected to take up less than 9 square feet. In addition, the Action will lead to an undetermined number of textile recycling bins on public and private property. Such bins are projected each to take up approximately 16 square feet. DSNY would work with the NYC Department of Transportation with jurisdiction over sidewalks to ensure that the bins are placed in locations that would not materially obstruct pedestrian or vehicular flows. DSNY would service such MGP and paper public space bins as part of its recycling routes. It is expected that the textile bins would be serviced on an infrequent and as-needed basis. The Proposed Action will have no significant adverse impact on transportation.

Air Quality

As the Proposed Action involves a potential minor addition of trucks to existing recycling collection routes (to service public space recycling bins) and because vehicles create mobile-source air pollution, DSNY considered the potential impact of emissions from the recycling collection trucks on ambient air quality. The assessment showed that Proposed Action will have no significant adverse impacts on air quality.

The United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC) have established lists of air contaminants that could adversely affect public health and welfare. The six contaminants of most concern are known as "criteria pollutants," for which USEPA and NYSDEC have established maximum standards. The *CEQR Technical Manual* requires that assessments be performed for two of the pollutants: Carbon Monoxide and Particulate Matter.

The *CEQR Technical Manual* guidelines identify threshold numbers of new trips that may induce a carbon monoxide (CO) air quality impact. Those thresholds range from 140 to 170 trips in any peak hour, depending on the location of the Proposed Action within the City. Although the CEQR screening criteria are for autos and do not consider heavy diesel trucks, heavy diesel trucks generally have lower CO emissions (at least 30 percent lower) than autos. Therefore, even the screening criteria set forth by *CEQR Technical Manual* would be conservative for trucks. The Proposed Action will result in a net increase of, at most, one additional truck in any hour, in any one sanitation district. Therefore, it can be concluded without a detailed air quality analysis that the Proposed Action will not result in an exceedance of the National Ambient Air Quality

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Standards (NAAQS) for CO.

In addition, because DSNY trucks emit diesel exhaust and produce paved road dust, particulate matter 2.5 microns and smaller in size (PM_{2.5}) was considered. DSNY trucks would all be equipped with advanced emissions controls such as diesel particulate filters and oxidation catalysts and would utilize ultra low sulfur diesel fuel with 5% biodiesel content. Under the CEQR Technical Manual, a detailed PM_{2.5} air analysis would be warranted for projects that would generate peak hour heavy-duty diesel vehicle traffic or its equivalent in vehicular emissions of the following: 12 or more heavy duty diesel vehicles (HDDV) for paved roads with average daily traffic fewer than 5,000 vehicles; 19 or more HDDV for collector roads; 23 or more HDDV for principal and minor arterials; or 23 or more HDDV for expressways and limited access roads. These screening numbers are based on statewide vehicle HDDV registrations and do not take into consideration the highly controlled emissions that are characteristic of DSNY's fleet pursuant to local law clean diesel retrofit requirements. The Proposed Action would not result in DSNY collection trucks producing the equivalent or more in vehicular emissions of any of the PM_{2.5} screening values for HDDVs at any road segment. The total vehicle miles traveled by DSNY trucks throughout the City as a whole will not increase significantly as a result of the Proposed Action. Therefore the Action is not expected to cause an exceedance of the NAAQS for PM_{2.5}. For these reasons, there will not be a significant PM_{2.5} or other air quality impact as a result of the action.

Greenhouse Gas Emissions

In general, the servicing of proposed public space recycling bins will require additional fuel for DSNY recycling collection trucks, offset in part by an expected reduction in litter basket collections at such locations. The disposal destinations of refuse from much of the city are still to be determined under the SWMP, but will be landfills or waste-to-energy facilities. The majority of Manhattan refuse is planned to go to a waste-to-energy facility, the Essex County Resource Recovery Facility, where it offsets the use of fossil fuels. Such Manhattan waste does not include significant amounts of yard waste. Refuse from the Bronx, Staten Island and four districts of Brooklyn, which does contain yard waste, is sent to landfills under long-term contract. The Virginia landfill that takes Bronx and certain Brooklyn refuse is equipped with landfill gas recovery and purification technology to produce and market biogas (methane). Diversion of yard waste and plastics from these landfills would reduce the production of biogas accordingly, but according to figures from New York State Department of Environmental Conservation⁸, the net greenhouse gas emissions impacts of recycling plastic are better than landfilling and combustion disposal with energy recovery. The greenhouse gas emissions associated with composting of yard waste are a net reduction (-0.20 tons of carbon dioxide equivalent per ton disposed, or CO₂E/ton), slightly less than the net reduction for combustion with energy recovery (-0.23 CO₂E/ton). Landfilling produces a greater net reduction for leaves (-0.59), branches (-0.53), and yard trimmings (-0.35) due to carbon sequestration, while grass produces methane and is a net greenhouse gas generator at 0.15 CO₂E/ton. Therefore, the additional GHG emissions resulting from the Proposed Actions is anticipated to be minimal.

⁸ NYSDEC, *Beyond Waste: A Sustainable Materials Management Strategy for New York*, Table 4.1 (p. 45), Net Greenhouse Gas Emissions from MSW Management Options (CO₂E/Ton) (2010).

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Noise

The *CEQR Technical Manual* guidelines provide that if a Proposed Action would at least double traffic volumes (defined as "Passenger Car Equivalents" or "PCEs"), a detailed noise analysis is appropriate. Under the Proposed Action, no existing DSNY collection route will experience more than a one truck increase in any hour; on average, most routes will show no increase in DSNY collection trucks during most hours. The Proposed Action will, therefore, not be sufficient to double PCEs on collection routes or to create a significant adverse noise impact.

For Internal Use Only: Date Received: _____	WRP no. _____ DOS no. _____
NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form	
Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the <u>New York City Waterfront Revitalization Program (WRP)</u> . The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.	
This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.	
A. APPLICANT	
1. Name: <u>City Council; Office of the Mayor. Attn.: Jeffrey Haberman, Esq. and Robert Kulikowski, Ph.D.</u>	
2. Address: <u>City Hall; 253 Broadway, 14th floor, New York, New York 10007</u>	
3. Telephone: <u>212-788-9122; 212-788-2931</u> Fax: <u>212-788-2941</u> E-mail: <u>jeffrey.haberman@cityhall.nyc.gov; rku@cityhall.nyc.gov</u>	
4. Project site owner: <u>Not Applicable</u>	
B. PROPOSED ACTIVITY	
1. Brief description of activity: The proposed action entails eleven bills that would amend the New York City Recycling Law. Physical actions would include the placement of up to 1000 recycling bins in public spaces, a number of textile waste bins on public and private property, the holding of one or more annual one-day household hazardous waste collection events in each Borough, and increased yard waste collection. Additional plastic containers may be designated for recycling. Grass clippings would be banned from City waste collections. School and City Agency recycling programs would be enhanced.	
2. Purpose of activity: To improve the City's recycling program and thereby reduce the amount of refuse generated in NYC for disposal, minimize environmental pollution, reduce greenhouse gas emissions, and conserve energy and natural resources.	
3. Location of activity: (street address/borough or site description): The proposed laws would apply citywide. Locations of public recycling bins and textile bins to be determined.	
WRP consistency form - January 2003 1	

Proposed Activity Cont'd	
4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known: <u>No</u>	
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s). <u>No</u>	
6. Will the proposed project require the preparation of an environmental impact statement? Yes _____ No <input checked="" type="checkbox"/> If yes, identify Lead Agency: _____	
7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project. Proposed legislation and rulemaking: Intros 141-A, 142-A, 147-A, 148-A, 156-A, 157-A, 158-A, 162-A, 164-A, 165-A, 171-A	
C. COASTAL ASSESSMENT	
Location Questions:	Yes No
1. Is the project site on the waterfront or at the water's edge?	_____ <input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	_____ <input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____ <input checked="" type="checkbox"/>
Policy Questions	Yes No
The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new <u>Waterfront Revitalization Program</u> offers detailed explanations of the policies, including criteria for consistency determinations.	
Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.	
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____ <input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	_____ <input checked="" type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____ <input checked="" type="checkbox"/>
WRP consistency form - January 2003 2	

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✓	
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

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Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: City Council; Office of the Mayor. Attn: Jeffrey Haberman, Esq. and Robert Kulikowski, Ph.D.
 Address: City Hall; 253 Broadway, 14th floor, New York, New York 10007
 Telephone: 212-788-9122; 212-788-2931

Applicant/Agent Signature: *[Signatures]* Date: July 28, 2010

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**2010 Amendments to New York City Recycling Law
 Supplement to WRP Form**

Response to Question 8: (Policy 2 – Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.)

The proposed action entails amendments to the New York City Recycling Law (Local Law 19 of 1989). This is a generic action that involves potential changes in residential and institutional recycling practices and DSNY collection citywide. One change could involve the designation of additional rigid plastic containers to the City's designated recyclables, requiring them to be collected by DSNY, transferred with other recyclables at three waterfront recyclables transfer stations in the Bronx, Long Island City and the Gansevoort Peninsula, and processed at the Sims Municipal Recycling, LLC facility under construction at the South Brooklyn Marine Terminal, which is within a Significant Maritime Industrial Area. No new construction would be proposed at these locations for this action. Therefore the proposed action would be consistent with this policy.

Response to Question 38: (Policy 7 – Minimize environmental degradation from solid waste and hazardous substances.)

The proposed action involves improvements to the City's recycling program. It would involve deliveries of plastics at existing transfer station and processing facilities, and the establishment of public space recycling bins and textile collection bins. It would also involve one-day collection events for household hazardous waste, at locations to be determined. All solid waste handling operations will be conducted in accordance with applicable state and local regulations. No impact to ground and surface water supplies, significant fish and wildlife habitats, recreational areas and scenic resources would occur as a result of this action. Although some recycling bins would be established within the Jamaica Bay watershed, they would not contribute pollutants to such watershed. Therefore the action would be consistent with this policy.

Response to Question 41: (Policy 7.3 – Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.)

DSNY trucks would continue to use routes and waste transportation methods that protect the coastal environment and the safety and general welfare of the public. If any proposed collection events for household hazardous waste are to be held in the coastal zone, they would be conducted in a manner that avoids any discharges to or degradation of coastal resources. Plastics transported in open barges to the Sims facility would have protective measures as at present to prevent material from escaping from windy conditions. No siting of solid or hazardous waste facilities is proposed. Collection bins for recyclables in public spaces and textile bins would be serviced regularly to prevent overflow of wastes. Therefore the proposed action would be consistent with this subpolicy.

Response to Question 43: (Policy 8 - Provide public access to and along New York City's coastal waters.)

The proposed action would involve the siting of up to 1000 recycling bins for paper and metal, glass and plastic in public spaces, including parks. The bins would be serviced regularly, and would be available to serve the public at such locations, including any waterfront public space. Therefore, the proposed action would be consistent with this policy.

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)		✓
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	✓	
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)		✓
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	✓	
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	✓	
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

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2004-05 NYC Residential and Street Basket Waste Characterization Study

Annual Composition: Residential Curbside Waste (Refuse + Recycling)	
Recyclable MOP	12.8%
Polycoated Paper Containers	0.50%
PET Bottles	1.21%
HDPE Bottles: Natural	0.49%
HDPE Bottles: Colored	0.49%
Clear Container Glass	1.57%
Green Container Glass	0.54%
Brown Container Glass	0.38%
Mixed Cullet	1.78%
Other Container Glass	0.03%
Aluminum Cans	0.21%
Aluminum Foil/Containers	0.54%
Other Aluminum	0.06%
Other Non-Ferrous	0.17%
Tin Food Cans	1.20%
Empty Aerosol Cans	0.18%
Other Ferrous	1.94%
Mixed Metals	0.69%
Appliances: Ferrous	0.71%
Appliances: Non-Ferrous	0.03%
Recyclable Paper	22.8%
Newspaper	7.54%
Plain OCC/Kraft Paper	2.44%
High Grade Paper	0.90%
Mixed Low Grade Paper	10.33%
Phone Books/Paperbacks	0.94%
Paper Bags	0.62%
Food Waste	17.7%
Yard Waste	4.2%
Leaves and Grass	3.29%
Prunings	0.77%
Stumps/Limbs	0.18%
Textiles	5.8%
Non-Clothing Textiles	1.36%
Clothing Textiles	2.50%
Carpets/Upholstery	1.23%
Shoes	0.80%
Other Leather Products	0.10%
E-waste	0.0%
Audio/Visual Equipment: Cell Phones	0.00%
Audio/Visual Equipment: Other	0.25%
Computer Monitors	0.07%
Telephones	0.12%
Other Computer Equipment	0.20%
Other Inorganics	0.82%
Other Glass	0.19%
Ceramics	0.42%
Miscellaneous Inorganics	0.21%
Plastic Bags and Other Film	7.9%
Plastic Bags	2.73%
Other Film	4.76%
#1-7 Tubs and Trays, #8-7 Bottles	0.41%
#1-42 Tubs/Trays/Other Containers: #1 PET	0.01%
#1-42 Tubs/Trays/Other Containers: #2 HDPE	0.02%
#3 Through #7 Bottles: #3 PVC	0.01%
#3 Through #7 Bottles: #4 LDPE	0.01%
#3 Through #7 Bottles: #5 PP	0.02%
#3 Through #7 Bottles: #7 Other	0.07%
#3 Through #7 Tube: #3 PVC	0.00%
#3 Through #7 Tube: #4 LDPE	0.00%
#3 Through #7 Tube: #5 PP	0.17%
#3 Through #7 Tube: #7 Other	0.04%
Other Rigid Packaging and Plastics	4.2%
Soda Cans and Bottle Carriers	0.01%
Other PVC	0.02%
Rigid Polyethylene Containers and Packaging	0.24%
Expanded PS Containers and Packaging	0.54%
Other Rigid Containers/Packaging	0.76%
Single Use Plastics: Plates, Cups, Cutlery, Etc.	0.61%
Other Plastics Materials	1.85%
Appliances: Plastics	0.28%
Other Organics	17.9%
Compostable/Biobased Paper/Wood OCC/Kraft	5.84%
Single Use Paper Plates, Cups	0.43%
Other Nonrecyclable Paper	0.89%
Wood Furniture/Furniture Pieces	1.19%
Non-CAD Untreated Wood	0.19%
Disposable Diapers and Sanitary Products	3.20%
Animal By-Products	1.10%
Rubber Products	0.28%
Flax	3.81%
Upholstered or Other Organo-Type Furniture	0.90%
Miscellaneous Organics	0.72%
Construction & Demolition Debris (C&D)	5.2%
Untreated Dimensional Lumber, Pallets, Crates	0.62%
Treated/Contaminated Wood	1.82%
Gypsum Scrap	0.90%
Rocks/Concrete/Bricks	0.89%
Other Construction Debris	1.40%
Household Hazardous Waste	8.2%
Oil Spills	0.00%
Antifreeze	0.00%
Wet-Cell Batteries	0.00%
Gasoline/Kerosene/Motor Oil/Diesel Fuel	0.00%
Latex Paints/Water-Based Adhesives/Glues	0.05%
Oil-Based Paints/Solvent-Based Adhesives/Glues	0.02%
Pesticides/Herbicides/Rodenticides	0.01%
Dry-Cell Batteries	0.07%
Fluorescent Tubes	0.01%
Mercury-Laden Wastes	0.00%
Compressed Gas Cylinders, Fire Extinguishers	0.01%
Home Medical Products	0.05%
Other Potentially Harmful Wastes	0.03%

The information herein has been compiled, analyzed, and reported by the DSNY Bureau of Waste Prevention, Reuse and Recycling, using data collected by its consultant R.W. Beck. These highlights do not substitute for a thorough review of R.W. Beck's Final Report, which contains more detailed data. Some percentages may not total exactly due to rounding.

March 2007

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LETITIA JAMES, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation & Solid Waste Management, July 28, 2010.

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

GENERAL ORDER CALENDAR

Report for Int. No. 260-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the City Clerk to provide the public with certain information regarding same sex marriages.

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

REPORTS:

(For text of the report and the amended bill, please see the Report of the Committee on Governmental Operations for Int. No. 260-A, printed in the Minutes of the Stated Council Meeting of June 29, 2010, page 2438).

Accordingly, this Committee recommends the adoption of Int. No. 260-A.

Laid Over Again by the Council.

Report for L.U. No. 130 & Res. No. 401

Report of the Committee on Governmental Operations in favor of approving Uniform Land Use Review Procedure application no. C 100185 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section Nos 12c and 12d, Borough of Brooklyn, Council District no. 33.

The Committee on Land Use, to which the annexed Land Use resolution was referred on June 9, 2010 (Minutes, page 2165) and originally reported to the Council on June 29, 2010 (Minutes, page 2483), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 100185 ZMK

City Planning Commission decision approving an application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 1 2d:

- changing from an M3 -1 District to an R6 District property bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue;
- changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;
- changing from an M3-1 District to a C6-2 District property bound by:
 - Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1st Street, and the U.S. Pierhead Line; and
 - the northwesterly centerline prolongation of South 2nd Street, Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, and a line 235 feet northwesterly of Kent Avenue;
- establishing within a proposed R6 District a C2-4 District bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue; and
- establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 29, 2010

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

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

Res. No. 401

Resolution approving the decision of the City Planning Commission on ULURP No. C 100185 ZMK, a Zoning Map amendment (L.U. No. 130).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 7, 2010 its decision dated June 7, 2010 (the "Decision"), on the application submitted by The Refinery LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change an M3-1 district to R6 and R8 districts with a C2-4 commercial overlay, and to C6-2 districts to facilitate a 2.75 million-square-foot general large-scale development located at 264-350 and 3 17-329 Kent Avenue (ULURP No. C 100185 ZMK) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 100186 ZRK (L.U. No. 131), a zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs; C 100187 ZSK (L.U. No. 132), a special permit pursuant to Zoning Resolution Section 74-743 to modify height and bulk regulations as part of a general large-scale development; and C 100188 ZSK (L.U. No. 133), a special permit pursuant to Zoning Resolution Section 74-744 to modify use regulations as part of a general large-scale development;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 28, 2010 (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010;

RESOLVED:

Having considered the FEIS, together with the Technical Memorandum, 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) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, dated June 4, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration known as Exhibit A and incorporated by reference herein, those mitigation measures that were identified as practicable.
- (4) The Decision and the FEIS together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, C 100185 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Sections 12c and 12d:

1. changing from an M3 -1 District to an R6 District property bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue;
2. changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the

northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

3. changing from an M3-1 District to a C6-2 District property bound by:
 - a. Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1st Street, and the U.S. Pierhead Line; and
 - b. the northwesterly centerline prolongation of South 2nd Street, Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, and a line 235 feet northwesterly of Kent Avenue;
4. establishing within a proposed R6 District a C2-4 District bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue; and
5. establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010, Community District 1, Borough of Brooklyn.

