

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
TUESDAY, NOVEMBER 29, 2011

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of*

Tuesday, November 29, 2011, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Ignizio, Koppell, and Seabrook.

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

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

*There were 48 Council Members marked present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007. The next scheduled Stated Meeting will be held at the newly renovated Council Chambers at City Hall.*

**INVOCATION**

The Invocation was delivered by Reverend Jennifer Kottler, Park Avenue Christian Church, 1010 Park Avenue, New York, NY 10028.

I invite you to join me in the spirit of prayer

In whatever way honors your particular religious tradition.

Let us pray.

Creator of the universe we invoke your spirit here today.

May your spirit of justice prevail so that the common good of all might be our highest goal.

Help this body in its work to ensure fairness for all of the people of this great city.

Protect her workers so that they might receive fair compensation for a days work.

Protect those who assemble and occupy spaces throughout New York in order to call this city and this nation to live up to its aim of liberty and justice for all.

Protect her police officers and firefighters so that they insure the safety of her children.

Protect people of all religions and no religions by insuring the right of all to practice or not practice as they choose.

Protect our children and our teachers reminding us that there is no higher calling than that of those who educate our children.

Protect our immigrants and their families. Help to know justice tempered with mercy.

Protect those who for whatever reason find themselves with no place to call home and who are living on our streets.

Protect all who suffer from HIV and AIDS around the world as we seek a cure to end this deadly disease.

Allow each and all of them to occupy our hearts and our minds

Finally, allow our hearts to break at all things that in this City that break your heart, O God;

Give us the compassion to do what is right and good and just in your sight

We lift these things to you, God of justice and mercy.

Amen.

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

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

Irwin Schneiderman, 88, lawyer and philanthropic leader who guided the New York City Opera died on November 16, 2011 of complications from a stroke. He was father of New York State Attorney General Eric Schneiderman. Mr. Schneiderman was a well known supporter of NARAL, Brooklyn College, WNYC Radio, The Central Park Conservancy, as well as being Director Emeritus at Lincoln Center. In addition to Attorney General Schneiderman, he leaves behind his wife, Roberta, his brothers, daughter-in-law, and grandchild.

Sanford Garelick, 93, former New York City Council President, died on November 19, 2011. He was a highly decorated police officer, who rose in the ranks and became the first Jewish Chief Inspector in the NYPD, then the highest uniformed rank in the department. In 1969 he ran for City Council President and served for one term before unsuccessfully running for Mayor in 1973. He later became Chief of the New York City Transit Police Department from 1975 to 1979. He is survived by a brother and four grandchildren.

In addition, at this point, the Speaker (Council Member Quinn) pointed out the World AIDS Day quilt panels on the walls of the meeting room and read out the names printed on those panels.

Later, during the Communications from the Speaker's segment of the meeting, the Speaker (Council Member Quinn), gave a proclamation to retiring long time Council Attorney Staffer, Phil Haderman. Mr. Haderman first entered the Council in 1988 and has served as Deputy Director of the Infrastructure Legal Division since 1992. Mr. Haderman helped draft and oversee hundreds of local laws in his service to the Council and to the City. The floor was then yielded to Council Member Gennaro who spoke in fondness and respect about his friend, Phil Haderman. The floor was then in turn yielded to Mr. Haderman, who spoke briefly before all those assembled.

Later during this same segment of the meeting, the Speaker (Council Member Quinn) announced the birth of a child to Council staffer Baaba Halm and noted that mother and child were doing well.

#### ADOPTION OF MINUTES

Council Member Ferreras moved that the Minutes of the Stated Meeting of November 3, 2011 be adopted as printed.

#### MESSAGES & PAPERS FROM THE MAYOR

M-708

**Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 624-A, in relation to the procedure governing agency service contracts.**

November 4, 2011

Michael McSweeney  
City Clerk of the Council  
141 Worth Street .  
New York, NY 10013

Dear Mr. McSweeney

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows: **Introductory Number 624-A**

A local law to amend the administrative code of the city New York, in relation to the procedure governing agency service contracts.

Sincerely,

Patrick A. Wehle

cc:  
Honora  
ble Christine C. Quinn

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**(The following is the text of the Mayor's Veto and Disapproval Message for Int. No. 624-A:)**

November 4, 2011

Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 624-A, which would amend the New York City Charter "in relation to the procedure governing agency service contracts."

I am disapproving this bill because it would create unnecessary processes that will significantly impair the City's ability to obtain essential services; unacceptably delay delivery of those services to the City's neediest; interfere with the executive branch's role in collective bargaining; and because it would impose those burdens on, the Department of Education, the Health and Hospitals Corporation and the New York City Housing Authority, despite the City Council's lack of legislative authority over those entities' contracting processes.