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. 131 & Res. No. 402

Report of the Committee on Governmental Operations in favor of approving Zoning Resolution Amendment application no. N 100186 ZRK, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, relating to Sections 23-953, 62-35, 62-352, 52-83, and Appendix F (Inclusionary Housing Designated Areas), Borough of Brooklyn, Community Board 1.

The Committee on Land Use, to which the annexed Land Use resolution was referred on June 9, 2010 (Minutes, page 2165) and originally reported to the Council on June 29, 2010 (Minutes, page 2485), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

N 100186 ZRK

City Planning Commission decision approving an application submitted by Refinery LLC, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-953 (Special floor area compensation provisions in specified areas), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), Section 62-352 (Inclusionary Housing), Section 52-83 (Non-Conforming Advertising Signs), and Appendix F (Inclusionary Housing Designated Areas) relating to the Inclusionary Housing Program and advertising signs on landmark buildings that are part of general large scale.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 29, 2010

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

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

Res. No. 402

Resolution approving the decision of the City Planning Commission on Application No. N 100186 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-953 (Special floor area compensation provisions in specified areas), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), Section 62-352 (Inclusionary Housing), Section 52-83 (Non-Conforming Advertising Signs), and Appendix F (Inclusionary Housing Designated Areas) relating to the Inclusionary Housing Program and advertising signs on landmark buildings that are part of general large scale developments in the Borough of Brooklyn (L.U. No. 131).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 7, 2010 its decision dated June 7, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by The Refinery LLC, Inc., for an amendment of the Zoning Resolution of the City of New York to allow the Inclusionary Housing Program to be used in proposed R6, R8, and commercial equivalent districts to facilitate a 2.75 million-square-foot mixed use general large-scale development located at 264-350 and 317-329 Kent Avenue, in Community District 1 (Application No. N 100185 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100185 ZMK (L.U. No. 130), a zoning map amendment to replace an M3-1 district with C6-2 districts and with R6 and R8 districts with C2-4 commercial overlays; C 100187 ZSK (L.U. No. 132), a special permit pursuant to Zoning Resolution Section 74-743 to modify height and bulk regulations as part of a general large-scale development; and C 100188 ZSK (L.U. No. 133), a special permit pursuant to Zoning Resolution Section 74-744 to modify use regulations as part of a general large-scale development;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 28, 2010 (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010;

RESOLVED:

Having considered the FEIS, together with the Technical Memorandum, 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) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, dated June 4, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration known as Exhibit A and incorporated by reference herein, those mitigation measures that were identified as practicable.
- (4) The Decision and the FEIS together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, N 100186 ZRK, incorporated by reference herein, the Council approves the Decision.

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

23-953

Special floor area compensation provisions in specified areas

* * *

(b) Special provisions apply to #compensated zoning lots#:

- (1) Within R6, ~~R7-3~~, and R8 Districts and equivalent #Commercial Districts# on #waterfront blocks# in #Inclusionary Housing designated areas# ~~Waterfront Access Plan BK-1 and R7-3 Districts~~ within Community District 1, Borough of Brooklyn, as set forth in Section 62-352.

62-35

Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

On #waterfront blocks# in #Inclusionary Housing designated areas#~~R7-3 Districts~~ in Community District 1, Borough of Brooklyn, and within Waterfront Access Plan BK-1, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

* * *

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in ~~R7-3 Districts~~ #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, and in R6 and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

* * *

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #Residence Districts#.

* * *

Brooklyn, Community District 1

In Waterfront Access Plan BK-1, ~~as set forth in Section 62-352~~, and in the R6, R6A, R6B, R7A, and R7-3 and R8 Districts within the areas shown on the following Maps 1, 2 and 3:

* * *

~~Map 2 (3/06/06)~~



EXISTING (TO BE DELETED)
Portion Of Community District 1, Brooklyn

Map 2 (x/xx/xx)



PROPOSED
Portion of Community District 1, Brooklyn

ARTICLE V

Non-Conforming Uses and Non-Complying Buildings

52-83

Non-Conforming Advertising Signs

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 3 2-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) or 42-55, any #non-

conforming advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #nonconformity# or non-#compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-6 1 shall not apply to such #sign# provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

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. 132 & Res. No. 403

Report of the Committee on Governmental Operations in favor of approving Uniform Land Use Review Procedure application no. C 100187 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to facilitate a mixed use development.

The Committee on Land Use, to which the annexed Land Use resolution was referred on June 9, 2010 (Minutes, page 2166) and originally reported to the Council on June 29, 2010 (Minutes, page 2487), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 100187 ZSK

City Planning Commission decision approving an application submitted by The Refinery 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 as modified:

1. Section 74-743(a)(1) - to allow the distribution of floor area within the general large scale development without regard for zoning lot lines; and
2. Section 74-743(a)(2) - to modify the requirements of Section 23-532 (Required rear yard equivalents), 23-711 (Standard minimum distance between buildings), 23-852 (Inner court recesses), 23-863 (Minimum distance between legally required windows and any wall in an inner court), 62-332 (Rear yards and waterfront yards) and 62-341 (Developments on land and platforms),

to facilitate a mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and

its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 29, 2010

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

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

Res. No. 403

Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 100187 ZSK (L.U. No. 132), for the grant of a special permit pursuant to Sections 74-743(a)(1), to allow the distribution of floor area within the general large scale development without regard for zoning lot lines; and 74-743(a)(2), to modify the requirements of Section 23-532 (Required rear yard equivalents), 23-711 (Standard minimum distance between buildings), 23-852 (Inner court recesses), 23-863 (Minimum distance between legally required windows and any wall in an inner court), 62-332 (Rear yards and waterfront yards) and 62-341 (Developments on land and platforms), Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 7, 2010 its decision dated June 7, 2010 (the "Decision"), on the application submitted by The Refinery 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 as modified:

1. Section 74-743(a)(1) - to allow the distribution of floor area within the general large scale development without regard for zoning lot lines; and
2. Section 74-743(a)(2) - to modify the requirements of Section 23-532 (Required rear yard equivalents), 23-711 (Standard minimum distance between buildings), 23-852 (Inner court recesses), 23-863 (Minimum distance between legally required windows and any wall in an inner court), 62-332 (Rear yards and waterfront yards) and 62-341 (Developments on land and platforms),

to facilitate a mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development (ULURP No. C 100187 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100185 ZMK (L.U. No. 130), a zoning map amendment to replace an M3-1 district with C6-2 districts and with R6 and R8 districts with C2-4 commercial overlays; N 100186 ZRK (L.U. No. 131), a zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs; and C 100188 ZSK (L.U. No. 133), a special permit pursuant to Zoning Resolution Section 74-744 to modify use regulations as part of a general large-scale development;

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 74-743 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 June 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 28, 2010 (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010;

RESOLVED:

Having considered the FEIS, together with the Technical Memorandum, 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) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration known as Exhibit A and incorporated by reference herein, those mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, the Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, C 100187 ZSK, incorporated by reference herein, the Council approves the Decision with the following modifications that would reduce heights of the tallest segment on Zoning Lot A Site B and on Zoning Lot A Site C to 34 stories and shall restore the height of the segments in Zoning Lot A, Site A to their original heights.

Matter in [brackets] is old, to be deleted by the Council;

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

The property that is the subject of this application (C 100187 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rafael Vinoly Architects PC, filed with this application and incorporated in this resolution:

Number	Title	Last Date Revised
T-1	Title Sheet	06-07-10
Z00-2	Zoning Lot Calculations, Actions, and Design Guidelines	[06-07-10] <u>06-29-10</u>
Z00-3	Upland/Seaward Lot Calculations	12-24-09
<u>Z00-4</u>	<u>Sub-Division Plan</u>	<u>12-24-09</u>
Z01-1	Site Plan	[06-07-10] <u>06-29-10</u>
<u>Z02-B1</u>	<u>Illustrative Basement Plan</u>	<u>06-07-10</u>
<u>Z02-1</u>	<u>Illustrative Ground Floor Plan</u>	<u>12-24-09</u>
Z05-A	Zoning Lot A Site A - Adjusted Base Plane Calculation	12-24-09
Z05-B	Zoning Lot A Site A - Site Plan	[06-07-10] <u>06-29-10</u>
Z05-C	Zoning Lot A Site A - Height and Setback Diagrams	[06-07-10] <u>06-29-10</u>
Z06-A	Zoning Lot A Site B - Adjusted Base Plane Calculations	12-24-09
Z06-B	Zoning Lot A Site B - Site Plan	[12-24-09] <u>06-29-10</u>
Z06-C	Zoning Lot A Site B - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z07-A	Zoning Lot A Site C - Adjusted Base Plane Calculations	12-24-09
Z07-B	Zoning Lot A Site C - Site Plan	[12-24-09] <u>06-29-10</u>
Z07-C	Zoning Lot A Site C - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z08-A	Zoning Lot A Site D - Adjusted Base Plane Calculations	12-24-09
Z08-B	Zoning Lot A Site D - Site Plan	[12-24-09] <u>06-29-10</u>
Z08-C	Zoning Lot A Site D - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z09-A	Zoning Lot C Site A - Adjusted Base Plane Calculations	12-24-09
Z09-B	Zoning Lot C Site A - Site Plan	[12-24-09] <u>06-29-10</u>
Z09-C	Zoning Lot C Site A - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z10-A	Zoning Lot B Site A - Adjusted Base Plane Calculations	12-24-09
Z10-B	Zoning Lot B Site A - Site Plan	12-24-09
Z10-C	Zoning Lot B Site A - Height and Setback Diagrams	12-24-09
Z11-1	Special Permit Drawing - Site A	[06-07-10] <u>06-29-10</u>

The Restrictive Declaration (Exhibit A) is amended to read:

Matter ~~struck~~ is old, to be deleted by the City Council;
 Matter double-underlined is new, to be added by the City Council.
 *** Indicates unchanged text

ARTICLE I

CERTAIN DEFINITIONS

For purposes of this Declaration, the following terms shall have the following meanings.

“**Applicable Exhaust Stack Plane**” shall mean (i) with respect to Site A, a horizontal plane located ~~275~~309 feet above the Brooklyn Datum, (ii) with respect to Site B, a horizontal plane located ~~407~~350 above the Brooklyn Datum, (iii) with respect to Site C, a horizontal plane located ~~400~~342 feet above the Brooklyn Datum, (iv) with respect to Site D, a horizontal plane located 331 feet above the Brooklyn Datum, and (v) with respect to Site E, a horizontal plane located 157 feet above the Brooklyn Datum.

“**Development Plans**” shall mean the following plans and drawings, ~~each dated December 24, 2009,~~ prepared by Rafael Viñoly Architects, each of which is annexed hereto as **Exhibit B:**

Number	Title	Date
T-1	Title Sheet	06-07-10
Z00-2	Zoning Lot Calculations, Actions, and Design Guidelines	06-07-10 <u>06-29-10</u>
Z00-3	Upland/Seaward Lot Calculations	12-24-09
<u>Z00-4</u>	<u>Sub-Division Plan</u>	<u>12-24-09</u>
Z01-1	Site Plan	06-07-10 <u>06-29-10</u>
<u>Z02-B1</u>	<u>Illustrative Basement Plan</u>	<u>06-07-10</u>
<u>Z02-1</u>	<u>Illustrative Ground Floor Plan</u>	<u>12-24-09</u>
Z05-A	Zoning Lot A Site A - Adjusted Base Plane Calculations	12-24-09
Z05-B	Zoning Lot A Site A - Site Plan	06-07-10 <u>06-29-10</u>
Z05-C	Zoning Lot A Site A - Height and Setback Diagrams	06-07-10 <u>06-29-10</u>

Z06-A	Zoning Lot A Site B - Adjusted Base Plane Calculations	12-24-09
Z06-B	Zoning Lot A Site B - Site Plan	12-24-09 <u>06-29-10</u>
Z06-C	Zoning Lot A Site B - Height and Setback Diagrams	12-24-09 <u>06-29-10</u>
Z07-A	Zoning Lot A Site C - Adjusted Base Plane Calculations	12-24-09
Z07-B	Zoning Lot A Site C - Site Plan	12-24-09 <u>06-29-10</u>
Z07-C	Zoning Lot A Site C - Height and Setback Diagrams	12-24-09 <u>06-29-10</u>
Z08-A	Zoning Lot A Site D - Adjusted Base Plane Calculations	12-24-09
Z08-B	Zoning Lot A Site D - Site Plan	12-24-09 <u>06-29-10</u>
Z08-C	Zoning Lot A Site D - Height and Setback Diagrams	12-24-09 <u>06-29-10</u>
Z09-A	Zoning Lot C Site A - Adjusted Base Plane Calculations	12-24-09
Z09-B	Zoning Lot C Site A - Site Plan	12-24-09 <u>06-29-10</u>
Z09-C	Zoning Lot C Site A - Height and Setback Diagrams	12-24-09 <u>06-29-10</u>
Z10-A	Zoning Lot B Site A - Adjusted Base Plane Calculations	12-24-09
Z10-B	Zoning Lot B Site A - Site Plan	12-24-09
Z10-C	Zoning Lot B Site A - Height and Setback Diagrams	12-24-09
Z11-1	Special Permit Drawing - Site A	06-07-10 <u>06-29-10</u>

ARTICLE II

DEVELOPMENT AND USE OF THE SUBJECT PROPERTY

2.01 Development of the Subject Property

(d) Inclusionary Housing

(ii) Height Limitation

(B) The maximum heights provided for Towers set forth the height of the tallest Module permitted in each Tower. The heights of adjacent Modules within such Tower ~~(with exception of those Modules on Site A)~~ must be reduced so as to maintain the height differentials among adjacent Modules, as is shown in Site Plan Z01-1 of the Development Plans. ~~On Site A, only the tallest Module permitted in each tower must be reduced; the heights of adjacent Modules within such Tower can still be built to the heights shown on Site Plan Z1-~~

ARTICLE III

PROJECT COMPONENTS RELATED TO THE ENVIRONMENT AND MITIGATION MEASURES

3.02 Project Components Related to the Environment Relating to Design and Operation of New Buildings.

(d) Shuttle Bus. Declarant shall implement a peak hour shuttle bus service for occupants of any New Building between the project site and the Marcy Avenue subway station (the “Shuttle Service”) upon full occupancy of the New Building constructed on Site E.

3.04 Environmental Mitigation.

(f) Transit and Pedestrians

(iii) Notwithstanding anything to the contrary set forth in this Section, Declarant may be relieved from compliance with the mitigation measures set forth in Section 3.04(f)(i) above, provided that prior to issuance of a Building Permit for said New Building, Declarant demonstrates, to the satisfaction of the Chair, that the Shuttle Service eliminates the transit impact (as set forth in the FEIS). Upon such demonstration, Declarant shall be permitted to apply for or accept a Building Permit for such New Building without having to comply with the provisions set forth in Section 3.04(f). In the event that Declarant shall fail to demonstrate that the Shuttle Service eliminates the transit impact, or the absence of other circumstances which eliminate the transit impact or diminish the transit impact such that less mitigation is required than specified in the FEIS, then Declarant shall be required to implement the mitigation measures set forth in Section 3.04(f).

ARTICLE IV

PUBLIC ACCESS AREAS

4.01 Construction of Public Access Areas.

(a) If Declarant develops the Subject Property, the Public Access Areas shall be constructed substantially in accordance with the Public Access Area Plans and the Final Public Access Area Plans. Any development of the Public Access Areas shall occur only if it is in substantial conformity with the Public Access Area Plans and the Final Public Access Area Plans and otherwise in compliance with this Declaration.