In difficult economic times, the City must deliver services to the public in

the most efficient, cost-effective manner possible. In some instances, New Yorkers are better served by obtaining services from established providers that have succeeded in the private sector. My administration's procurement process balances the need for careful consideration and public evaluation, while avoiding undue delays and inefficiencies. Introductory Number 624-A would interfere with the City's ability to provide services, especially when unanticipated needs arise. For these reasons, I cannot approve the bill.

Introductory Number 624-A would impose new and onerous reporting requirements on already-overburdened agencies. The bill would require the Mayor to publish an annual report detailing each agency's anticipated contracting actions, together with an extensive list of information for each contract. But if an agency were to pursue a contract for services not listed on the annual report, the agency would be prohibited from taking actions for sixty days and would be required during that time to post extensive information that will not facilitate the City's delivery of services; indeed, this new process would effectively delay services for at least two months. Agencies cannot comply with these requirements and meet their obligations to procure needed services for the public.

The City cannot afford to deter businesses, especially small businesses, from doing business with us. When fewer businesses are willing to compete for City contracts, the City is deprived of the competition needed to ensure we are providing the highest quality services at the fairest price. At a time when my administration has proposed reforms to streamline the system, Introductory Number 624-A would add layers of additional regulations and lengthen the time needed to register a contract, increasing costs for business and making it less likely that many small firms will try to compete for City contracts.

I am particularly concerned about the effect of Introductory Number 624-A on our City's human services agencies. The City has made great progress in using sophisticated and flexible information technology systems to coordinate services and make it easier for families to apply for assistance of all kinds. Further, if a new human service need or challenge suddenly arose, requiring private sector technology, this bill would greatly lengthen the time it takes to enter into a contract by adding months of waiting time, and failing to provide services to those who need it. This legislation threatens the progress the City has made in delivering effective social services, and endangers our ability to provide timely assistance to New Yorkers in need.

Introductory Number 624-A's broad definition of "displacement" is also problematic. Before a mayoral agency enters into a contract, or renews or extends a contract valued at more than \$200,000, it must determine whether the contract is the result of, or would result in, displacement of City workers. Agencies would be required to look back three years prior to soliciting a contract to determine not only whether displacement had occurred, but also whether or any other administration official had announced spending reductions or employment actions that could result in, or have resulted in displacement of City workers. In practice, I direct my commissioners to pursue every opportunity to find cost savings, including working with City workers to achieve greater productivity wherever possible. If Introductory Number 624-A were to become law, at the outset of each round of budget reductions, agencies would be required to presume that displacement would occur, triggering an unnecessary process of conducting analyses and, in many cases, delaying the procurement process.

This far-reaching requirement would have perverse consequences. New York City has been in the forefront of developing new models to provide services. This legislation could limit public discussion of innovative and creative approaches to providing services by requiring the City to go through a laborious process if at any point in the past several years a City official had uttered or written a phrase mentioning an alternative to providing those services using government workers.

In addition to raising these important policy concerns, Introductory Number 624-A is legally flawed. The bill intrudes upon the procurement and collective bargaining powers conferred upon the executive branch. Although the City and municipal unions have bargained over the procedure to be followed for contracting out City services, this bill both ignores and inflates this procedure, delaying agency decision-making and improperly conferring a benefit upon public employee unions without additional bargaining.

Finally, the bill would improperly regulate the Department of Education, the Health and Hospitals Corporation and the New York City Housing Authority, whose procurements are regulated by State law and are not subject to the City Council's authority. As with City agencies, if these entities attempt a contracting action that was not listed on the annual plan, that action would be delayed for an additional sixty days while notice is provided to the public. The Council lacks the authority to impose this obstacle on State-created entities that have their own procurement processes. The reporting requirements imposed on these entities are also inconsistent with their State-conferred autonomy and powers.

My administration has sought to work with the Council to strike the proper balance between accountability and efficiency in the City's procurement process. Unfortunately, this bill goes further than past efforts and crosses from the questionable to the unwise and impermissible.

Accordingly, I hereby disapprove Introductory Number 624-A.

Sincerely,

Michael R. Bloomberg  
Mayor

cc: The Honorable Christine C. Quinn

Referred to the Committee on Contracts.

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

M-709

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Anytime Forsyth Transport Corp., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

November 18, 2011

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

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

Dear Speaker Quinn:

Please be advised that on November 17, 2011 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license applications:

<b>NEW (5):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Anytime Forsyth Transport Corp.	B02476	1
CPR Transportation Service Inc. D/b/a 23 <sup>rd</sup> Street Car Service	B02504	26
Dispatch Central	B02508	3
Trelawny Car Service Inc.	B02505	11
Winners Car Service Inc.	B02500	22
<b>RENEWAL (5):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
A & R Golden Express Inc.	B01091	43
Easy Limo Leasing Inc.	B02168	24
Fast City Car & Limo. Service Inc.	B02311	45
McGuinness Car Service Inc.	B02282	33
The Central Radio Dispatch Inc.	B01739	34
<b>RENEWAL, RELOCATION &amp; OWNERSHIP CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
SIWR, Inc. D/b/a Wadsworth Car Service	B01186	49
<b>RELOCATION (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>

Rez's Car Service Inc. D/b/a Rees Car Service	B02227	27
<b>RELOCATION &amp; OWNERSHIP CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Castle Car Service, Inc.	B00827	38
<b>RELOCATION, OWNERSHIP CHANGE &amp; NAME CHANGE(1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Spirit Car & Limo. Service (name to be changed to Finest Car Service L.L.C.)	B02182	39

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,

Christopher Tormey  
Director of Applicant Licensing  
Licensing & Standards Division  
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-710

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license CPR Transportation Service Inc. D/b/a 23<sup>rd</sup> Street Car Service, 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-711

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Dispatch Central, Council District 3, 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-712

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Trelawny Car Service Inc., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-713

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Winners Car 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-714

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

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-715

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

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-716

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

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-717

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license McGuinness 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-718

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

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-719

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, relocation and ownership change base station license SIWR, Inc. D/b/a Wadsworth Car Service, Council District 49, 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-720

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Rez's Car Service Inc. D/b/a Rees Car Service, Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-721

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license Castle 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-722

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license Spirit Car & Limo. Service (name to be changed to Finest Car Service L.L.C.), 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-709 printed in this Communications from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-723

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 60 Greenwich Avenue, CB 2, Application no. 20125072 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-724

By Council Member Garodnick:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 696 Madison Ave., Council District no. 4 Application no. 20125095 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-725

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 133 Mulberry Street., Council District no. 1 Application no. 20125123 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-726

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 173 Mulberry Street., Council District no. 1 Application no. 20125093 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-727

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 264 Grand Street, Council District no. 34 Application no. 20125121 TCK, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-728

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk

café located at 116 Havemeyer Street, Council District no. 34 Application no. 20115397 TCK, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-729

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 142 North 5<sup>th</sup> Street, Council District no. 34 Application no. 20125096 TCK, shall be subject to review by the Council.

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

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

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **48**.

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

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Finance

Report for Int. No. 704-A

**Report of the Committee on Finance 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 extending the rate of the additional tax on the occupancy of hotel rooms.**

The Committee on Finance, to which the annexed amended proposed local law was referred on November 3, 2011 (Minutes, page 4839), respectfully

#### REPORTS:

##### BACKGROUND

The New York City Hotel Room Occupancy Tax (the "Hotel Tax"), is a tax imposed on the occupancy - or the right to occupancy - of a room or rooms in a hotel.<sup>1</sup> The term "hotel" includes an apartment hotel, motel, boardinghouse, bed-and-breakfast, bungalow, or club, whether or not meals are served.<sup>2</sup> The City charges a flat fee for rooms over \$40 a night at the rate of \$2.00 per day.<sup>3</sup> The City also charges an additional tax of 5.875 percent on rent room charge.<sup>4</sup> These 2 charges - the flat fee and the additional tax- comprise the Hotel Tax. The Hotel Tax is levied

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

<sup>1</sup> See §11-2502 of the Administrative Code. The following are exempt from the hotel tax: A permanent resident, defined as a person who occupies a room for at least 180 consecutive days; New York State, a public corporation, or a political subdivision of the State; the United States; the United Nations; and a not-for-profit organization that was formed and operated exclusively for religious, charitable, or educational purposes.

<sup>2</sup> See §11-2501 (5).

<sup>3</sup> See §11-2502 (a)(2).

<sup>4</sup> See §11-2502 (a)(3).

in addition to the combined City, State, and MCTD sales tax (at 4.5 percent, 4.0 percent, 0.375 percent, respectively), bringing the aggregate hotel occupancy tax and sales tax on a hotel rental in the City to 14.75 percent.<sup>5</sup> Combined, according to the Office of Management and Budget (“OMB”), the hotel room occupancy tax accounted for 1 percent of the City tax revenue in 2010, or \$363 million.

**LEGISLATIVE HISTORY**

Chapter 161 of 1970 authorizes New York City to adopt and amend local laws imposing a hotel tax. The rates of the hotel tax are set by State legislation, which dictates the fee based on the daily rental value of the hotel room occupied.<sup>6</sup> As authorized by State legislation, section 11-2502 of the administrative code imposes a graduated tax upon the occupancy of hotel rooms in the city of New York at a rate of \$.50 per day if the daily rent for the room is \$10 or more, but less than \$20; \$1.00 per day if the daily rent is \$20 or more, but less than \$30; \$1.50 per day of the daily rent is \$30 or more, but less than \$40; and \$2.00 per day of the daily rent is \$40 or more.