(b) The "Public Access Area Plans" shall mean the following plans and drawings, by Quennell Rothschild and Partners, annexed hereto in Exhibit C and made a part hereof:

Number	Title	Date
L0-0 Z00-4	Subdivision Plan Title Sheet	12-22-09
L1-1 -1	Open Space Zoning Calculations	12-22-09
L2-1 -1	Waterfront Public Access Plan	12-22-09
L3-1 -1	Open Space Phasing Plans - Phase 2	06-07-10
L3-2 -2	Open Space Phasing Plans - Phase 3	06-07-10
L3-3 -3	Open Space Phasing Plans - Phase 4	06-07-10
L3-3a 3-3A	Alternate Open Space Phasing Plans -Phase 4	06-07-10
L3-4 -4	Open Space Phasing Plans - Phase 5	06-07-10
L3-4a	Alternate Open Space Phasing Plans -Phase 6	06-07-10
L3-5 -5	Open Space Phasing Plans - Phase 6	06-07-10
L5-1 -1	Layout Topographical Plan Survey	12-22-09
L5-2 -1	Layout Plan	12-22-09
L6-1 -2	Materials Layout Plan	12-22-09
L6-2 -1	Materials Plan	12-22-09
L7-1 -2	Grading Materials Plan	12-22-09
L7-2 -1	Grading Plan	12-22-09
L8-1 -2	Planting Grading Plan	12-22-09
L8-1 -1	Planting Plan	12-22-09
L8-2	Planting Plan	12-22-09
L8-3 -3	Planting Schedule and Details	12-22-09
L9-1	Furnishing & Lighting Plan	12-22-09
L9-2 -1	Furnishing & Lighting Plan	12-22-09

L9-2	Furnishing & Lighting Plan	12-22-09
L9-3 -3	Site Furnishing Schedule & Lighting Details	12-22-09
L10-1	Lighting Foot Candle Diagram	12-22-09
L10-2 10-1	Lighting Foot Candle Diagram	12-22-09
L10-2	Lighting Foot Candle Diagram	12-22-09
L11-1 11-1	Material & Signage Details	12-22-09

ARTICLE XIII

MISCELLANEOUS

13.07 Modifications.

(c) This Declaration may be modified, amended or canceled only upon application by Declarant and subject to the approval of the Commission, and no other approval or consent by any other public body shall be required for such modification, amendment or cancellation; provided that a modification or amendment to this Declaration that would permit a change in use of those portions of the Proposed Development currently designated for community facility use to any other kind of use shall require in addition the approval of the City Council. Declarant shall not modify this Declaration so as to make any Affordable Housing Unit subject to the Funding Obligation or the Maintenance Obligation or to assessment for either of the foregoing during the term of any "Lower Income Housing Plan Written Agreement," entered into between Declarant and the City, acting through the New York City Department of Housing Preservation and Development.

13.17 Community Advisory Council. Declarant hereby agrees to send for review, but not for approval, to a Community Advisory Council should one be established pursuant to the ULURP approvals, any major modifications of the Development Plans, as well as any traffic studies submitted by the Declarant to DOT.

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. 133 & Res. No. 404

Report of the Committee on Governmental Operations in favor of approving Uniform Land Use Review Procedure application no. C 100188 ZSK pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to facilitate a mixed use development.

The Committee on Land Use, to which the annexed Land Use resolution was referred on June 9, 2010 (Minutes, page 2166) and originally reported to the Council on June 29, 2010 (Minutes, page 2488), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 100188 ZSK

City Planning Commission decision approving an application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the same floor of adjacent building segments without regard for the regulations

set forth in Section 32-42 (Location within Buildings) to facilitate the construction of a mixed use development on property located at 264-350 & 31 7-329 Kent Avenue, (Block 2414, Lot 1 and Block 2428 Lot 1), in a general large-scale development, Borough of Brooklyn, Community District 1, as modified.

INTENT

To facilitate construction of a mixed-use development.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 29, 2010

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

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

Res. No. 404

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100188 ZSK (L.U. No. 133), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2- 4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 7, 2010 its decision dated June 7, 2010 (the "Decision"), on the application submitted by The Refinery LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2- 4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development (ULURP No. C 100188 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100185 ZMK (L.U. No. 130), a zoning map amendment to replace an M3-1 district with C6-2 districts and with R6 and R8 districts with C2-4 commercial overlays; N 100186 ZRK (L.U. No. 131), a zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs; and C 100187 ZSK (L.U. No. 132), a special permit pursuant to Zoning Resolution Section 74-743 to modify height and bulk regulations as part of a general large-scale development;

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 74-744(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 June 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 28, 2010 (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010;

RESOLVED:

Having considered the FEIS, together with the Technical Memorandum, 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) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration known as Exhibit A and incorporated by reference herein, those mitigation measures that were identified as practicable.
- (4) The Decision and the FEIS together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, the Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, C 100188 ZSK, incorporated by reference herein, the Council approves the Decision with the following modifications that shall reduce the height of the tallest segment on Zoning Lot A Site B and on Zoning Lot A Site C to 34 stories, restore the height of the segments in Zoning Lot A, Site A to their original heights.

Matter in [brackets] is old, to be deleted by the Council;

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

The property that is the subject of this application (C 100188 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rafael Vinoly Architects PC, filed with this application and incorporated in this resolution:

Number	Title	Date Last Revised
T-1	Title Sheet	06-07-10
Z00-2	Zoning Lot Calculations, Actions, and Design Guidelines	[06-07-10] <u>06-29-10</u>
Z00-3	Upland/Seaward Lot Calculations	12-24-09
<u>Z00-4</u>	<u>Sub-Division Plan</u>	<u>12-24-09</u>
Z01-1	Site Plan	[06-07-10] <u>06-29-10</u>
<u>Z02-B1</u>	<u>Illustrative Basement Plan</u>	<u>06-07-10</u>
<u>Z02-1</u>	<u>Illustrative Ground Floor Plan</u>	<u>12-24-09</u>
Z05-A	Zoning Lot A Site A – Adjusted Base Plane Calculations	12-24-09
Z05-B	Zoning Lot A Site A – Site Plan	[06-07-10] <u>06-29-10</u>
Z05-C	Zoning Lot A Site A – Height and Setback Diagrams	[06-07-10] <u>06-29-10</u>
Z06-A	Zoning Lot A Site B – Adjusted Base Plane Calculations	12-24-09
Z06-B	Zoning Lot A Site B – Site Plan	[12-24-09] <u>06-29-10</u>
Z06-C	Zoning Lot A Site B – Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z07-A	Zoning Lot A Site C – Adjusted Base Plane Calculations	12-24-09
Z07-B	Zoning Lot A Site C – Site Plan	[12-24-09] <u>06-29-10</u>
Z07-C	Zoning Lot A Site C – Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z08-A	Zoning Lot A Site D – Adjusted Base Plane Calculations	12-24-09
Z08-B	Zoning Lot A Site D – Site Plan	[12-24-09] <u>06-29-10</u>
Z08-C	Zoning Lot A Site D – Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z09-A	Zoning Lot C Site A – Adjusted Base Plane Calculations	12-24-09
Z09-B	Zoning Lot C Site A – Site Plan	[12-24-09] <u>06-29-10</u>
Z09-C	Zoning Lot C Site A – Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z10-A	Zoning Lot B Site A – Adjusted Base Plane Calculations	12-24-09
Z10-B	Zoning Lot B Site A – Site Plan	12-24-09
Z10-C	Zoning Lot B Site A – Height and Setback Diagrams	12-24-09
Z11-1	Special Permit Drawing – Site A	[06-07-10] <u>06-29-10</u>

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of August 25, 2010).

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) M 174 & Res 397 -- Frederick Bland - Landmarks Preservation Commission
- (2) M 175 & Res 398 -- Robert Tierney - Landmarks Preservation Commission.
- (3) M 176 & Res 399 -- Christopher Moore - Landmarks Preservation Commission
- (4) M 177 & Res 400 -- Joan Gerner - Landmarks Preservation Commission
- (5) Int 141-A -- Commercial recycling.
- (6) Int 142-A -- Paint stewardship pilot program.
- (7) Int 147-A -- Recycling outreach, education and enforcement; source separation of recyclable materials and recycling centers.

- (8) Int 148-A -- (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage) Designation of rigid plastic containers as recyclable materials, staggering the source separation and collection of designated recyclable materials. Recycling by city agencies. Yard waste. Public space recycling and a citywide textile reuse and recycling program, batteries and tires. Household hazardous waste collection. Recycling goals, department-disposed of solid waste, department-collected solid waste and a recycling plan. Recycling in public and private schools. Composting of food waste. Use of clean heating oil in New York City. Findings of the Council concerning the environmental review conducted for Proposed Int. No. 194-A.
- (9) Int 156-A -- etting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A.
- (10) Int 157-A --
- (11) Int 158-A --
- (12) Int 162-A --
- (13) Int 164-A --
- (14) Int 165-A --
- (15) Int 171-A --
- (16) Int 194-A --
- (17) Res 362 --
- (18) Res 367 --
- (19) Res 371 -- Approving the new designation and changes in the designation of certain organizations to receive funding in Fiscal 2009, 2010 and 2011 Expense Budgets. (Transparency Resolution July 29, 2010).
- (20) L.U. 71 & Res 373 -- App. 20105417 HAX, UDAAP, 100 West 163rd Street and 954 Anderson Avenue, Council District no. 17, Borough of the Bronx. (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (21) L.U. 72 & Res 374 -- App. 20105418 HAX, UDAAP, 783 East 168th Street, Council District no. 16, Borough of the Bronx.
- (22) L.U. 73 & Res 375 -- App. 20105419 HAX, UDAAP, 190 Brown Place, Council District no. 8, Borough of the Bronx. (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (23) L.U. 75 & Res 376 -- App. 20105421 HAM, UDAAP, 565 West 125th Street, Council District no. 7, Borough of Manhattan.
- (24) L.U. 76 & Res 377 -- App. 20105422 HAM, UDAAP, 626 West 136th Street, Council District no. 7, Borough of Manhattan.
- (25) L.U. 106 & Res 378 -- App. 20105624 HAK UDAAP, 312 Hendrix Street, Council District no. 37, Borough of Brooklyn.
- (26) L.U. 130 & Res 401 -- ULURP, app. C 100185 ZMK zoning map Section Nos 12c and 12d, Borough of Brooklyn, Council District no. 33.
- (27) L.U. 131 & Res 402 -- App. N 100186 ZRK, (Inclusionary Housing Designated Areas), Borough of Brooklyn, Community Board 1.
- (28) L.U. 132 & Res 403 -- ULURP, app. C 100187 ZSK, special permit Brooklyn, Council District no. 33 to facilitate a mixed use development.
- (29) L.U. 133 & Res 404 -- ULURP, app. C 100188 ZSK special permit Brooklyn, CD 33 to facilitate a mixed use development.
- (30) L.U. 135 & Res 379 -- App. 20085322 TCM, unenclosed sidewalk café located at 247 Dyckman Street, Borough of Manhattan, Council District no. 7.
- (31) L.U. 136 & Res 380 -- ULURP, app. C 100206 PPQ, 38-15 138th Street, Borough Queens, Council

- District no. 20.
- (32) L.U. 137 & Res 381 -- ULURP, app. C 100207 ZMK zoning map, Section 10a, Borough of Queens, Council District no. 20
- (33) L.U. 138 & Res 382 -- ULURP, app. C 100208 ZSQ special permit, Queens, Council District no. 20 to facilitate a mixed-use development.
- (34) L.U. 139 & Res 383 -- ULURP, app. C 100209 ZSQ special permit, Queens, Council District no. 20 to facilitate a mixed use development.
- (35) L.U. 140 & Res 384 -- App. N 100210 ZRQ, changes in the text of the Zoning Resolution, Section 74-743.
- (36) L.U. 141 & Res 385 -- App. N 100211 ZRQ, changes in the text of the Zoning Resolution, Section 62-952.
- (37) L.U. 142 & Res 386 -- ULURP, app. C 100212 ZSQ special permit, Queens, Council District no. 20 to facilitate a mixed-use development.
- (38) L.U. 143 & Res 387 -- ULURP, app. C 100213 ZSQ special permit, Queens, Council District no. 20 to facilitate a mixed-use development.
- (39) L.U. 144 & Res 388 -- ULURP, app. C 100214 ZSQ special permit, Queens, Council District no. 20 to facilitate a mixed-use development.
- (40) L.U. 145 & Res 389 -- ULURP, app. C 100216 HAQ UDAADP, 37-10 37th Avenue and the disposition of such property, Queens, Council District no. 20.
- (41) L.U. 148 & Res 390 -- ULURP app. C 100259 HUX Bathgate Urban Renewal Plan, Borough of the Bronx, Council District no. 16.
- (42) L.U. 149 & Res 391 -- App. C 030223 ZMQ Zoning Map, Section No. 10a, R6 District a C2-2 District.
- (43) L.U. 150 & Res 392 -- App. C 050522 ZMQ Zoning Map, Section No. 9d, establishing within the proposed R7B District a C2-3 District.
- (44) L.U. 151 & Res 393 -- App. C 100180 PCM, site selection and acquisition of the High Line rail structure and easements Community District 4, Manhattan.
- (45) L.U. 153 & Res 394 -- App. 20105584 HKM (N 100318 HKM), Spring Mills Building, (Block 815, Lot 21), as a historic landmark, Council District no.3.
- (46) L.U. 154 & Res 395 -- App. 20105450 TCM, unenclosed sidewalk café located at 3424 Broadway, Borough of Manhattan, Council District no. 7.
- (47) L.U. 155 & Res 396 -- App. 20105580 TCM, unenclosed small sidewalk café located at 212 Lafayette Street, Manhattan, Council District no. 1.
- (48) Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Oddo, and the Speaker (Council Member Quinn) – 46.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for LU No. 136 & Res No. 380; LU No. 137 & Res No. 381; LU No. 138 & Res No. 382; LU No. 139 & Res No. 383; LU No. 140 & Res No. 384; LU No. 141 & Res No. 385; LU No. 142 & Res No. 386; LU No. 143 & Res No. 387; and LU No. 144 & Res No. 388:

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

Negative – Brewer and Lander – 2.

The following was the vote recorded for LU No. 145 & Res No. 389:

Affirmative – Arroyo, Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Oddo, and the Speaker (Council Member Quinn) – 45.

Negative – Brewer– 1.

The following was the vote recorded for Int No. 157-A :

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Van Bramer, Williams, and the Speaker (Council Member Quinn) – 38.

Negative – Halloran, Ignizio, Koo, Oddo, Ulrich, Vacca, Vallone, Jr., and Weprin – 8.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 141-A, 142-A, 147-A (passed under a Message of Necessity from the Mayor), 148-A, 156-A, 157-A, 158-A, 162-A, 164-A, 165-A, 171-A, and 194-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. 224-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution in support of the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); in support of all branches of federal, state and local government using their power to oppose the Arizona law, including banning government employees from using public funds to travel to Arizona; and endorsing the Council's decision to file an amicus brief in support of the federal action at its discretion.

The Committee on Immigration, to which the annexed amended resolution was referred on May 12, 2010 (Minutes, page 1709), respectfully

REPORTS:

I. INTRODUCTION

On Thursday, July 29, 2010, the Committee on Immigration, chaired by Council Member Daniel Dromm, will meet to vote on Proposed Resolution Number

224-A ("Proposed Res. No. 224-A"), a Resolution in support of: (i) the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); (ii) all branches of federal, state and local government using their power to oppose the Arizona law; and (iii) the Council's decision to file an amicus brief in support of the federal action at its discretion.

II. BACKGROUND

On April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill ("S.B.") 1070 into law with the stated goal of combating illegal immigration. S.B. 1070 requires immigrants to carry alien registration documents with them at all times and requires state and local law enforcement agents in Arizona to question the immigration status of anyone suspected of being an undocumented immigrant. Additionally S.B. 1070 establishes crimes related to an individual's status as an illegal immigrant, and seeks to criminalize such activities as seeking work. Many fear that S.B. 1070 will lead to racial profiling and will encourage other states to combat illegal immigration in the same extreme manner as Arizona.

Individuals, community-based organizations, public officials, and governing bodies are speaking out against Arizona's extreme efforts to prohibit illegal immigrants from living and working in Arizona. Protests are taking place throughout the nation, including New York City, condemning Arizona's actions. Local governments have officially prohibited the use of public funds for travel to Arizona and are refusing to do future business with Arizona-based companies. Civil rights and immigrant advocates have filed a lawsuit challenging the legality of S.B. 1070. And, most significantly, in early July the United States filed a complaint challenging the constitutionality of S.B. 1070 and requesting an injunction to prevent the law from taking effect as scheduled. On July 28, 2010, Judge Susan R. Bolton of the United States District Court for the District of Arizona granted such an injunction, preventing certain significant parts of S.B. 1070 from going into effect. Many expect the state of Arizona to appeal the decision.

III. PROPOSED RES. NO. 224-A

Proposed Res. No. 224-A supports the United States in its challenge to Arizona's enforcement of S.B. 1070. The proposed resolution discusses the complaint filed by the United States as well as the order issued by Judge Bolton granting a partial preliminary injunction. The resolution recognizes that despite Judge Bolton's favorable decision, litigation in Arizona is likely to continue and other states may legislate in a manner similar to Arizona. The resolution memorializes the Council's decision to ban its employees from using public funds to travel to Arizona, and endorses the Council's decision to file, at its discretion, an amicus brief in support of the United States in the federal litigation currently pending before Judge Bolton.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 224-A:)

Res. No. 224-A

Resolution in support of the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); in support of all branches of federal, state and local government using their power to oppose the Arizona law, including banning government employees from using public funds to travel to Arizona; and endorsing the Council's decision to file an amicus brief in support of the federal action at its discretion.

By Council Member Rodriguez, the Speaker (Council Member Quinn) and Council Members Mendez, Chin, Williams, Jackson, the Public Advocate (Mr. de Blasio), Dromm, Mark-Viverito, Brewer, Dickens, Ferreras, Foster, Lander, Sanders, Weprin, James, Crowley, Gonzalez, Eugene, Van Bramer, Arroyo, Seabrook, White, Cabrera, Barron, Rivera, Palma, Dilan, Rose, Mealy and Reyna.