The State legislation also allows the City to impose an additional tax on persons occupying hotel rooms in New York City. The State legislation provides the City with discretion in setting the rate for the additional tax, allowing the City to set the rate up to 6 percent.<sup>7</sup> Under State law, if the additional tax is imposed at the rate of 6 percent or above, then 4 1/6 percent of the total amount of the tax, including interest and penalties, must be dedicated for the sole purpose of promoting tourism and conventions in New York City and deposited in a special tourism and convention fund.<sup>8</sup> Of this dedicated revenue, seven-eighths of the one-quarter percent funds the New York Convention and Visitors Bureau, pursuant to an annual contract with the City.<sup>9</sup> The remaining one-eighth of the dedicated fund is required to be expended on the supplemental promotion of tourism and conventions throughout the City.<sup>10</sup> The City Council can effectively increase the rate to slightly under 6 percent, thereby allowing all of the revenue generated by the increase to further the causes of the City and be placed in the City’s general fund.<sup>11</sup>

Until 1986, the tax only imposed a flat fee based on the daily rental value of the hotel room occupied. In 1986, an additional tax at the rate of 5 percent on the rent or charge was imposed.<sup>12</sup> As a result of the additional tax, tax collections, increased from \$26 million in 1986 to \$79 million in 1987.<sup>13</sup> In 1990, faced with tough economic times, the City increased the additional tax on hotels by 1 percent, from 5 percent to 6 percent, which triggered the tourism dedication requirement<sup>14</sup>. In 1994, both the State and City acted to reduce the hotel occupancy tax burden. In 1994, the City repealed its 1.0 percent tax increase, returning the rate to 5.0 percent.

**RECENT INCREASE TO HOTEL TAX**

Similar to 1990 when the City increased the tax to 6 percent, in 2008, the City faced tough economic times. In the Mayor’s November Plan, published on November 5, 2008, the Mayor lowered its estimates of tax revenues from the Fiscal 2009 Adopted Budget by \$275 million and \$1.3 billion in Fiscal 2010.

In order to maintain core services that are vital to our City, the Council had to make difficult choices in deciding where and how to generate additional revenue to close the budget gap for Fiscal 2009, 2010 and the out-years.

In 2008, the City Council passed legislation to increase the tax imposed upon the occupancy of hotel rooms from a rate of 5 percent of the daily rent of each room to 5.875 percent.<sup>15</sup> This rate went into effect on March 1, 2009.<sup>16</sup> Beginning on, and after, December 1, 2012, the hotel tax was to revert back to 5 percent, unless extended by legislation.<sup>17[3]</sup>

Prior to the 2008 increase, there were discussions about the impact that changes in hotel taxes have on hotel occupancy and room rates.<sup>18</sup> A main concern was whether increasing the tax might impact industry sales and prices. However, hotel occupancy and room rates are determined by a variety of factors, including domestic personal income and wealth, the level of safety and amenities of the locality, and the exchange rate and economic growth overseas. The hotel tax is a relatively small part of overall costs of business or vacation travel.

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

<sup>5</sup> In addition there is a \$2 per room fee dedicated to the New York Convention Center. See N.Y. TAX. LAW § 1104

<sup>6</sup> NY CLS Unconsol. Ch 288-C, § 1, (9).

<sup>7</sup> See *id.* at § 1, (1)(c)(1-a).

<sup>8</sup> NY CLS Unconsol. Ch 288-C, § 1, (9).

<sup>9</sup> See *id.*

<sup>10</sup> See *id.*

<sup>11</sup> See *id.* at § 1, (1)(c)(1-a).

<sup>12</sup> See Local Law 69 of the Year 1986.

<sup>13</sup> See Tax Revenue Forecasting Documentation, Financial Plan, Fiscal Year 2007-2011.

<sup>14</sup> See Local Law 43 of the Year 1990.

<sup>15</sup> See Local Law 65 of the Year 2008.

<sup>16</sup> See *id.*

<sup>17</sup> See *id.*

<sup>18</sup> See IBO, “Reductions in the City’s Hotel Occupancy Tax Rate: Impact on Revenues” 1997, Carl S. Bonham & Byron Gangnes, “Intervention analysis with co-integrated time series: the case of Hawaii hotel room tax. Applied Economics 1996, 28.

According to NYC & Company, the average daily rate for a hotel room, from January 2008 through October 2008 was \$307 per room. In 2008, Council Finance estimated that a 0.875 percent increase in the price of the average room for one night in New York City was \$2.63. The proposed increase was a fraction of what a visitor would spend in the City. For a couple visiting from overseas, it would be less than 1/3<sup>rd</sup> of 1 percent of what they spend in the City- and an even smaller percentage of vacation costs once airfare is considered.

Between 2004 and 2007, the year-end average daily rate for hotel occupancy grew 13 percent annually.<sup>19</sup> Furthermore, seasonal changes of average daily room rates have reached 60 percent in recent years. For example, the average room rate varied by \$129 between January and December of 2007.<sup>20</sup> With this much price volatility, it was predicted that a 7/8<sup>th</sup> percent change could easily be lost in the noise.

This prediction proved accurate. According to the Memo in Support of legislation extending the current rate of 5.875 percent to November 30, 2013, the City actually experienced a roughly 17 percent increase in room nights sold over Fiscal Year 2009 through Fiscal Year 2011, the period of the rate increase. From September 2009 through September 2011, hotel revenues per room have grown by about 20 percent, further evidence that visitors to New York City are not deterred by the current rate of hotel room occupancy tax.

According to OMB, the strong year-to-date collections and the robust growth for the fiscal year result from the booming local tourism industry. Calendar year 2010 drew a record-breaking 48.7 million visitors to the City, 3.1 million more than the prior year. Despite adding over 6,000 new hotel rooms in calendar year 2010, room rates saw double-digit growth from May 2010 through the peak visitor season ending in mid-December. Although harsh weather conditions from December 2010 through February slightly dampened the number of visitors, the positive momentum of visitors arriving in the City continues. For the remainder of fiscal year 2011, hotel tax collections are expected to remain strong.

Since the increase went into effect in 2009, OMB forecasts that the hotel tax has generated an additional \$14 million in Fiscal Year 2009, \$52.6 million in Fiscal Year 2010, \$61 million in Fiscal Year 2011 and \$31.7 million in Fiscal Year 2012 (assuming the sunset of the increased tax on December 1<sup>st</sup>). This accumulated total is \$159.3 million from the increase.

According to OMB, without an extension of the 5.875 percent rate, revenues from the hotel tax at the 5 percent rate in Fiscal Year 2013 would be \$384 million. With the extension of the 5.875 percent rate, revenues generated from the tax in Fiscal Year 2013 are expected to be \$442 million, a \$58 million increase.

In 2011, Council Finance estimates that a 5.875% tax on the price of the average room (\$228 for Fiscal Year 2010) for one night in New York City is \$37.13.

	Hotel Tax at 5.875%		Hotel Tax at 5.0%	
Average Daily Rate 2010	\$ 228.00	\$ 228.00	Average Daily Rate 2010	\$ 228.00 \$ 228.00
Tax rate	5.875%	\$ 13.40	Tax rate	5.000% \$ 11.40
Per room fee	\$ 2	\$ 2.00	Per room fee	\$ 2 \$ 2.00
Javitz Ctr	\$ 1.50	\$ 1.50	Javitz Ctr	\$ 1.50 \$ 1.50
City Sales	4.5%	\$ 10.26	City Sales	4.5% \$ 10.26
State Sales	4.0%	\$ 9.12	State Sales	4.0% \$ 9.12
MCTD Sales	0.375%	\$ 0.86	MCTD Sales	0.375% \$ 0.86
Total taxes		\$ 37.13	Total taxes	\$ 35.14

At the 5.875% rate, the average daily rate plus taxes is \$265.13. Of the total hotel cost, 14% is attributed to taxes.

At the 5.0% rate, the average daily rate plus taxes is \$263.14. Of the total hotel cost, 13.4% is attributed to taxes.

The table below highlights the total revenues, and difference, generated from the hotel tax at the 5 percent rate and 5.875 percent rate.

**Hotel Occupancy Tax (in \$ million)**

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

<sup>19</sup> See NYC & Company’s Research & Analysis Department, “NYC Hotel Occupancy & ADR”, November 25, 2008.

<sup>20</sup> See *id.*

November Modification FY 2012	F Y11	FY12f	FY13f	FY14f	FY15f
Revenue with Sunset	4 22	406	384	387	408
Revenue with Extension	4 22	438	442	416	
<b>Difference</b>		<b>32</b>	<b>58</b>	<b>29</b>	

**PROPOSED INT. 704-A**

Proposed Int. 704-A would amend Chapter 25 of Title 11 of the Administrative Code to extend the current rate of the tax until November 30, 2013. Beginning on, and after, December 1, 2013, the hotel tax would revert back to 5 percent.

Proposed Int. 704-A would take effect immediately and, if it shall become a law after December 1, 2011, it shall be retroactive to, and deemed to have been in full force and effect as of, December 1, 2011.

**Difference between Int. 704 and Proposed Int. 704-A**

On November 3, 2011, the Council introduced Int. 704. Since the introduction of Int. 704, the introduction has been amended to make the effective date retroactive to December 1, 2011, the date after the day upon which the rate is set to expire. A retroactive date is necessary to prevent a gap in rates. Proposed Int. 704-A reflects such amendment.