Whereas, In April 2010, Governor Jan Brewer of Arizona signed Senate Bill ("S.B.") 1070, anti-immigrant legislation that requires immigrants to carry alien registration documents with them at all times and requires Arizona law enforcement agents to question the immigration status of anyone suspected to be an undocumented immigrant, into law; and

Whereas, Many suspect that this legislation will lead to racial profiling by law enforcement agents and fear that this draconian law will be an example that other states will follow as they seek to combat illegal immigration; and

Whereas, The Council of the City of New York passed Resolution No. 162-A, which condemned S.B. 1070, and called on both Congress and President Obama to complete a just and humane comprehensive immigration reform bill in 2010, on April 29, 2010; and

Whereas, On July 6, 2010, the United States filed a complaint in the United States District Court for the District of Arizona, challenging the constitutionality of S.B. 1070 and also requesting a preliminary injunction to enjoin Arizona from enforcing S.B. 1070; and

Whereas, On July 28, 2010, Judge Susan R. Bolton of the United States District Court for the District of Arizona granted the motion for a preliminary injunction, in part, and finding that the United States is likely to succeed on the merits in showing

that the following sections of S.B. 1070 are preempted by federal law, enjoined those sections that: (i) require an officer to make a reasonable attempt to determine the immigration status of a person stopped, detained, or arrested if there is reasonable suspicion to believe that person is in the United States illegally; (ii) criminalize the failure to apply for or carry alien registration papers; (iii) criminalize the to solicitation, application for, or performance of work by an unauthorized alien; and (iv) authorize a warrantless arrest of a person where there is probable cause to believe the person committed an offense that would make the person removable from the United States; and

Whereas, Although Judge Bolton's decision, which we applaud, enjoins many of the most troublesome aspects of S.B. 1070, the litigation is not at its end, and voices of protest against S.B. 1070 remain crucial; and

Whereas, Localities nationwide formally expressed their opposition to S.B. 1070 by a variety of means, for example, Mayor Chris Coleman of St. Paul, Minnesota, directed city employees to avoid using public funds to travel to Arizona and Mayor Gavin Newsom of San Francisco, California, announced a ban on travel to Arizona for city employees in response to S.B. 1070; and

Whereas, These are prudent steps and, accordingly, the Council of the City of New York is banning its employees from using public funds to travel to Arizona and urges all local governments and legislatures across the country to institute similar bans; and

Whereas, Other jurisdictions expressed their opposition to S.B. 1070 by refusing to do business with Arizona-based companies; and

Whereas, Congressman Jose Serrano (D-NY) is calling on Major League Baseball to reconsider whether it would be appropriate for the 2011 All-Star Game to be held in Arizona; and

Whereas, Rallies continue to be held throughout the nation, including Foley Square and Union Square in New York City, to protest Arizona's legislation; and

Whereas, Participants in these New York city rallies, in keeping with New York's long tradition of supporting its immigrant communities, condemn S.B. 1070; and

Whereas, There are many steps local and state governments, including those of New York, can take to oppose S.B. 1070, including: (i) not sending staff to Arizona; (ii) not spending public money in Arizona through contracts or otherwise; (iii) amending state or local law(s) to restrict Arizona's contracting ability; and (iv) not doing business with the state of Arizona or with businesses headquartered there, all of which are valuable and should be supported; and

Whereas, It is to be expected that Arizona will appeal the Order Judge Bolton issued on July 28, 2010; now, therefore, be it

Resolved, That the Council of the City of New York supports the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); supports all branches of federal, state and local government using their power to oppose the Arizona law, including banning government employees from using public funds to travel to Arizona; and endorses the Council's decision to file an amicus brief in support of the federal action at its discretion.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS, Committee on Immigration, July 28, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Comrie) declared **Res. No. 224-A** to be adopted.

The following 7 Council Members formally **objected** to the passage of this item: Council Members Gentile, Halloran, Ignizio, Nelson, Ulrich, Vallone, Jr. and Oddo.

Adopted by the Council by voice vote.

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

Report for voice-vote Res. No. 369

Report of the Committee on General Welfare in favor of approving a Resolution authorizing the Speaker to file or join with the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08.

The Committee on General Welfare, to which the annexed resolution was referred on July 29, 2010, respectfully

REPORTS:

The Committee on General Welfare, chaired by Council Member Annabel Palma, will meet on Wednesday, July 28, 2010 to vote on a Preconsidered Resolution authorizing the Speaker to file or join the Administration in filing, on behalf of the Council, a brief in support of Plaintiffs-appellees in *Tapia v. Successful Management Corp.* (Index No. 400563/08).

Background

The Housing Choice Voucher Program, also known as Section 8, is the primary program of the federal government for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.¹ Section 8 is funded by the U.S. Department of Housing and Urban Development (“HUD”) and is administered by local housing authorities. In New York City, the Section 8 program is administered by the New York City Housing Authority (“NYCHA”) and the Department of Housing Preservation and Development (“HPD”).² Section 8 participants receive vouchers to supplement their income specifically to enable them to obtain affordable housing.³

The New York City Council (the “Council”) enacted Local Law 44 of 1993 (the “J-51 Law”), which prohibits landlords who receive tax benefits under the City’s J-51 tax abatement program from discriminating against tenants based on their use of, participation in, or eligibility for, government-funded housing assistance programs, including Section 8.⁴ Several years later, to further assist those with limited incomes to find and maintain affordable housing, the Council enacted Local Law 10 of 2008 to protect New York City residents from housing discrimination on the basis of lawful source of income (“source of income”) which includes “income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.”⁵ With Local Law 10, the Council amended the City’s Human Rights Law to include source of income as a protected class, thereby prohibiting discrimination against tenants who use government subsidies for housing.

The *Tapia* Plaintiffs-appellees are a group of low-income tenants of rent stabilized apartments who filed a lawsuit against their landlords seeking a judgment declaring that the defendants-appellants are required to accept Section 8 vouchers under both the J-51 Law and Local Law 10.⁶ Defendants-appellants argued that that the J-51 Law and Local Law 10 protect prospective tenants but not current tenants who do not have preexisting agreements with their landlords requiring the landlords to accept Section 8 vouchers, and that Local Law 10 is preempted by federal and State law.⁷ The *Tapia* court (Friedman, J.S.C.) rejected these arguments, holding, *inter alia*, that the plain language of both Local Laws applies to both current as well as prospective tenants, and that the legislative history of Local Law 10 further supports this conclusion.⁸ The court also rejected the preemption argument and ultimately directed that the Section 8 vouchers be accepted.⁹ The Defendants brought this appeal to the First Department.

Preconsidered Res. No. 369:

The Preconsidered Resolution authorizes the Speaker to file or join the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation (captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08).

¹ See HUD, Housing Choice Vouchers Fact Sheet, available at http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm.

² In addition, the New York State Division of Housing and Community Renewal administers a state-wide Section 8 program, which includes New York City. See HPD, Residential Tenants Section 8 Information, HPD, available at <http://www.nyc.gov/html/hpd/html/section8/section8-tenants.shtml>.

³ *Id.*

⁴ N.Y.C. Admin. Code § 11-243(k).

⁵ N.Y.C. Admin. Code § 8-101 (25).

⁶ *Tapia v. Successful Management Corp.*, 2009 N.Y. Slip. Op. 51552U; 24 Misc. 3d 1222A; 897 N.Y.S2d 672, 2009 N.Y. Misc. LEXIS 1909, at *2 (N.Y. Sup. Ct., July 20, 2009).

⁷ *Id.* at *2, *4-*6.

⁸ *Id.* at *3-*5.

⁹ *Id.* at *7.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 369:)

Res. No. 369

Resolution authorizing the Speaker to file or join with the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08.

By Council Members Palma, Barron, Rodriguez, Lander and Reyna.

Whereas, The Council passed Local Law number 44 for the year 1993, which provides that a landlord who receives tax benefits under the City’s J-51 tax abatement program may not discriminate against tenants or potential tenants on the basis of such tenant’s use of or participation in government-funded housing assistance programs including Section 8; and

Whereas, In 2007, the New York Court of Appeals upheld Local Law number 44 in *Rosario v. Diagonal Realty, LLC*, a consolidated case in which individual plaintiff-tenants sued their landlords alleging, *inter alia*, that the law required landlords who receive J-51 tax abatements on their rental buildings to accept tenants’ Section 8 subsidies; and

Whereas, To further protect the ability of low income New Yorkers to obtain affordable housing, the Council passed Local Law number 10 for the year 2008, which provides that, with very limited exceptions, it is a violation of the City Human Rights Law to discriminate against, or refuse to lease a housing accommodation to any person, because of any lawful source of income of such person; and

Whereas, Local Law 10 expressly provides that the term “lawful source of income” includes Section 8 vouchers; and

Whereas, In 2008, low-income tenants of rent stabilized apartments filed a lawsuit against their landlords, captioned *Tapia v. Successful Management, Inc.*, Index No. 400563/08, seeking a judgment declaring that the defendants were required to accept Section 8 vouchers to supplement plaintiffs’ rental payments under the antidiscrimination provisions of the J-51 law and Local Law 10; and

Whereas, A central claim raised by the plaintiffs was that the landlords were acting in violation of the antidiscrimination provisions of the J-51 law and Local Law 10, because these provisions oblige landlords to accept Section 8 vouchers from current tenants who do not have leases requiring the acceptance of such vouchers; and

Whereas, The landlords claimed that the Council did not intend for the antidiscrimination provisions of the J-51 law and Local Law 10 to apply to current tenants, but only to prospective tenants; and

Whereas, The landlords also argued that Local Law 10 is invalid because it is preempted by federal housing law and by the New York State Urstadt Law; and

Whereas, The State Supreme Court issued a decision in favor of the tenants on July 20, 2009, finding that the antidiscrimination provisions apply to both prospective and current tenants, and finding further that Local Law 10 is not preempted either by federal or state law; and

Whereas, The landlords have appealed this decision to the Appellate Division, First Department; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to file or join with the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08.

ANNABEL PALM, Chairperson; GALE A. BREWER, MARIA DEL CARMEN ARROYO, YDANIS RODRIGUEZ, BRADORD S. LANDER, STEPHEN T. LEVIN, JAMES G. VAN BRAMER, Committee on General Welfare, July 28, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Comrie) declared **Res. No. 369** to be adopted.

The following 4 Council Members formally **objected** to the passage of this item: Council Members Ignizio, Ulrich, Vallone, Jr., and Oddo.

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 297

By Council Members Crowley, Chin, Dromm, Fidler, Gentile, James, Koslowitz and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to provide training to the New York City Police Department regarding laws governing commuter vans.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-506.2 to read as follows:

§19-506.2 *Commuter van law training. The commission shall conduct training sessions for the police department regarding laws governing commuter*

vans at least twice per calendar year, and as requested by the police department. The commission shall also prepare a digest of laws governing commuter vans including, but not limited to, required licenses, information to be displayed on and in a commuter van, procedures for addressing unlicensed commuter vans and a summary of violations issued to commuter vans. Such digest shall be distributed to all police department personnel responsible for traffic enforcement.

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

Referred to the Committee on Transportation.

Res. No. 359

Resolution calling upon the United States Congress to pass and the President to sign H.R. 5092, in relation to prohibiting the sale of animal crush videos.

By Council Members Crowley, Dromm, Fidler, Gentile, Lander, Nelson, Palma and Rodriguez.

Whereas, On April 20, 2010, the United States Supreme Court issued an opinion in the case United States v. Stevens; and

Whereas, Respondent, Robert J. Stevens, was charged under 18 United States Code (U.S.C.) 48, a law enacted by Congress in 1999 aimed at eradicating animal cruelty by restricting the depiction of animal cruelty; and

Whereas, The legislative history of the law focused primarily on crush videos in which animals are tortured and killed, which may appeal to certain individuals; and

Whereas, Subsequent to its enactment, the 1999 law was deemed to have significantly reduced the proliferation of crush videos and to have subsequently led to the industry's demise; and

Whereas, Stevens was charged under this law for selling videos that depicted dog fighting; and

Whereas, After a jury trial, Stevens was convicted of three counts of knowingly selling depictions of animal cruelty and was sentenced to 37 months of prison, followed by three years of supervised release; and

Whereas, Stevens challenged his conviction and the United States District Court for the Western District of Pennsylvania denied his motion; and

Whereas, The Court of Appeals for the Third Circuit reversed the district court, vacated Stevens' conviction and held that 18 U.S.C. 48 was facially unconstitutional as a content-based regulation of protected speech; and

Whereas, The United States Supreme Court granted certiorari and heard arguments on the case on October 6, 2009; and

Whereas, The United States government argued that depictions of animal cruelty are akin to other forms of speech that are undeserving of First Amendment protection such as depictions of child pornography, obscenity, defamation, fraud, perjury and incitement; and

Whereas, Legal counsel for Stevens asserted that the law was overbroad since a substantial amount of unintended conduct would be captured by the sweep of the law, including lawful and ordinary conduct; and

Whereas, The government argued that the statute should be construed to include crush videos, animal fighting and other forms of extreme cruelty; and

Whereas, The Court in an 8-1 opinion authored by Chief Justice John Roberts, with Justice Samuel Alito dissenting, held that the statute in relation to depictions of animal cruelty is substantially overbroad, and therefore invalid under the First Amendment, affirming the decision of the Third Circuit; and

Whereas, The majority opinion agreed that it would be too tenuous to limit the statute in the manner the government sought; and

Whereas, Additionally, the Court was concerned with the sweeping nature of the law and spoke of the example of videos that depict hunting which would purportedly be illegal under the statute; and

Whereas, In response to the decision in United States v. Stevens, Congressman Elton Gallegly introduced H.R. 5092, co-sponsored by more than 330 members of Congress, which would amend 18 U.S.C. 48 in relation to depictions of animal cruelty; and

Whereas, Specifically, this legislation would prohibit the sale of animal crush videos; and

Whereas, In response to concerns enunciated by the majority in United States v. Stevens, H.R. 5092 would narrow the prohibition to sell or offer for sale animal crush videos; and

Whereas, Animal crush videos are defined as any visual depiction, including any photograph, motion-picture film, video recording, or electronic image, which depicts animals being intentionally crushed, burned, drowned, or impaled, that depicts actual conduct in which a living animal is tortured, maimed, or mutilated that violates any criminal prohibition on intentional cruelty under federal law or the law of the state in which the depiction is sold; and

Whereas, Further, prohibited videos, when being considered as a whole, must not have religious, political, scientific, educational, journalistic, historical, or artistic value; and

Whereas, The bill also contains an express provision that the law shall not be

construed to prohibit the sale of hunting videos, attempting to alleviate the Supreme Court's concern; and

Whereas, The sponsors are hopeful that this more narrowly tailored law will satisfy judicial scrutiny and ultimately keep animals safe from cruelty, so that a resurgence of crush videos does not resurface; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 5092, in relation to prohibiting the sale of animal crush videos.

Referred to the Committee on State and Federal Legislation.

Int. No. 298

By Council Members Fidler, Brewer, Gennaro, Jackson, James, Koslowitz, Mealy, Nelson, Palma and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to creating and increasing penalties against gas stations that violate the administrative code.

Be it enacted by the Council as follows:

Section 1. Subdivisions e and f of section 20-674 of the administrative code of the city of New York are amended and new subdivisions g, h, i and j are added to read as follows:

e. If any person is found guilty of violating the provisions of this subchapter or any rules or regulations promulgated thereunder on four or more separate occasions within the preceding twenty-four month period, the commissioner after notice and hearing shall be authorized to order that any or all premises where the violations occurred be sealed for a period of not less than three (3) nor more than five (5) consecutive days. Such notice may be included with notice of any fourth violation of the provisions of this subchapter or any rules or regulations promulgated thereunder and shall specify the premises to be ordered sealed. The procedures provided for in subdivisions c, e, f, and h through j of section 20-105 of this code shall apply to an order for sealing of such premises. For the purposes of this subdivision, any notices of violation issued to a premises prior to a change in ownership of such premises or business shall be deemed waived unless the commissioner establishes that the change of ownership of such premises or business did not occur through an arm's length transaction as defined in subdivision f of this section or that the change in ownership took place, in whole or in part, for the purpose of permitting the previous owner of the business to avoid the effects of violations on the premises.

f. For purposes of subdivision e of this section, "arm's length transaction" means a sale of a fee or all undivided interests in real property, or a lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property or lease, or business, in the open market, between two informed and willing parties, where neither is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original operator and/or owner of the business to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original operator and/or owner of the business to avoid the effect of violations on the premises:

(i) a sale between relatives, which term shall mean, for purposes of this paragraph, a person and his or her spouse, domestic partner, parent, grandparent, child, stepchild, or stepparent, or any person who is the direct descendant of the grandparents of the person or of the spouse or domestic partner of the person;

(ii) a sale between related companies or partners in a business; or

(iii) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original operator to avoid the effect of violations on the premises.

g. For purposes of this section:

(i) the term "premises" shall refer to land and improvements or appurtenances or any part thereof; and

(ii) companies shall be deemed "related" if an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the corporation of one company is or has been an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the other, but companies shall not be deemed related solely because they share employees other than officers, principals, or directors.

h. Mutilation or removal of a posted order of the commissioner or his designee shall be a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding fifteen days, or both, provided such order contains therein a notice of such penalty. Any other intentional disobedience or resistance to any provision of the orders issued pursuant to this paragraph,

including using or occupying or permitting any other person to use or occupy any premises ordered closed without the permission of the department as described in subdivision e shall, in addition to any other punishment prescribed by law, be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1000), or by imprisonment not exceeding six months, or both.

[e]. i. The civil penalties prescribed by the provisions of this section may be imposed by the commissioner after due notice and an opportunity to be heard have been provided or may be recovered in a civil action in the name of the city, commenced in a court of competent jurisdiction. In any civil action commenced to recover civil penalties for violation of a final order of the commissioner issued pursuant to subdivision c of this section, the supreme court of New York is empowered to grant such injunctive or equitable relief as the court deems appropriate in the enforcement of such final order.

[f.] j. Notwithstanding the foregoing, the commissioner shall cause to be published in the City Record once each month the name and business location of any person, firm or corporation that has been found to have violated any provision of sections 20-673.1 or 20-673.2 during the month immediately preceding.

§2. Subchapter 5 of Title 20 of the administrative code of the city of New York is amended to add a new section 20-674.1 to read as follows:

§20-674.1 Hearing Authority. (a) 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 subchapter. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-674 of this subchapter for each such 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.

(b) 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 when filled in and served 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 one hundred twenty days after its enactment provided, however, that the commissioner 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.