(The following is the text of the Fiscal Impact Statement for Int. No. 704-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 FISCAL IMPACT STATEMENT  
 PROPOSED INTRO NO.: 704-A

COMMITTEE:  
 Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

**SPONSORS:** Lewis A. Fidler, Jumaane D. Williams, Gale A. Brewer, Margaret S. Chin, Daniel Dromm, Letitia James, Karen Koslowitz, Joel Rivera, Ruben Wills, Leroy G. Comrie, Jr., Inez E. Dickens, Julissa Ferreras, Daniel R. Garodnick, Brad S. Lander, Michael C. Nelson, Annabel Palma, Robert Jackson, Maria Del Carmen Arroyo, Melissa Mark-Viverito, (by request of the Mayor)

**SUMMARY OF LEGISLATION:**

The city of New York tax on hotel room occupancy of 5.875 percent of the rent or charge per day will be extended to November 30, 2013. The rate will revert to 5 percent on December 1, 2013.

**EFFECTIVE DATE:** This bill would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2013

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$32 million	\$58 million	\$58 million

Expenditures	\$0	\$0	\$0
Net	\$32 million	\$58 million	\$58 million

**IMPACT ON REVENUES:** The bill will increase hotel occupancy tax revenues by \$32 million in Fiscal 2012, rising to \$58 million in Fiscal 2013, the date when the increase would apply to the full fiscal year.

**IMPACT ON EXPENDITURES:** None

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Raymond Majewski, Deputy Director-Revenue/Chief Economist

Paul Sturm, Supervising Legislative Financial Analyst

Jonathan Auerbach, Legislative Financial Analyst

**HISTORY:** To be considered by the Committee on Finance on November 29, 2011.

**Date Submitted to Council:** **NOVEMBER 3, 2011.**

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 704-A:)

Int. No. 704-A

By Council Members Fidler, Williams, Brewer, Chin, Dromm, James, Koslowitz, Rivera, Wills, Comrie, Dickens, Ferreras, Garodnick, Lander, Nelson, Palma, Jackson, Arroyo, Mark-Viverito, Van Bramer, Barron and Vann (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 43 for the year 2009, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand [eleven] *thirteen*, and (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [eleven] *thirteen*.

§ 2. This local law shall take effect immediately and, if it shall have become a law after December 1, 2011, shall be retroactive to and deemed to have been in full force and effect as of December 1, 2011.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO; Committee on Finance, November 29, 2011.

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

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

Report for L.U. No. 523

**Report of the Committee on Finance in favor of approving and adopting Ennis Francis Houses Phase II, Block 1929, Lots 17 and 29, Manhattan, Community District No. 10, Council District No. 9**

The Committee on Finance, to which the annexed resolution was referred on November 29, 2011, respectfully

**REPORTS:**

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

November 29, 2011

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of November 29, 2011-Resolution approving tax exemptions for six preconsidered Land Use Items (Council District's 9, 31, 35, and 49).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: Ennis Francis Houses Phase II located in Councilmember Dicken's District, Oceanview Apartments I and II and Heyson Gardens located in Councilmember Sander's District, Greene Avenue Apartments located in Councilmember James' District and the Fairway Gardens located in Councilmember Rose's District.

The Ennis Francis Houses Phase II consist of 2 buildings that will provide 220 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by ADC/Ennis Francis II Housing Development Fund Company. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The Oceanview I Apartments consist of 1 building that will provide 149 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Oceanview 1 Owner LLC. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The Oceanview II Apartments consist of 1 building that will provide 149 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Oceanview 2 Owner LLC. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The Heyson Gardens Apartments consist of 1 building that will provide 30 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Heyson Gardens Owner LLC. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The Green Avenue Senior Citizens Apartments consist of 1 building with 150 units of affordable rental housing for low-income seniors. This project will be acquired and rehabilitated by Greene Avenue 2012 BSRC Housing Development

Fund Company. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

The Fairway Gardens Apartments consist of 6 buildings with 141 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Fairway Richmond Housing Development Fund Company. The Sponsor will finance the acquisition and rehabilitation of the property with loans from the New York State Housing Finance Agency and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

These items have the approval of Councilmember's Dickens, James, Rose, and Sanders.

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

Res. No. 1126

**Resolution approving an exemption from real property taxes for property located at (Block 1929, Lot 17 and 29), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 523)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1929, Lot 17 and 29), 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 November 29, 2011;

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

**RESOLVED:**

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1929, Lots 17 and 29 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean ADC/Ennis Francis II Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.



- (h) "Partnership" shall mean ADC/Ennis Francis Owner L.P.
  - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the City Council on July 19, 2006 (Cal. No. 439).
  - (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. The Prior Exemption shall terminate as to the Exemption Area upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - b. The New Exemption shall not apply to any building constructed on that portion of the Exemption Area comprised of Lot 29 that does not have a temporary certificate of occupancy on the Effective Date and a permanent certificate of occupancy on or before December 31, 2013, and shall not apply to any building constructed on that portion of the Exemption Area comprised of Lot 17 other than a new eight-story multiple dwelling which receives a temporary or permanent certificate of occupancy on or before June 30, 2014.
    - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
    - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
  6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

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

Report for L.U. No. 524

**Report of the Committee on Finance in favor of approving and adopting Fairway Gardens, Block 2869, Lots 1, 23 and 165, Staten Island, Council District No. 49**

The Committee on Finance, to which the annexed resolution was referred on November 29, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 523 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1127

**Resolution approving an exemption from real property taxes for property located at (Block 2869, Lots 1, 14, 23, and 165), Staten Island, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 524)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2869, Lots 1, 14, 23, and 165), Staten Island ("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 November 29, 2011;

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HFA and the Owner enter into the Regulatory Agreement.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 2869, Lots 1, 14, 23 and 165, 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) "HFA" shall mean the New York State Housing Finance Agency.
  - (f) "HDFC" shall mean Fairway Richmond Housing Development Fund Company, Inc.
  - (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (i) "Owner" shall mean, collectively, the HDFC and the Partnership.

- (j) "Partnership" shall mean Fairway Richmond Partners, L.P.
- (k) "Regulatory Agreement" shall mean the regulatory agreement between HFA and the Owner providing that, for a term of 40 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (l) "Shelter Rent Tax" shall mean (i) \$197,930, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

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

Report for L.U. No. 525

**Report of the Committee on Finance in favor of approving and adopting Greene Avenue Senior Citizens, Block 1952, Lot 16, Brooklyn, Community District No. 2, Council District No. 35.**

The Committee on Finance, to which the annexed resolution was referred on November 29, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 523 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1128

**Resolution approving an exemption from real property taxes for property located at (Block 1952, Lot 16), Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 525)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1952, Lot 16), 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 November 29, 2011;

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

**RESOLVED:**

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1952, Lot 16 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDC" shall mean the New York City Housing Development Corporation.
- (e) "HDFC" shall mean Greene Ave Title Holding 2012 BSRC Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

- (h) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (i) "Partnership" shall mean Greene Ave Rehabilitation 2012 BSRC,L.P.
- (j) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on September 14, 1978 (Cal. No. 217).
- (k) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 40 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (l) "Shelter Rent Tax" shall mean (i) \$303,164 plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- b. The NewExemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the NewExemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN,

DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

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

Report for L.U. No. 526

**Report of the Committee on Finance in favor of approving Heyson Garden Apartments, Block 15627, Lot 21, Queens, Community District No. 14, Council District No. 31**

The Committee on Finance, to which the annexed resolution was referred on November 29, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 523 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1129

**Resolution approving an exemption from real property taxes for property located at (Block 15627, Lot 21), Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 526)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 15627, Lot 21), Queens ("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 November 29, 2011;

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

**RESOLVED:**

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

- (a) "Company" shall mean Heyson Gardens Owner LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15627, Lot 21 on the Tax Map of the City of New York.

- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDC" shall mean the New York City Housing Development Corporation.
- (g) "HDFC" shall mean OceanviewHeyson Housing Development Fund Corp.
- (h) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law § 489 and New York City Administrative Code § 11-243.
- (i) "Owner" shall mean, collectively, the HDFC and the Company.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (k) "Shelter Rent Tax" shall mean (i)\$20,000, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of December 31, 2012.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the Exemption Area may receive an exemption from and/or abatement of real

property taxation pursuant to the J-51 Program, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the Exemption.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

Report for L.U. No. 527

**Report of the Committee on Finance in favor of approving Oceanview Apartments I, Block 15622, Lot 100, Queens, Community District No. 14, Council District No. 31**

The Committee on Finance, to which the annexed resolution was referred on xxxx (Minutes, page xxxx), respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 523 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1130

**Resolution approving an exemption from real property taxes for property located at (Block 15622, Lot 100), Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 527)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 15622, Lot 100), Queens ("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 November 29, 2011;

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

**RESOLVED:**

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

(a) "Company" shall mean Oceanview 1 Owner LLC.

(b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.

(c) "Exemption" shall mean the exemption from real property taxation provided hereunder.

- (d) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15622, Lot 100 on the Tax Map of the City of New York.
  - (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) "HDC" shall mean the New York City Housing Development Corporation.
  - (g) "HDFC" shall mean OceanviewHeyson Housing Development Fund Corp.
  - (h) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law § 489 and New York City Administrative Code § 11-243.
  - (i) "Owner" shall mean, collectively, the HDFC and the Company.
  - (j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
  - (k) "Shelter Rent Tax" shall mean (i) \$102,500, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of December 31, 2012.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

- 6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the Exemption Area may receive an exemption from and/or abatement of real property taxation pursuant to the J-51 Program, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the Exemption.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

Report for L.U. No. 528

**Report of the Committee on Finance in favor of approving Oceanview Apartments II, Block 156929, Lot 62, Queens, Community District No. 14, Council District No. 31**

The Committee on Finance, to which the annexed resolution was referred on xxxx (Minutes, page xxxx), respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 523 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1131

**Resolution approving an exemption from real property taxes for property located at (Block 15629, Lot 62), Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 528)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 17, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 15629, Lot 62), Queens ("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 November 29, 2011;

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

**RESOLVED:**

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

- (a) "Company" shall mean Oceanview 2 Owner LLC.