Referred to the Committee on Consumer Affairs.

Int. No. 299

By Council Members Fidler, Brewer, Dromm, Gennaro, Gentile, Jackson, James, Koppell, Mealy, Nelson, Palma, Reyna, Williams, Halloran, Koo, Oddo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to extending funeral benefits to New York City auxiliary police officers.

Be it enacted by the Council as follows:

Section 1. Section 14-147 of chapter 1 of title 14 of the administrative code of the city of New York is hereby amended by adding a new subdivision c, to read as follows:

§14-147 Workers' compensation and funeral benefits for members of auxiliary police.

c. Funeral benefits for auxiliary police. Funeral expenses for an auxiliary police officer who dies while engaged in the discharge of duty shall be paid by the city.

§2. This local law shall become effective ninety days after its enactment.

Referred to the Committee on Public Safety.

Int. No. 300

By Council Members Fidler, Gentile, Jackson, Mealy, Williams, Halloran, Koo, Oddo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to allowing any member of the police force, while off-duty, to provide security at locations where alcohol is used or sold.

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 by adding a new section 14-152, to read as follows:

§14-152 Provision of security services by members of the force while off-duty.

Subject to the discretion of the police commissioner, members of the police force shall be permitted to work, while off-duty and in uniform, at premises licensed to sell beer or alcohol, provided that such employment is pursuant to the New York City Police Department's Paid Detail Unit program and is limited to the provision of exterior security services only. The police commissioner shall promulgate such rules and regulations as may be necessary to implement the provisions of this section, including provisions stating that officers shall not be assigned to premises within his or her regular precinct of employment and that officers shall be rotated among eligible premises.

§2. This local law shall take effect 120 days after it shall have become law.

Referred to the Committee on Public Safety.

Res. No. 360

Resolution calling on the New York State Legislature to pass legislation mandating that child day care center employees receive cardiopulmonary resuscitation (CPR) and first aid training and certification.

By Council Members Fidler, Rodriguez, Chin, Dilan, Dromm, Eugene, Jackson, James, Koppell, Koslowitz, Mealy, Palma, Reyna, Van Bramer, Williams, Halloran, Koo, Oddo and Ulrich.

Whereas, The health and safety of children who are in the care of others is a primary concern for all New Yorkers; and

Whereas, Accidents, including those that cause sudden cardiac arrest, are the leading cause of death among toddlers and children; and

Whereas, Early CPR is one of the four critical links in the chain of survival for sudden cardiac arrest victims; and

Whereas, CPR helps maintain vital blood flow to the heart and brain and increases the amount of time that an electric shock from a defibrillator can be effective; and

Whereas, When CPR is performed immediately after a traumatic accident, it can prevent death as well as brain injury; and

Whereas, Brain death starts to occur four to six minutes after a child suffers cardiac arrest if no CPR and defibrillation occurs during that time; and

Whereas, According to the American Heart Association CPR can double or triple the chances of survival for a sudden cardiac arrest victim; and

Whereas, The Office of Children and Family Services does not require day care center employees to have CPR training, but merely encourages it; and

Whereas, The American Heart Association offers both credentialed courses and awareness programs to train people in CPR, with options for child, and infant CPR, relief of choking, and use of an AED (Automated External Defibrillator); and

Whereas, New York State should be a national leader and increase the rate of survival for sudden cardiac arrest victims; and

Whereas, It is imperative that employees are trained to provide aid to the children in their care; and

Whereas, No child should die needlessly due to sudden cardiac arrest simply because the caretaker did not have proper CPR training, now, therefore, be it,

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass legislation mandating that child day care center employees receive cardiopulmonary resuscitation (CPR) and first aid training and certification.

Referred to the Committee on Health.

Int. No. 301

By Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm, Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van Bramer, Williams, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Finance to dismiss parking violations issued for the failure to display a muni-meter receipt if the driver provides a valid receipt from the time the ticket was issued.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:

§19-167.2 a. *Failure to display a muni-meter receipt. For purposes of this section, the term “muni-meter” shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle’s dashboard.*

b. *Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, in cases where a notice of violation was issued to an owner of a vehicle for the failure to display a muni-meter receipt reflecting the period of parking time purchased for such vehicle, the presentation, in person or by mail, of a valid receipt from the time the ticket was issued, or other suitable evidence as determined by the hearing officer or hearing examiner, shall be an affirmative defense to such notice of violation.*

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 361

Resolution calling upon the Federal Communications Commission and the United States Congress to establish a new framework that includes a dispute resolution process for resolving retransmission consent disputes between broadcasters and cable companies, and to provide for interim carriage while negotiations or dispute resolutions are underway.

By Council Members Garodnick, Chin, Fidler, Gennaro, Palma and Williams.

Whereas, In the 1992 Cable Act, the United States Congress established rules for the carriage of broadcast content on cable systems, allowing broadcast stations to choose “retransmission consent” over mandatory carriage on cable systems; and

Whereas, This retransmission consent requires that cable providers negotiate for permission to retransmit television broadcast content over the cable system at an agreed upon rate; and

Whereas, These rules have resulted in contentious negotiations between cable providers and broadcast networks that, in several instances, have ended in the final moments before popular live broadcast events; and

Whereas, Broadcast stations threaten to pull their signal to cause a “black out” in order to force a consent agreement; and

Whereas, A recent dispute over retransmission rates resulted in the loss of programming for three million cable subscribers in New York; and

Whereas, Because of these disputes, there is an increase in cable subscription prices due to the leverage wielded by broadcasters who demand high retransmission rates; and

Whereas, The cable market has changed markedly since these rules were created 18 years ago when there was little competition; and

Whereas, Today, content may be distributed by satellite carriers, local exchange carriers (phone), or internet protocol (IP) in addition to cable; and

Whereas, It is unacceptable that subscribers continue to be victims of retransmission consent battles and therefore, these changed circumstances merit an updated approach to resolving retransmission consent disputes; and

Whereas, The 1992 Cable Act sought to preserve broadcast television networks as stewards of the public airwaves to bring localism and diversity to television content; and

Whereas, Retransmission consent battles that result in blacked out stations and high rates are counter to these goals; now therefore, be it

Resolved, That the Council of the City of New York calls upon the Federal Communications Commission and the United States Congress to establish a new framework that includes a dispute resolution process for resolving retransmission consent disputes between broadcasters and cable companies, and to provide for interim carriage while negotiations or dispute resolutions are underway.

Referred to the Committee on Technology (preconsidered but laid over by the Committee on Technology).

Res. No. 362

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 194-A.

By Council Members Gennaro, Palma and Williams.

Whereas, The enactment of Proposed Int. No. 194-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Mayor’s Office of Environmental Coordination has prepared on

behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for these bills, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Environmental Protection; for text of attachment to the resolution, please see the Report of the Committee on Environmental Protection for Res No. 362 printed in these Minutes).

Int. No. 302

By Council Members Gentile, Garodnick, Rodriguez, Brewer, Chin, Dromm, James, Lander, Mealy, Nelson, Palma and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting fees for the use of a credit card in city transactions.

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of Section 11-105 of Title 11 of Chapter 1 of the administrative code of the city of New York is amended to read as follows:

3. Notwithstanding any other provision of law to the contrary, any agency or department of the city which, pursuant to an agreement entered into under this section, accepts credit cards as a means of payment of fines, civil penalties, taxes, fees, rent, rates, charges or other amounts owed by a person to the city shall *not* [be authorized to] charge *or* [and] collect from any person offering a credit card as a means of payment of a fine *any* [a reasonable and uniform] fee as a condition of accepting such credit card in payment of a fine, civil penalty, tax, fee, rent, rate, charge or other amount. [Such fee shall not exceed the cost incurred by the agency or department in connection with such credit card transaction, which cost shall include any fee payable by the city to the financing agency.]

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

Referred to the Committee on Governmental Operations.

Int. No. 303

By Council Members Gentile, Rodriguez, Fidler, Jackson, James, Koppell, Nelson and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of guidelines for requiring owners and operators of exterior lights to shield the lights when they create undue glare.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that technological advances have led to the production of brighter light sources, often

resulting in excessive lighting, energy waste, and light pollution when lighting is not designed to direct the light toward the intended target. Over time, the nighttime environment has become impacted by the effects of light pollution which include glare, light trespass, and skyglow, all of which affect our quality of life. Light pollution makes it harder to observe the night sky, and scientific studies have demonstrated negative and destructive effects of altered nocturnal environments on species and ecosystems. Recent research indicates that exposure to light at night can upset normal human circadian rhythms, thereby disrupting hormone secretions and weakening the body's immune system. Excessive and improperly shielded lighting burdens society with the economic and environmental costs of wasted energy. The Council further finds that good outdoor lighting at night benefits everyone as it increases safety due to reduced glare, promotes good health of our environment and citizenry, and preserves the ability to view the stars against a dark night sky.

Therefore the Council finds that it is in the best interests of the residents of the city to require owners and operators of exterior lights to prevent nighttime glare and light trespass from excessive lights and high powered light fixtures.

Section 1. Article 17 of subchapter 7 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-505.2 to read as follows:

§27-505.2 *Requirement that existing exterior lighting has shielded light fixtures.* a. For purposes of this section, the following terms shall have the following meanings:

1. "Existing exterior light fixture" shall mean a device for generating light, including the complete lighting assembly, such as the lamp(s), housing, ballasts, photocells, reflectors or refractors, lenses, sensors and shields, consisting of one or more lamps together with the parts designed to distribute light, position and protect the lamp, and connect the lamp to a source of power that was operating as of the effective date of this section and that provides illumination to a surface, building, structure, device, or other outdoor feature. A light fixture includes the ballast and photocells or sensors, if any.

2. "Shielded" shall mean covered by an opaque barrier which does not allow light to be transmitted in all directions.

3. "Lighting" shall mean equipment and effects of lighting produced by artificial means that illuminates a surface, building, structure, device, or other outdoor feature.

4. "Lumens" shall mean the unit of measurement used to quantify the amount of light produced by a light bulb or emitted from a fixture.

5. "Light trespass" shall mean light incident on a property other than that from which the light generated, whether or not the light source is directly visible across property lines. "Light trespass" includes illumination or glare cast unnecessarily on the property of another with the effect of reducing privacy, limiting use or enjoyment, hindering sleep and/or detracting from the appearance of the illuminated property without the permission of the owner, lessee or lawful occupant. Light trespass may be measured at any point on the property subject to the light trespass.

b. Existing and replacement exterior light fixtures shall minimize glare and light trespass to the greatest extent possible. Unless otherwise provided for in this section, all existing exterior light fixtures that are rated to emit 1800 lumens or greater shall be maintained as shielded, re-aimed or re-lamped light fixtures so as to avoid illuminating areas not intended to be illuminated by such fixtures when it has been determined by the appropriate agency to cause a condition of glare or light trespass on a residential property after a 311 complaint and investigation.

c. Where such light or replacement fixture cannot be shielded as required by this section, such light fixture shall be replaced at the end of its useful life. Its useful life shall be determined in accordance with any schedule for the amortization of the cost of such light fixture set forth in the internal revenue code or regulations or state law, whichever would provide for earlier replacement.

d. This section shall not apply to the following:

1. Fixtures that are UL-rated to be lamped at wattages not to exceed 60 watts with lamps rated no greater than 900 lumens.

2. Low voltage and low light output landscape lighting if the lighting was not set up to operate continuously from dusk to dawn except landscape lighting fixtures that are rated to emit 1800 lumens or greater.

3. Sign lighting that is regulated by the New York city sign code for which a permit has been issued.

4. Fixtures used to illuminate the façade of buildings or to illuminate other objects of public interest, such as landmarks, that employ devices to shield visible glare from residential properties.

5. Fixtures that illuminate flags, landscape and water features, statuary and public works of art, provided that the light source is not visible from a residential property.

6. Fixtures that are located on the premises of an historic building or within a designated historic district.

7. Decorative style fixtures where the daytime aesthetics of the lighting fixture support an architectural theme and incorporate refractor or internal reflectors to provide glare controls.

8. Lighting installations where safety will be compromised or where the installation of shielded light fixtures will increase energy use.

9. Emergency exit lighting with a UL rating to be lamped no greater than 1800 lumens.

10. Temporary lighting for emergency, repair, construction, special events or similar activities.

11. Outdoor sports facility lighting provided that the lighting fixtures are fitted with shields to limit off field illumination and glare.

12. Lighting fixtures installed within the theatre district zone.

13. Municipal streetlighting.

e. Any violation of the provisions of this section shall be corrected within ninety days of notice of the violation and any person who fails to correct the violation within such time period shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for each day that such violation remains uncorrected.

§2. This local law shall take effect ninety days after enactment, except that the commissioner of buildings shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Environmental Protection.

Res. No. 363

Resolution calling upon the Governor and the New York State Legislature to take all appropriate actions to close underutilized and ineffective juvenile justice facilities.

By Council Members Gonzalez, Crowley, Rodriguez, Brewer, Chin, Dromm, Fidler, Gentile, James, Lander, Mealy, Palma, Reyna, Sanders Jr., Williams, Halloran and Koo.

Whereas, Within the New York State juvenile justice system there have been numerous instances of abuse, misconduct, and maltreatment by staff of incarcerated youth in both State and City run detention facilities; and

Whereas, Seventy-six percent of youths in New York state correctional facilities are from the New York City area; and

Whereas, In September 2008, Governor David Paterson created the Task Force on Transforming Juvenile Justice, with the goal of establishing a statewide process to improve the juvenile justice system; and

Whereas, The Task Force released its report in December 2009, recommending that New York State Family Court judges incarcerate only those youth who pose a significant risk to public safety, citing acute problems in the juvenile justice system; and

Whereas, The Task Force made numerous recommendations, among which was closing underutilized facilities and reducing the use of institutional placement; and

Whereas, New York State's juvenile justice facilities are currently underpopulated and admissions have declined by nearly one-third since 2000; and

Whereas, Despite an estimated cost of \$200,000 annually per youth, OCFS facilities are failing to rehabilitate youth, as evidenced by the 75 percent rate of recidivism within three years of such youths' release; and

Whereas, Institutionalizing youth should be the choice of last resort, reserved only for those who pose a serious threat to society; and

Whereas, In 2008, Governor Paterson closed five OCFS facilities and has currently proposed reducing excess capacity by downsizing/closing several additional OCFS facilities; and

Whereas, This proposal would produce a savings of \$3 million in Fiscal Year 2011 and \$15 million in Fiscal Year 2012; and

Whereas, Closing underutilized facilities would save New York State taxpayers millions of dollars; and

Whereas, These savings could be reinvested into alternative to placement programs where youth can receive appropriate rehabilitative services at a fraction of the cost required to place them in state run facilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the New York State Legislature to take all appropriate actions to close underutilized and ineffective juvenile justice facilities.

Referred to the Committee on Juvenile Justice.

Res. No. 364

Resolution calling upon the United States Congress to pass and the President to sign into law the Paycheck Fairness Act.

By Council Members James, Rodriguez, Chin, Dromm, Jackson, Koppell, Lander, Palma and Williams.

Whereas, Even though, according to the United States Department of Labor, women now make up 46.8 percent of the total civilian labor force and such numbers indicate that they are an important part of the American workforce, women earn

lower pay than men employed in positions that require equal skill, effort, and responsibility; and

Whereas, Federal legislation such as the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Equal Pay Act of 1963 (29 U.S.C. 206(d)), prohibit gender and race discrimination in wage-setting systems; and

Whereas, Aggrieved workers have experienced difficulty in enforcing anti-wage discrimination laws because of confusion regarding the right to pay equity, as well as the burden of filing and proving claims; and

Whereas, The National Committee on Pay Equity has compiled statistics demonstrating that women in the workforce are routinely compensated significantly less than their male counterparts producing equal or comparable work; and

Whereas, According to the latest census statistics, women earned seventy-seven cents based on the male dollar earnings in 2008 and these earnings drop to 68.9 percent of the male dollar for African American women and to 60.2 percent of the male dollar for Latinas.; and

Whereas, According to the National Organization for Women (NOW), "If women received the same wages as men who work the same number of hours, have the same education and union status, are the same age, and live in the same region of the country, then these women's annual income would rise by \$4,000 and poverty rates would be cut in half. Working families would gain an astounding \$200 billion in family income annually;" and

Whereas, Pay equity would help more workers become self-sufficient and would reduce their reliance on governmental assistance programs, as indicated by a recent study by the National Committee on Pay Equity which found that "nearly 40 percent of poor working women could leave welfare programs if they were to receive pay equity wage increases;" and

Whereas, NOW further estimates that "men working in female-dominated jobs still receive about 20 percent more than women who work in female-dominated jobs" and further notes that, "women are paid less in every occupational classification for which sufficient information is available, according to data analysis in over 300 job classifications provided by the U.S. Department of Labor Statistics;" and

Whereas, According to a study from the American Association of University Women Educational Foundation (AAUW), the wage gap affects college graduates as well, and one year after college graduation women earn only 80 percent of their male counterparts' wages; and

Whereas, The AAUW report states that, "even after controlling for hours, occupation, parenthood, and other factors known to affect earnings, the research indicates that one-quarter of the pay gap remains unexplained and is likely due to sex discrimination;" and

Whereas, Because the right to pay equity is poorly understood, and wage discrimination laws are inadequately enforced and place the burden of filing and proving claims on workers, in January 2009 then Sen. Hillary Clinton and Rep. Rosa DeLauro introduced in the United States Congress the Paycheck Fairness Act to address these issues; and

Whereas, The Act would reduce wage inequity by clarifying the right to pay equity, enhancing enforcement mechanisms of the Equal Pay Act and requiring training on matters involving wage discrimination; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign into law the Paycheck Fairness Act.

Referred to the Committee on Women's Issues

Res. No. 365

Resolution urging the New York State Legislature to more clearly and narrowly define "public use, benefit or purpose" in the State Eminent Domain Procedure Law.

By Council Members James, Chin, Gentile, Lander, Palma, Williams and Halloran.

Whereas, Eminent domain is the power of the federal or state government to take privately owned property for a public purpose, without the owner's consent; and

Whereas, This right of the government is limited by the Fifth Amendment to the United States Constitution which states "...nor shall private property be taken for public use, without just compensation;" and

Whereas, While "just compensation" has been generally accepted, the question of what constitutes "public purpose" has been the subject of numerous disputes; and

Whereas, A public use is widely recognized as anything that is sanctioned by a federal or state legislative body for such uses that include roads, parks, reservoirs, schools and hospitals yet, the acquisition of land for a public purpose that is sold to a private entity for profit has been debated in the courts; and

Whereas, The United States Supreme Court has continually permitted a broad definition of public use and has generally deferred to legislative decisions on the definition of the phrase; and

Whereas, In 2005, the United States Supreme Court ruled in the case of *Kelo v. New London* that the taking of non-blighted private property for commercial

development in order to revitalize an economically depressed area is a valid public use under the Fifth Amendment; and

Whereas, The court also stated that states are allowed to impose stringent limits and further restrict the use of eminent domain for private redevelopment; and

Whereas, As a result of the *Kelo* decision, a number of states in different parts of the country have proposed or enacted legislation that specifically addresses eminent domain and more clearly define the term "public use," such as Ohio, Georgia, and New Hampshire; and

Whereas, According to Section 103 of the New York State Eminent Domain Procedure Law, the definition of a public project is "any program or project for which acquisition of property may be required for a public use, benefit or purpose;" and

Whereas, Numerous bills have been introduced in the New York State Legislature addressing various aspects of eminent domain reform but no changes have been enacted; and

Whereas, In November 2005, the New York State Bar Association created a Special Task Force on Eminent Domain with the mission to "review existing and proposed legislation regarding eminent domain in New York and make recommendations regarding appropriate legislative and regulatory considerations;" and

Whereas, The Task Force recommended that the state appoint a commission to research and define the proper scope of a "public project;" and

Whereas, Many advocates fear that the vagueness of the term "public project," if not more clearly defined, will be used to further the interests of private parties that are not in the public's best interests; and

Whereas, Because of this ambiguity, a comprehensive reform measure on the state level must be enacted in order to tighten the definition of public project and make it clearer, narrower and more objective; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to more clearly and narrowly define "public use, benefit or purpose" in the State Eminent Domain Procedure Law.

Referred to the Committee on Land Use.

Res. No. 366

Resolution calling upon the Mayor of the City of New York to declare a state of emergency with respect to the HIV/AIDS crisis in the black MSM community in New York City, and urging the Department of Health and Mental Hygiene to take necessary actions to address such health emergency.

By Council Members James, Rodriguez, Dromm, Koslowitz, Sanders Jr., Van Bramer and Williams.

Whereas, Since the HIV/AIDS epidemic began in the United States during the 1980s, men are the population group most affected by HIV and AIDS, particularly men who have sex with other men (MSM); and

Whereas, According to the Centers for Disease Control and Prevention (CDC) and the New York City Department of Health and Mental Hygiene (DOHMH), in 2006, men represented 73 percent of HIV/AIDS diagnoses nationally, and 69.7 percent of such diagnoses in New York City; and

Whereas, The CDC has also reported that male-to-male sexual contact is the most common mode of transmission for HIV and AIDS in the United States, accounting for 50 percent of the diagnoses for all adults and adolescents and 67 percent for males in 2006; and

Whereas, In addition to gender impact differences, racial disparities exist with regard to HIV infection rates; and

Whereas, The CDC has reported that the HIV/AIDS epidemic is a health crisis in the black community, as blacks, particularly black MSM, are disproportionately affected by HIV/AIDS as compared to members of other races and ethnicities; and

Whereas, In a CDC study that examined racial/ethnic disparities of HIV/AIDS diagnoses in 2005, blacks accounted for half of all AIDS cases, but only made up approximately 13 percent of the U.S. population; and

Whereas, According to the CDC, although the number of HIV diagnoses for MSM decreased during the 1980s and 1990s, statistical data indicates that HIV infection rates continue to increase among the black MSM population; and

Whereas, Of all black men living with HIV/AIDS in the United States, 48 percent contracted the disease through male-to-male sexual contact; and

Whereas, According to DOHMH, black MSM made up 42 percent of new HIV cases among males in New York City in 2006; and

Whereas, According to the CDC and the National Minority Aids Council, black MSM are less likely to identify as gay or disclose their sexual behavior to others because of the stigma attached to homosexuality, which has deterred such individuals from seeking appropriate health care and obtaining HIV testing; and

Whereas, Recent data by the CDC also indicated that compared to other racial/ethnic groups, black MSM are more likely to be diagnosed with HIV in the

advanced stages after the infection has already progressed into AIDS, and are less likely to be aware of their HIV status prior to diagnosis; and

Whereas, These findings suggest that HIV-positive black MSM may not be accessing antiretroviral treatment and may be unknowingly transmitting HIV to sexual partners, indicating an urgent need to increase access for this population to HIV testing and quality health care services through which a diagnosis can be made earlier; and

Whereas, In keeping with the mission of DOHMH to protect and promote the health of all New Yorkers, it is imperative that DOHMH identify, develop and support effective strategies to address the spread of HIV among black MSM; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York to declare a state of emergency with respect to the HIV/AIDS crisis in the black MSM community in New York City, and urges the Department of Health and Mental Hygiene to take necessary actions to address such health emergency.

Referred to the Committee on Health.

Res. No. 367

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A.

By Council Members James, Reyna and Williams.

Whereas, The enactment of Proposed Int. No. 141-A, Proposed Int. No. 142-A, Proposed Int. No. 147-A, Proposed Int. No. 148-A, Proposed Int. No. 156-A, Proposed Int. No. 157-A, Proposed Int. No. 158-A, Proposed Int. No. 162-A, Proposed Int. No. 164-A, Proposed Int. No. 165-A, Proposed Int. No. 171-A is each an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Mayor's Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for these bills, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Sanitation and Solid Waste Management; for text of the attachment to the resolution, please see the Report of the Committee on Sanitation and Solid Waste Management for Res No. 367 printed in these Minutes).

Int. No. 304

By Council Members Koppell, Chin, Gentile, Jackson, James and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to allowing hybrid electric taxicabs to drive in the bus lane.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding new section 19-510 to read as follows:

§19-510 *Licensed vehicles in the bus lanes:* a. "Hybrid electric taxicab" shall mean a taxicab that employs a combustion engine system together with an electric propulsion system that operates in an integrated manner, which is approved by the commissioner for use as a taxicab.

b. "Bus lane" shall mean any portion of a street, road, or highway that has been designated as such by the department of transportation or any governmental agency having jurisdiction over that street, road, or highway.

c. Notwithstanding any other provision of law, or rule or regulation to the contrary, the department of transportation shall permit hybrid electric taxis to drive in bus lanes.

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

Referred to the Committee on Transportation.

Int. No. 305

By Council Members Koppell, Ferreras, Fidler, Gennaro, Jackson, James, Sanders and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring signs indicating the locations of abandoned infant protection act drop-off points.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-177.1 to read as follows:

§ 19-177.1 *Signs indicating infant drop-off locations.* a. For the purposes of this section, the following terms shall be defined as follows:

1. "Child" shall have the same meaning as set forth in the abandoned infant protection act.

2. "Abandoned Infant Protection Act" shall mean the New York state abandoned infant protection act, as codified by sections 260.03 and 260.15(2) of the penal law.

b. The department shall establish, control, install and maintain signs indicating any location designated as a suitable location to leave a child pursuant to the abandoned infant protection act which locations, at a minimum, shall include all hospitals, police stations and fire stations.

c. At all hospitals, police stations and fire stations, the department shall establish, control, install and maintain signs in an area that is at or in close proximity to the front entrance of each facility and in the case of hospitals at an area that is at or in close proximity to the entrance to the emergency room or emergency department, if any.

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

Referred to the Committee on General Welfare.

Int. No. 306

By Council Members Koppell, Brewer, James and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to registering private ATM machines.

Be it enacted by the Council as follows:

Section 1. Legislative declaration.

The Council finds that acts of identity theft are plaguing New Yorkers. Federal Trade Commission statistics indicate that identity theft is the single most common consumer fraud complaint in the nation. Identity thieves are constantly developing new methods to harm consumers. One disturbingly easy method of obtaining personal identifying and financial information involves "skimming," or swiping an Automated Teller Machine ("ATM") card or credit card in a device programmed to steal the data encoded in the card. Skimming is often accomplished with a hand-held device or through an instrument installed in a seemingly innocuous ATM. A significant cause of the problem is that, unlike bank-operated ATMs,

private ATMs located in places such as grocery stores, nightclubs and gas stations are not adequately regulated by federal or state laws, and therefore are vulnerable to manipulation by unscrupulous machine operators or third parties. In addition, because no permit is required for private ATMs, their operators are currently largely untraceable and law enforcement efforts to investigate potential sources of identity and monetary theft are severely handicapped. A recent City Council investigation found that there are more than 1,500 unlicensed, unregistered and unregulated ATMs in New York City's delicatessens and convenience stores alone, and that private ATMs can be leased for as little as \$75 a month and purchased for as little as \$1,000.

The Council finds that legislation requiring the registration of private ATMs, which are those leased to many businesses throughout the city but not adequately regulated by the state or federal government, would enable law enforcement to better monitor their use and would deter the manipulation of these machines by wrongdoers. County governments in the New York City area have enacted similar legislation.

§2. The administrative code of the City of New York is amended by adding a new subchapter 13 to chapter 4 of title 20 to read as follows:

SUBCHAPTER 13

AUTOMATED TELLER MACHINES

§20-699.7 Definitions.

§20-699.8 Registering private ATMs.

§20-699.9 Terms; Applicable fees.

§20-699.10 Requirements for registered ATMs.

§20-699.11 Contracts between ATM distributors and operators.

§20-699.12 Electronic fund transfers.

§20-699.13 Exemptions.

§20-699.14 Banking regulations.

§20-699.15 Penalties.

§20-699.7 Definitions. Whenever used in this subchapter:

a. "ATM placement agreement" means any contract between a merchant and a private ATM provider, or between a merchant and distributor representing a private ATM operator, concerning the operation of a private ATM at a specified site, including the merchant's place of business.

b. "Bank account" means any fund, account or other entity into which an individual may deposit money where it is governed by state and/or federal banking laws and exchange commission rules.

c. "Consumer" or "customer" means a person or other entity conducting a transaction at a private ATM.

d. "Distributor" means a person, other than a private ATM provider, who owns, invests in, or leases a private ATM, or enters into a private ATM placement agreement with a merchant and subsequently contracts with a private ATM provider to operate the private ATM.

e. "EFT network" means one or more electronic funds transfer networks that are available to financial institutions, enabling the transfer of funds in and out of a patron's bank account when the patron engages in a sale, return or similar monetary transaction.

f. "Enforcing agent" means the Department of Consumer Affairs, the office of the New York State Attorney General, the District Attorney's Office and the New York City Police Department.

g. "Financial institution" means a bank, savings association, credit union or any affiliate or subsidiary thereof, which is recognized as such by the federal Gramm-Leach Bliley Act of 1999 (12 U.S.C. sec. 1811).

h. "Merchant" means an owner or lessee of the location or premises at which a private ATM is installed and made available to the merchant's customers or invitees. A merchant may own or lease a private ATM without being deemed a distributor, provided that the private ATM is intended solely for use at that merchant's location or premises and is used at the location specified on the merchant's application.

i. "Monetary transaction" means accessing an account at a financial institution with a credit, debit or other bank card at a private ATM for the purpose of making cash withdrawals, balance inquiries, deposits, fund transfers between accounts, or any other account transaction.

j. "Operating an ATM" means maintaining or providing the connection of a private ATM to any EFT network, regardless of who holds legal or equitable title in and to the private ATM.

k. "Private Automated Teller Machine" ("private ATM") means any device linked to the accounts and records of a banking institution that enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments, that is not subject to federal or state banking regulations and that is not under the dominion and control of any federally or state chartered bank or lending institution, including, but not limited to, any trust company, savings bank, savings and loan association or credit union.

l. "Private ATM provider" means any person, organization, firm, partnership or company offering a private ATM for public use. This term shall not include any electronic funds transfer network or any federally or state chartered bank or lending institution.

m. "PIN" means personal identification number, a series of numbers that

identifies the individual account card holder and permits use of the ATM machine.

n. "Sponsorship agreement" means any agreement between a financial institution and the private ATM provider that governs the operation of a private ATM within an EFT network.

§20-699.8 Registering private ATMs.

a. Every private ATM provider, distributor, or merchant operating a private ATM available for other than private use, and every private ATM in service, shall register with the department, except as otherwise provided by section 20-606 of this subchapter.

b. If the private ATM provider or distributor is also registered with at least one EFT network through a sponsorship agreement with a financial institution that is a member of the EFT network, such EFT registration information shall accompany private ATM registration maintained with the department. Every subsequent ATM registered with the department by an individual or business shall reference such sponsorship agreement, and shall contain any and all new information not presented with such prior registrations.

c. All registrations under this subchapter must contain all information as required by the department to effectuate and enforce the provisions herein.

d. Upon payment of the registration fee the commissioner shall issue a decal to the provider, distributor or merchant operating a private ATM to be securely affixed to a conspicuous and indispensable part of the ATM, on which shall be clearly set forth the registration number of the ATM and the date on which said registration expires. Such decal shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner upon renewal of the registration hereunder may continue the use of the decal for as many additional registration years as he or she in his or her discretion may determine, in which event he or she shall issue and deliver to the registrant a replaceable date tag as evidence of renewal of the registration, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any decal or date tag issued hereunder, the owner may file such statement and proof of facts as the commissioner shall require, with a fee established by the department, and the department shall issue a duplicate or substitute decal or date tag.

e. Whenever a private ATM is moved from its current registered site to another location, the ATM provider must notify the department within five (5) business days of the change in location.

f. All private ATMs placed prior to the enactment of this law must submit the

appropriate application, in the form prescribed by the commissioner, within ninety (90) days of the law's effective date.

§20-699.9 Terms; Applicable fees.

a. The term of this registration shall be three (3) years.

b. All fees in relation to the registration for, and renewal of, registrations pursuant to this chapter shall be assessed and collected by the department pursuant to the rules promulgated hereto.

§20-699.10 Requirements for registered ATMs. All ATM operators, distributors and merchants shall:

a. Maintain and file such records as are required pursuant to the rules promulgated by the department to effectuate the provisions of this subchapter;

b. Comply with all EFT network operating rules and all local, state and federal regulations governing the operations of private ATMs;

c. Maintain inventory procedures identifying the location of the private ATMs that it operates or has distributed or possesses, that are available for use by the public;

d. Operate or distribute private ATMs only pursuant to a written agreement and only with merchants that are legally authorized to conduct business in the state of New York and New York City, and file a copy of such agreements, along with any modifications, with the department;

e. Conspicuously post on each private ATM the decal to be issued by the commissioner as required by section 20-699.8(d) bearing the registration number of the ATM and the date on which said registration expires, and any additional information as may be required by the commissioner at his or her discretion.

f. Conspicuously post on each private ATM a notice in at least 20-point type setting forth:

1. the name of the merchant and private ATM provider or distributor;

2. the telephone number of the private ATM provider or distributor;

3. the telephone number of the department, or any other citywide hotline number by which complaints or inquiries can be registered with the department, presently 311;

4. a telephone number by which complaints or inquiries concerning identity theft can be registered with the Federal Trade Commission, presently 877-ID-THEFT;

5. the fee charged in connection with the use of the private ATM and the maximum dollar amount that may be withdrawn in a single transaction; and

6. the following statement: "Protect your identity: Safeguard your card and PIN and take your receipt."

g. Provide each customer using a private ATM with the option to receive, immediately upon completion of each transaction, a printed receipt setting forth the

exact address at which the private ATM is located; the registration number of the private ATM; the nature of the transaction completed by the customer; and the amount of money transacted by the customer.

§20-699.11 *Contracts between ATM distributors and operators.* A distributor must supply the private ATM provider with the following before the parties may enter a private ATM placement agreement:

a. The distributor's full legal name and any trade name under which the distributor is conducting business;

b. the distributor's federal and state income tax identification numbers and, if the distributor is a sole proprietorship, his or her social security number.

§20-699.12 *Electronic fund transfers.* Nothing in this local law shall be interpreted or construed to modify, amend, suspend, supersede, or cancel any EFT network rule or regulation.

§20-699.13 *Exemptions.* The following entities are exempt from the requirements of this local law, unless they are operating in the private ATM field:

a. Any financial institution regulated by federal or state banking laws.

b. Any subsidiary or affiliate of any financial institution regulated by federal or state banking laws.

c. Any person providing ATM services to a financial institution regulated by the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the U.S. Office of Thrift Supervision, the National Credit Union Administration, or the state of New York or any of its departments where the state requires the information required by this local law.

§20-699.14 *Banking regulations.* This local law shall have no effect on bank accounts, federal and state banking procedures, or banking regulations.

§20-699.15 *Penalties.*

a. 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 subchapter. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-726 of the administrative code. 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 section 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.

b. 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 when filled in and served 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 one hundred and twenty (120) days after it shall have been enacted into law; provided that the commissioner may 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.

Referred to the Committee on Consumer Affairs.

Int. No. 307

By Council Members Koppell, James, Palma and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of a stop sign or traffic control signal at each end of every pedestrian overpass in the city.

Be it enacted by the Council as follows:

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

§19-183 *Pedestrian overpasses.* All pedestrian walkways situated above roadways in the city of New York shall have stop signs or traffic control signals at each end of such overpass in order to control motor vehicle traffic on streets with which they intersect. The department shall evaluate and install at such locations either a stop sign or a traffic control signal, whichever the department deems to be appropriate, based upon the volume of relevant motor vehicle traffic and the sight-lines of persons emerging from any such overpass.

§2. This local law shall take effect one hundred eighty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 308

By Council Members Koppell, Rodriguez, James, Mealy and Williams.

A Local Law to amend the charter of the city of New York, in relation to the establishment of an independent police investigation and audit board.

Be it enacted by the Council as follows:

Section 1. Legislative Findings of Fact and Declaration of Policy. The Council hereby finds that it is essential to the safety and well-being of the residents of the city of New York that members of the New York City Police Department be held to the highest standard of conduct and integrity in the performance of their professional responsibilities. As a society, we confer upon police officers the power to make arrests and, where necessary, use force, in order to protect public order, prevent crime and apprehend criminals. If the trust and confidence of the public is to be maintained, members of the police force must conduct themselves honestly, in a manner commensurate with the high degree of trust placed in them.

The Council finds that the vast majority of police officers discharge their duties honestly and with integrity. A relatively small number of police officers, however, have been found to engage in serious criminal activities, particularly in connection with the illegal drug trade. This was the finding of the Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, better known as the "Mollen Commission." In July 1994, after an extensive investigation lasting almost two years, the Mollen Commission issued its final report. Among its key findings, the Mollen Commission concluded that the Police Department's internal anti-corruption systems had been allowed to deteriorate to the point where they "minimized, ignored and at times concealed corruption, rather than root[ing] it out." The Commission concluded that the Department must retain primary responsibility for policing itself and maintaining integrity within its ranks. To that end, the Commission recommended a "dual track approach" calling for reform of the Department's internal anti-corruption structure and the creation of an independent police monitor to ensure that the structure is working effectively.

Sixteen years have passed since the Mollen Commission issued its final report. The need for an independent entity to closely monitor the Department's anti-corruption efforts as well as independently investigate allegations of illegal activities is undiminished. The purpose of this legislation is to create such an independent mechanism based upon the model proposed by the Mollen Commission.

The Independent Police Investigation and Audit Board created herein will have both the power to audit and examine the Police Department's own anti-corruption efforts and the ability to conduct independent corruption investigations backed by the power to issue subpoenas. In addition, the board shall issue an annual report to the mayor and the city council summarizing its activities, and shall include information on the number of investigations conducted. It is, however, the Council's intention that the Police Department continue to have the primary responsibility for detecting and preventing internal corruption. The Council is also aware of the vital role played by other offices, such as the City's District Attorneys, in exposing and prosecuting acts of official corruption. The Council recognizes the need for cooperation and coordination among the responsible agencies in order to avoid duplication of efforts and interference with ongoing investigations and other legitimate law enforcement activities. For these reasons, the legislation requires the Board to enter into protocols with the Police Commissioner, the District Attorneys, and the Civilian Complaint Review Board in order to create a structure in which such cooperation and coordination will be facilitated.

§2. Chapter eighteen-b of the New York city charter is REPEALED, and a new chapter eighteen-b is added to read as follows:

CHAPTER 18-B

INDEPENDENT POLICE INVESTIGATION AND AUDIT BOARD

§450. *Independent police investigation and audit board; membership.* a. There shall be an independent police investigation and audit board, which shall consist of five members of the public who shall be residents of the city of New York. The members of the board shall be appointed as follows: (i) two members shall be appointed by the mayor; (ii) two members shall be appointed by the city council; and (iii) the chair of the board shall be jointly appointed by the mayor and the speaker of the city council. No member of the board shall hold any other public office or employment.

b. The members of the board shall be appointed for terms of three years, except that of the members first appointed, two shall be appointed for terms of one year, of whom one shall have been appointed by the council and one shall have been appointed by the mayor, two shall be appointed for terms of two years, of whom one shall have been appointed by the council and one shall have been appointed by the mayor, and the chair shall be appointed for a term of three years.

c. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

§451. *Powers and duties of the board.* a. The board shall have the power to:

1. perform assessments and audits of the police department's internal systems for detecting, investigating and preventing corruption among uniformed and civilian members of the police department, and make recommendations for the improvement of those systems;

2. assist the police department to formulate and implement policies and programs to detect and eliminate corruption;

3. undertake independent investigations of possible corruption within the police department; and

4. undertake investigations of possible corruption within the police department at the request of the mayor or the police commissioner.

b. If during the course of any assessment, audit or investigation undertaken pursuant to subdivision a of this section, the board forms a reasonable belief that criminal activity or other wrongdoing has occurred or is occurring, the board shall, as soon as practicable, report the facts that support such belief to the police commissioner and the appropriate prosecuting attorney.

§452. Subpoenas. The board, by majority vote of its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of any matter within its jurisdiction pursuant to this chapter. The board may designate those of its employees it deems necessary to administer oaths and to examine persons in connection with any such matter.

§453. Board staff. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties.

§454. Annual report. The board shall issue to the mayor and the city council an annual report that shall describe its activities and summarize its actions and shall include the numbers of investigations conducted.

§455. Cooperation of the police department. a. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, to permit board staff access to meetings, and to provide to the board, upon request, records and other materials that are necessary for the investigation of any matter within the board's jurisdiction, except such records or materials that cannot be disclosed by law.

b. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board in connection with the investigation of any matter within the board's jurisdiction, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

§456. Authority of the police commissioner to investigate corruption to remain unimpaired; law enforcement agencies. The provisions of this chapter shall not be construed to limit or impair the authority of the police commissioner to investigate corruption within the department, or to discipline members of the department. Nor shall the provisions of this chapter be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law or rules and regulations of the department by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

§457. Protocols. a. Police Department. Within ninety days after the appointment of the last member of the board pursuant to section four hundred and fifty of this chapter, the board and the police commissioner shall establish a protocol pursuant to which information shall be exchanged and cooperation between the board and the department facilitated in accordance with the provisions of this chapter. Such protocol shall also provide for means of avoiding and resolving potential disputes arising out of investigations independently undertaken by both the board and the department. Provided, however, that the lack of a protocol pursuant to this subdivision shall not prohibit the board from undertaking any investigation authorized by this chapter.

b. District Attorneys. Within ninety days after the appointment of the last member of the board pursuant to section four hundred and fifty of this chapter, the board shall enter into a protocol with each of the city's district attorneys pursuant to which information shall be exchanged, cooperation between the board and the district attorneys facilitated, and potential disputes arising out of investigations independently undertaken by the board and a district attorney's office shall be avoided and resolved. Any investigation undertaken by the board pursuant to paragraphs three or four of subdivision a of section four hundred and fifty-one shall be conducted in accordance with the provisions of the applicable protocol, if any, entered into pursuant to this subdivision. Provided, however, that the lack of a protocol pursuant to this subdivision shall not prohibit the board from undertaking any investigation authorized by this chapter.

c. Civilian Complaint Review Board. Within ninety days after the appointment of the last member of the board pursuant to section four hundred and fifty of this chapter, the board and the civilian complaint review board shall establish a protocol pursuant to which (i) the board, if in the course of any assessment, audit or investigation undertaken pursuant to subdivision a of section four hundred and fifty-one, forms a reasonable belief that any act of misconduct, as defined in paragraph one of subdivision c of section four hundred and forty of this charter, has occurred or is occurring, shall as soon as practicable, report the facts that support such belief to the civilian complaint review board; (ii) the civilian complaint review board, if in the course of an investigation authorized pursuant to chapter eighteen-a of the charter, forms a reasonable belief that any act of corruption has occurred or is occurring, shall as soon as practicable, report the facts that support such belief to the board; and (iii) information shall be exchanged and cooperation between the boards facilitated. Provided, however, that the lack of a protocol pursuant to this subdivision shall not prohibit the board from undertaking any investigation authorized by this chapter.

§3. This local law shall take effect on the first day of the month following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Public Safety.

Int. No. 309

By Council Members Koppell, Halloran, Gentile, James, Nelson, Koo, Oddo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the Missing in Attack on our Nation flag be flown over all public buildings during the month of September.

Be it enacted by the Council as follows:

Section 1. Section 3-102 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new paragraph b to read as follows:

§3-102 Flags and decorations; city hall park. All authority to display flags or other decorations on, in or about the public buildings within the city hall park, is vested in the mayor, unless otherwise ordered by the council.

a. A Prisoner of War/Missing in Action POW/(MIA) flag shall be flown over City Hall every day the American flag is flown until such time as all persons listed as missing in action, from any branch of the United States Armed Forces, and all persons from any branch of our armed forces who are prisoners of war, are accounted for by the United States Government.

b. A Missing in Attack on our Nation MIA-OON flag shall be flown over City Hall, all city-owned buildings and, to the extent practicable, all facilities and offices leased or otherwise occupied for public use by a city agency every day the American flag is flown over such locations during the month of September in commemoration of the events of September 11, 2001.

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

Referred to the Committee on Governmental Operations.

Int. No. 310

By Council Members Mark-Viverito, Dromm, James, Lander, Palma and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to creating a new licensing category for alternative fuel powered classic cars.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of Title 20 of the administrative code of the city of New York is amended to add a new subchapter 33 to read as follows:

**Subchapter 33
SHOW CARS**

§20-540	Definitions.
§20-541	Show car license required; fee; term.
§20-542	Granting and transferring of licenses.
§20-543	License Plate.
§20-544	Inspection.
§20-545	Insurance.
§20-546	Show car driver license.
§20-547	Rates.
§20-548	Unlawful agreements by owners or show car drivers.
§20-549	Suspensions and Revocations.
§20-550	Penalties.
§20-551	Enforcement.
§20-552	Rules.

§20-540 **Definitions.** Whenever used in this subchapter the following terms shall mean:

a. "Fleet" shall mean a group of vehicles owned or operated by the same person.

b. "Inspection card" shall designate the card issued by the commissioner for the show car licensed, which card shall display the license number and capacity of such vehicle.

c. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a show car, and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of show car or cars shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

d. "Show car" shall mean a privately owned motorized vehicle designed to comfortably seat and carry no more than seven passengers, in addition to the driver, and that is constructed to resemble an antique automobile operating for hire from a fixed point in the city of New York to a place or places of interest or amusements,

and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York. A show car may only be driven by a licensed show car driver.

e. "Show car driver" shall include any person licensed to drive a show car in the city of New York. Every show car driver shall also be a sightseeing guide, as defined by section 20-242 of this code, and shall hold a sightseeing guide license issued pursuant to subchapter 8 of chapter 2 of this title.

f. "Show car license" shall designate the license issued by the commissioner for each show car.

§20-541 **Show car license required; fee; term.** a. It shall be unlawful to operate or permit another to operate for hire a show car within the city unless the owner shall have first obtained a show car license therefor from the commissioner.

b. Fees. The annual license fee for each show car or renewal of such license shall be fifty dollars.

c. Term. All licenses issued pursuant to this subchapter shall be valid for one year unless sooner suspended or revoked.

d. The commissioner shall not issue more than sixty-eight show car licenses at any one time. The initial issuance of these show car licenses shall be phased in over a three-year period. During the first year of license availability, the commissioner shall not issue more than twenty-four show car licenses. During the second year of availability, the commissioner may issue up to twenty-four show car licenses in addition to the licenses issued during the first year of availability. During the third year of availability, the commissioner may issue up to twenty show car licenses in addition to the licenses issued during the first two years of availability. Thereafter, the maximum number of show car licenses which may be in effect shall not exceed sixty-eight and no new licenses shall be issued in excess of such number.

e. After the initial issuance of such show car licenses, the commissioner shall establish a waiting list to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list.

§20-542 **Granting and transferring of show car licenses.** a. Any person, firm, partnership, corporation or association, owning or operating a show car, or cars engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a show car license for each show car so operating.

b. In order to obtain, amend or renew a show car license, an applicant must provide the commissioner with the following:

1. Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of section 20-545 of this subchapter;

2. Proof of current, valid registration for the show car issued by the department of motor vehicles of the state of New York.

3. Such other information as the commissioner may require to establish the applicant's eligibility for a show car license under this subchapter.

c. A show car license shall be valid only for the person, firm, partnership, corporation or association in whose name it is issued.

d. It shall be unlawful for a person to whom a show car license has been issued to transfer any interest in such license to any other person unless:

1. the show car complies with all applicable requirements imposed by this subchapter; and

2. the commissioner approves such transfer.

§20-543 **License Plate.** Upon the payment of the license fee the commissioner shall issue a show car license to the owner of the show car together with a license plate to be securely affixed to a conspicuous and indispensable part of such show car, on which shall be clearly set forth the license number of such show car. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner, upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine. In such event, he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in the manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner shall file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, and the department shall issue a duplicate or substitute license plate or date tag.

§20-544 **Inspection of show cars.** a. A vehicle shall be licensed as a show car only after it shall have been examined and inspected to determine that it complies with this section, and that it also (1) complies with all the requirements of the vehicle and traffic law of the state of New York, and (2) is certified by the department of motor vehicles of the state of New York, as being safe and properly equipped to operate.

b. The commissioner shall refuse a show car license to any show car not in compliance with the requirements of this section, any rules promulgated thereunder or with any other laws or rules governing show cars, or which is otherwise found to be unfit for operation. Grounds for refusal to issue a show car license shall include, but not be limited to, failure to submit a show car or records pertaining to the operation and maintenance of such show car for inspection, and being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code.

c. The commissioner shall not issue a show car license to a vehicle unless such vehicle meets the California LEV II standard for the highest possible vehicle rating that meets the requirements for the intended use. All vehicles issued show car licenses shall be classified zero emission vehicle (ZEV), advanced technology partial zero emission vehicle (ATPZEV), partial zero emission vehicle (PZEV), or super ultra low emission vehicle (SULEV), with ZEV constituting the highest vehicle rating.

d. The commissioner may adopt rules (1) requiring the inspection by the department of show cars and/or records pertaining to the operation and maintenance of such show cars to determine compliance with the requirements of section 24-163.1 of the administrative code; (2) delegating the performance of such inspections to the department of environmental protection; and (3) authorizing the acceptance of the results of inspections consistent with paragraph one of this subdivision conducted by a state or federal agency authorized to conduct such inspections on such show cars.

§20-545 **Insurance.** a. As a condition of the issuance of a show car license, each applicant shall furnish proof that such show car is insured under a public liability and property damage insurance policy or indemnity bond with minimum coverage as stated in section 370 of the vehicle and traffic law of the state of New York and any successor provision thereto.

b. The licensee shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision a of this section within ten days of notice to the licensee of such modification, amendment, cancellation or substitution.

§20-546 **Show car driver license.** a. It shall be unlawful for a show car driver to operate a show car unless the show car driver shall have first obtained a show car driver license from the commissioner.

b. It shall be unlawful for a show car owner to permit the operation of any show cars owned by it by a person who does not have a show car driver license and a motor vehicle driver's license in full force and effect.

c. In order to obtain or renew a show car driver license, a show car driver shall file an application with the commissioner for such show car driver license. Such application shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner may require to establish the applicant's eligibility for a show car driver license under this subchapter.

d. To be eligible for a show car driver license, an applicant shall:

1. be at least eighteen years of age;

2. possess a currently valid motor vehicle driver's license;

3. not have his or her New York State motor vehicle driver's license suspended or revoked;

4. be licensed as a sightseeing guide pursuant to subchapter 8 of chapter two of this code; and

5. meet such fitness requirements as the commissioner may determine by rule.

e. A show car driver license shall be valid for a term of one year. There shall be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration date for such license by rule.

§20-547 **Rates.** a. The amount to be charged and collected for the use of a show car by one or more passengers shall be twenty dollars per passenger for the first half hour or fraction thereof and ten dollars per passenger for each additional fifteen minutes thereafter.

b. The basis for calculating the amount of the charge for the use of a show car shall be displayed on the show car at all times.

c. It shall be unlawful for a show car driver to charge a passenger more than the amount or rate displayed on the show car.

§20-548 **Unlawful agreements by owners or show car drivers.** It shall be unlawful for any show car owner or any show car driver to have or make any contract or agreement with any owner of any hotel, apartment house, restaurant, or café or the agent or employee of such places, by which such owner or such driver shall agree to solicit the patronage of any passenger for any such hotel, apartment house, restaurant or café.

§20-549 **Suspensions and Revocations.** a. After notice and opportunity to be heard, the commissioner may suspend or revoke any show car license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated thereunder, or with any other laws or rules governing show cars, or which show car is otherwise found to be unfit for operation. Such suspension shall remain in effect until compliance and fitness have been established by the licensee and accepted by the department.

b. Grounds for suspension or revocation of a show car license shall include, but not be limited to:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code

3. the operation of a show car, owned by the show car business, by a show car driver who does not have in full force and effect a show car driver license and a motor vehicle driver's license;

4. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter; or

5. the operation of a show car that does not have affixed to it a license plate as required by section 20-543 of this subchapter; or

6. violation by a show car business of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any other law applicable to the operation of a show car business.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a show car driver license upon the occurrence of any one or more of the following conditions:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter; or

3. the operation of a show car that does not have affixed to it a license plate as required by section 20-544 of this subchapter; or

4. the violation by a show car driver of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or of any other law applicable to the operation of a show car by such show car driver.

d. Notwithstanding subdivision c of this section, upon the occurrence of any of the provisions set forth in subdivision c of this section, if the commissioner determines that continued possession by a show car driver of a show car driver license would pose an exigent danger to the public, the commissioner may suspend such show car driver license, subject to a prompt post-suspension hearing.

§20-550 **Penalties.** a. It is a traffic infraction to violate any provision of this subchapter and such traffic infractions shall be punishable in accordance with subsection c of section eighteen hundred of the New York state vehicle and traffic law.

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation and for each additional violation committed on the same day; (2) less than five hundred nor more than one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed, and each additional violation committed on the same day, within a one year period. The show car business that authorizes the operation of such show car shall be jointly and severally liable with the show car driver thereof, for the penalties imposed by this section.

c. A violation of section 20-541 or 20-546 of this subchapter or any rules promulgated thereunder shall constitute a violation punishable by a fine of not more than five hundred dollars or imprisonment of up to fifteen days, or by both such fine and imprisonment.

d. The penalties provided by subdivisions a, b, and c of this section shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

§20-551 **Enforcement.** Authorized officers and employees of the department, the police department and any department designated by the commissioner, and any police or peace officer shall have the power to enforce any provision of this subchapter or any rule promulgated pursuant to this subchapter.

§20-552 **Rules.** The commissioner may make and promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this subchapter.

§2. This local law shall take effect one hundred twenty days after its enactment into law provided, however, that the commissioner of consumer affairs shall take any actions necessary prior to such effective date including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Int. No. 311

By Council Members Oddo, Arroyo, Dilan, Fidler, James, Koslowitz, Palma, Williams, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notification prior to tree planting.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-139 to read as follows:

§18-139 *Notification prior to planting of trees.* Not less than thirty days prior to the commencement of the planting of a tree under the jurisdiction of the department in a location within two hundred feet of any entrance or exit of any school, hospital, or any other building that primarily provides services to children, the elderly or persons with a disability, the department shall provide written notification of such planting by either facsimile or by personal service to the office of the principal of such school, the administrator of such hospital or the management office of other buildings covered by this section. For purposes of this section, "provides services to children, the elderly or persons with a disability" shall include, but not be limited to day care centers, senior centers and physical rehabilitation centers.

§2. This local law shall take effect ninety days following enactment, except that the commissioner of parks and recreation shall take such action necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

Res. No. 368

Resolution calling upon the President to restore New York City's transit and port security anti-terrorism grants, which are essential to protecting the region.

By Council Members Oddo, Halloran, Koo, Ulrich, Ignizio, Chin, Ferreras, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Sanders Jr., Van Bramer and Williams.

Whereas, On May 13, 2010, the U.S. Department of Homeland Security announced it was planning to reduce New York City's anti-terrorism funding by approximately \$53 million in two areas: transit security and port security grants; and

Whereas, Under the plan, the new transit security budget would be \$111 million, representing a \$42 million, or 27 percent reduction over last year's budget of \$153 million and;

Whereas, Port security funding would also suffer-the new budget would be \$33.8 million, representing an \$11.2 million, or a 25 percent reduction over last year's budget of \$45 million; and

Whereas, Shortly after these budget announcements were made, many elected New York State officials spoke publicly against these proposed budget cuts including Mayor Michael R. Bloomberg, U.S. Senator Charles E. Schumer, and Representative Peter T. King; and

Whereas, Senator Schumer expressed New York City's unique security needs by stating, "New York City continues to be the number one target for terrorism in the United States and the federal anti-terror funding needs to reflect that reality;" and

Whereas, In response to concerns raised by many in New York, White House officials reportedly stated that the difference in funding would be offset by other funding sources; and

Whereas, However, New York City's port and security funding should be immune from budget cuts particularly when any form of budget cut would adversely impact the region, including the New York City Police Department's (NYPD) ability to fulfill its many counter-terrorism operations; and

Whereas, New York City's security needs were once again evident during the attempted car bombing in Times Square in Manhattan; and

Whereas, In fact, on May 1, 2010, Faisal Shahzad drove his Nissan Pathfinder sport utility vehicle (SUV) which was filled with explosives to the intersection of West 45th Street and 7th Avenue in midtown Manhattan; and

Whereas, Mr. Shahzad left his SUV unattended with the engine running and minutes later, smoke started emanating from the car; and

Whereas, Fortunately, the NYPD successfully foiled Mr. Shahzad's plan, which could have potentially killed thousands of New Yorkers and wreaked havoc in the surrounding area; and

Whereas, The attempted Times Square car bomb incident should serve as a reminder to the Obama Administration that transit and port security funding levels should be protected against any budget cuts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the President to restore New York City's transit and port security anti-terrorism grants, which are essential to protecting the region.

Referred to the Committee on Public Safety.

Res. No. 369

Resolution authorizing the Speaker to file or join with the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08.

By Council Members Palma, Barron, Rodriguez, Lander and Reyna.

Whereas, The Council passed Local Law number 44 for the year 1993, which provides that a landlord who receives tax benefits under the City's J-51 tax abatement program may not discriminate against tenants or potential tenants on the basis of such tenant's use of or participation in government-funded housing assistance programs including Section 8; and

Whereas, In 2007, the New York Court of Appeals upheld Local Law number 44 in *Rosario v. Diagonal Realty, LLC*, a consolidated case in which individual plaintiff-tenants sued their landlords alleging, *inter alia*, that the law required landlords who receive J-51 tax abatements on their rental buildings to accept tenants' Section 8 subsidies; and

Whereas, To further protect the ability of low income New Yorkers to obtain affordable housing, the Council passed Local Law number 10 for the year 2008, which provides that, with very limited exceptions, it is a violation of the City Human Rights Law to discriminate against, or refuse to lease a housing accommodation to any person, because of any lawful source of income of such person; and

Whereas, Local Law 10 expressly provides that the term "lawful source of income" includes Section 8 vouchers; and

Whereas, In 2008, low-income tenants of rent stabilized apartments filed a lawsuit against their landlords, captioned *Tapia v. Successful Management, Inc.*, Index No. 400563/08, seeking a judgment declaring that the defendants were required to accept Section 8 vouchers to supplement plaintiffs' rental payments under the antidiscrimination provisions of the J-51 law and Local Law 10; and

Whereas, A central claim raised by the plaintiffs was that the landlords were acting in violation of the antidiscrimination provisions of the J-51 law and Local Law 10, because these provisions oblige landlords to accept Section 8 vouchers from current tenants who do not have leases requiring the acceptance of such vouchers; and

Whereas, The landlords claimed that the Council did not intend for the antidiscrimination provisions of the J-51 law and Local Law 10 to apply to current tenants, but only to prospective tenants; and

Whereas, The landlords also argued that Local Law 10 is invalid because it is preempted by federal housing law and by the New York State Urstadt Law; and

Whereas, The State Supreme Court issued a decision in favor of the tenants on July 20, 2009, finding that the antidiscrimination provisions apply to both prospective and current tenants, and finding further that Local Law 10 is not preempted either by federal or state law; and

Whereas, The landlords have appealed this decision to the Appellate Division, First Department; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to file or join with the Administration in filing, on behalf of the Council, a brief in support of the Plaintiffs-appellees in the litigation captioned *Tapia v. Successful Management Corp.*, Index No. 400563/08.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on General Welfare).

Int. No. 312

By Council Members Recchia and Sanders Jr. (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the 34th Street business improvement district to authorize additional services and modify existing services for the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 the administrative code of the city of New York is amended by adding a new section 25-423.3 to read as follows:

§25-423.3 *34th Street business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the 34th Street business improvement district and to authorize a change in the method of assessment upon which the district charge in the 34th Street business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there is hereby authorized in the 34th Street business improvement district such*

changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the 34th Street business improvement district such change as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and modification of services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2010.

Referred to the Committee on Finance.

Res. No. 370

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

By Council Member Recchia.

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

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

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

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

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

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

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

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

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

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

(i) _____ is the date and the City Council Committee Room, 2nd floor, City Hall, is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district; and

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

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

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

Referred to the Committee on Finance.

Res. No. 371

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009, Fiscal 2010 and Fiscal 2011 Expense Budgets.

By Council Member Recchia.

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for organizations receiving local discretionary funding, the Woodside on the Move, Inc., the Harlem Council of Elders, and the Neighborhood Initiatives Development Corporation (NIDC), within the budget of the Department of Youth and Community Development; and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Grace Lutheran Church of Queens, within the budget of the Department of Youth and Community Development; and

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

Whereas, The City Council is hereby implementing and furthering the

appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to a PEG Restoration of Senior Center Closures, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding;

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Pest Control PEG Restoration; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Woodside on the Move, Inc., an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development, and \$10,000 within the budget of the Department for the Aging in the Fiscal 2011 Budget to read: "Pay for program supplies, staffing and overhead costs, and stipends for school year interns and summer youth interns in our daytime summer graffiti removal and afternoon programs."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Harlem Council of Elders, an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development, to read: "Touring for Harlem Area Youth."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Neighborhood Initiatives Development Corporation (NIDC), an organization receiving local discretionary funding in the amount of \$45,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget, to read: "To sponsor community events, support the overall Prep for Success program and provide general administrative support."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Neighborhood Initiatives Development Corporation (NIDC), an organization receiving local discretionary funding in the amount of \$75,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget, to read: "To continue the Prep for Success program for students at the Columbus High School campus."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Grace Lutheran Church of Queens, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2010 Expense Budget, to read: "Funding for an after-school youth program."; and be it further

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

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

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

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Housing Preservation 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Food Retail Workforce Training 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Alternatives to Incarceration 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 and changes in the designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Shelter Beds for At Risk/LGBT Youth 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, in accordance with the Fiscal 2011 Expense Budget, pursuant to the HIV/AIDS Communities of Color 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 certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Autism Awareness 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 certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Geriatric Mental Health 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 of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Legal Services/Anti-Eviction Initiative, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Community Consultants Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to a PEG Restoration of Senior Center Closures, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 14, attached hereto as Exhibit N; and be it further

Resolved, The City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Pest Control PEG Restoration, to fund various services designed to address the bed bug epidemic in New York City. This Resolution approves funding in the amount of \$226, 730 to the Fund for Public Health in New York, Inc., EIN 050539199, and funding in the amount of \$273, 270 directly to the Department of Health and Mental Hygiene for this purpose.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the attachment to Res No. 371 following the Report of the Committee on Finance for Res No. 371 printed in these Minutes).

Int. No. 313

By Council Members Vallone, Chin, Fidler and James (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to fees for firearm licenses and rifle and shotgun permits and the possession of firearms, rifles and shotguns while intoxicated and other abuse of firearm licenses and rifle and shotgun permits.

Be it enacted by the Council as follows:

Section 1. Paragraphs 2 and 3 of subdivision a of section 10-131 of the administrative code of the city of New York, as amended by local law number 37 for the year 2004, are amended to read as follows:

2. Every license to *have and carry* or *have and possess* a pistol or revolver in the city may be issued for a term of no less than one or more than three years. Every applicant for a license to *have and carry* or *have and possess* a pistol or revolver in the city shall pay [therefor, a fee of three hundred forty dollars for each original or renewal application] for a three year license period or part thereof, a fee of:

(a) *seventy dollars for each original application for a license to have and possess in a dwelling or place of business;*

(b) *twenty-five dollars for each renewal application for a license to have and possess in a dwelling or place of business;*

(c) *one hundred ten dollars for each original application for a license to have and carry concealed, except that the fee shall be fifty dollars for a retired law enforcement officer;*

(d) *forty dollars for each renewal application for a license to have and carry concealed, except that the fee shall be twenty-five dollars for a license that is valid only when the holder is actually engaged in a work assignment as a security guard*

or gun custodian, for a license that is valid only for carrying a handgun to and from specific locations during specific days and times, and for a license for a retired law enforcement officer; and

(e) *ten dollars for each replacement application of a lost license, provided that the police commissioner may waive such fee if the applicant lost the license as a result of being the victim of a crime.*

3. Every applicant to whom a license has been issued by any person other than the police commissioner, except as provided in paragraph five of this subdivision, for a special permit from the commissioner granting it validity within the city of New York, shall pay for such permit a fee of [three hundred forty] *one hundred ten* dollars, for each renewal a fee of [three hundred forty] *twenty-five* dollars, and for each replacement of a lost permit a fee of ten dollars.

§2. Subdivision d of section 10-303 of the administrative code of the city of New York, as amended by local law number 37 for the year 2004, is amended to read as follows.

d. Fees. The fee for an application for a rifle and shotgun permit [or renewal thereof] shall be [one hundred forty dollars] *sixty-five dollars for an original application and twelve dollars for a renewal application.*

§3. Title 10 of the administrative code of the city of New York is amended by adding new sections 10-313 and 10-314 to read as follows:

§ 10-313. *Prohibition of the possession of firearms, rifles and shotguns while intoxicated.*

a. *A person shall not possess a firearm, rifle or shotgun outside of his or her home while:*

(i) *such person is in an intoxicated condition; or*

(ii) *such person has .08 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's breath, blood, urine or saliva, made pursuant to section eleven hundred ninety-four of the vehicle and traffic law, section 10-314 of this article or other applicable law; or*

(iii) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol; or*

(iv) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by use of any drug; or*

(v) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by the combined influence of drugs or of alcohol and any drug or drugs.*

b. *Any person who shall violate subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than ten thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment. Violation of subdivision a of this section shall also be grounds for the revocation of a license to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun in accordance with applicable law.*

c. (i) *Possession of a valid license for a firearm, rifle or shotgun as provided under sections 10-131 and 10-303 of this title or any other applicable law shall not preclude a conviction for the offense defined in subdivision a of this section.*

(ii) *Subdivision a of this section shall not apply in the circumstances described in paragraphs one, two, and eleven of subdivision a of section 265.20 of the penal law.*

d. *Definitions. For purposes of this section and section 10-314 of this chapter, in addition to the definitions provided in section 10-301 of this chapter:*

(i) *The terms "firearm," "rifle," and "shotgun" shall be deemed to include assault weapons;*

(ii) *The term "police officer" shall mean a sworn officer of the police department of the city of New York; and*

(iii) *The term "drug" shall mean and include any controlled substance listed in section thirty-three hundred six of the public health law.*

e. *A person may be convicted of a violation of paragraph (i), (ii) or (iii) of subdivision a of this section, notwithstanding that the charge laid before the court alleged a violation of paragraph (i) or (ii) of such subdivision, and regardless of whether or not such conviction is based on a plea of guilty.*

§10-314. *Testing of persons who carry firearms, rifles or shotguns while appearing to be legally intoxicated; misdemeanor and presumptions.*

a. *It shall be unlawful for any person who possesses a firearm, rifle or shotgun other than in the person's home, while it reasonably appears that such person is in an intoxicated condition or that such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol, or by the combined influence of alcohol and any drug or drugs, to refuse to submit to a breath test to be administered by a police officer, unless such person demonstrates to such police officer that his or her conviction for the offense described in subdivision a of section 10-313 of this chapter would be precluded by paragraph (i) of subdivision c of such section. Any person who shall violate this section shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000) or imprisonment not exceeding thirty (30) days or both.*

b. *Presumptions.*

(i) *Evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall create rebuttable presumptions that the ability of such person to safely possess a firearm, rifle or shotgun was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition;*

(ii) *Evidence that there was more than .05 of one per centum but less than .07 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but such evidence shall not create any presumption regarding whether the ability of such person to*

safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol; and

(iii) Evidence that there was .07 of one per centum or more but less than .08 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but shall create a rebuttable presumption that the ability of such person to safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol.

§4. This local law shall take effect immediately and shall govern original applications for licenses and permits filed on or after the date of its enactment and renewal applications for licenses that expire on or after the date of its enactment, except that section three of this local law shall take effect ninety days after its enactment into law; provided, however, that any actions, including but not limited to the promulgation of rules and regulations, necessary to implement the provisions of this act on its effective date are authorized and directed to be made and completed on or before such date.

Referred to the Committee on Public Safety.

L.U. No. 156

By Council Member Recchia:

89 Carlton Avenue, Block 2044, Lot 24 Brooklyn, Council District No. 35, Section 577 of the Private Housing Finance Law.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 157

By Council Member Comrie:

Application no. 20115017 HAK, an Urban Development Action Area Project located at 996 East 46th Street, Council District no. 45, Borough of Brooklyn.

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

L.U. No. 158

By Council Member Comrie:

Application no. 20115018 HAK, an Urban Development Action Area Project located at 1812 St. John's Place and 474 Saratoga Avenue, Council District no. 41, Borough of Brooklyn.

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

L.U. No. 159

By Council Member Comrie:

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

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

L.U. No. 160

By Council Member Comrie:

Application no. N 100048 ZRM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York,

concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal, Borough of Manhattan, Community District 5.

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

L.U. No. 161

By Council Member Comrie:

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

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

L.U. No. 162

By Council Member Comrie:

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

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

L.U. No. 163

By Council Member Comrie:

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

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

L.U. No. 164

By Council Member Comrie:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 165

By Council Member Comrie:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 166

By Council Member Comrie:

Application no. 20105571 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc. d/b/a Groove to continue to maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan, Council District no. 3.

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

L.U. No. 167

By Council Member Comrie:

Application no. 20105585 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village LLC d/b/a Smorgas Chef to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street, Borough of Manhattan, Council District no. 3.

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

L.U. No. 168

By Council Member Comrie:

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

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Monday, August 23, 2010

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar
Hearing Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M.
See Land Use Calendar
Hearing Room – 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M.
See Land Use Calendar
Hearing Room – 250 Broadway, 16th Stephen Levin, Chairperson

Tuesday, August 24, 2010

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Hearing Room – 250 Broadway, 16th FloorLeroy Comrie, Chairperson

THE NEXT STATED MEETING

WILL TAKE PLACE ON

WEDNESDAY, AUGUST 25, 2010

*Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, August 25, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

***Editor’s Local Law Note:** Int No. 296 , adopted at the June 29, 2010 Stated Council Meeting, was signed by the Mayor into law on July 13, 2010 as Local Law No. 27 of 2010. Int Nos. 23, 210, 214-A, 236-A, all adopted at the June 29, 2010 Stated Council Meeting, were signed by the Mayor into law on July 12, 2010 as, respectively, Local Law Nos. 28, 29, 30, and 31 of 2010.*

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