- (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
- (d) “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15629, Lot 62 on the Tax Map of the City of New York.
- (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) “HDC” shall mean the New York City Housing Development Corporation.
- (g) “HDFC” shall mean OceanviewHeyson Housing Development Fund Corp.
- (h) “J-51 Program” shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law § 489 and New York City Administrative Code § 11-243.
- (i) “Owner” shall mean, collectively, the HDFC and the Company.
- (j) “Regulatory Agreement” shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (k) “Shelter Rent Tax” shall mean (i) \$102,500, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of December 31, 2012.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

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

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the Exemption Area may receive an exemption from and/or abatement of real property taxation pursuant to the J-51 Program, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the Exemption.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 29, 2011.

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

#### Report of the Committee on Housing and Buildings

Report for Int. No. 666-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to penalties for violation of the heat and hot water requirements of the housing maintenance code.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on September 8, 2011 (Minutes, page 4085), respectfully

#### REPORTS:

#### BACKGROUND

On November 28, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, is expected to vote on Proposed Int. No. 666-A, “A Local Law to amend the administrative code of the city of New York, in relation to penalties for violation of the heat and hot water requirements of the housing maintenance code.” The Committee conducted its first hearing on this bill on October 3, 2011 at which time it heard testimony from representatives of the Department of Housing Preservation and Development (HPD or Department), tenant advocates, representatives of the real estate industry and other persons interested in this bill. A principal goal of this legislation is to allow HPD to better focus its inspectorial and litigation resources during the “Heat Season” so that the Department may target those owners who are the worst offenders.

In accordance with the City’s Housing Maintenance Code (HMC) and the state Multiple Dwelling Law, landlords are required to provide a certain amount of heat and hot water to all tenants of multiple dwellings and to every tenant-occupied one- or two-family dwelling.<sup>1</sup> Hot water must be provided 365 days per year between the hours of 6 a.m. and midnight at a constant temperature of 120 degrees Fahrenheit except that if certain temperature control mixing valves are installed in a dwelling unit, the temperature of the hot water in that unit may be between 110 and 120 degrees.<sup>2</sup> Heat must be provided from October 1 through May 31 during a period informally designated as the “Heat Season.”

During the Heat Season, between the hours of 6 a.m. and 10 p.m., if the outside temperature falls below 55 degrees Fahrenheit then the inside temperature of the dwelling must be at least 68 degrees Fahrenheit. Between the hours of 10 p.m. and 6 a.m., if the outside temperature falls below 40 degrees, the inside temperature of the dwelling is required to be at least 55 degrees Fahrenheit.<sup>3</sup>

According to the Mayor’s Management Report, the City’s 311 Citizen Service Center received 115,629 heat and hot water complaints from tenants in Fiscal Year 2011 and 114,009 complaints in FY 2010.<sup>4</sup> When the City receives such a complaint, HPD staff will attempt to contact the building’s registered owner or managing agent in an effort to have the owner of the building restore heat or hot water service. Before an HPD inspector is dispatched to the building, HPD will usually call the complaining tenant to determine whether service has been restored. If service has not been restored, an HPD inspector is dispatched to the building to

verify the complaint and issue any appropriate violation(s). HPD issued in the aggregate 12,945 heat and hot water violations in FY 2011 and 12,436 in FY 2010.<sup>5</sup> In cases where heat or hot water services have been discontinued and HPD cannot reach the owner or the owner fails to restore service after a violation has been issued, HPD may use its Emergency Repair Program to undertake the repairs necessary to provide tenants with heat or hot water or purchase fuel if needed.<sup>6</sup>

The Housing Maintenance Code currently provides that landlords who violate section 27-2028 (central heating system requirements), subdivision (a) of section 27-2029 (minimum indoor temperature requirements during heat season), section 27-2031 (hot water requirements), or section 27-2032 (standards established for the use of gas-fueled, electric space, or water heaters instead of a central heating system) of the Administrative Code (Ad. Code) are subject to a civil penalty of not less than \$250 nor more than \$500 per day for each violation until the date the violation is corrected, and not less than \$500 nor more than \$1,000 per day for each subsequent violation at the same dwelling or multiple dwelling during the same calendar year, or with respect to subsequent violations of subdivision (a) of section 27-2029, during the same Heat Season.<sup>7</sup>

#### **PROPOSED INT. NO. 666-A**

Bill section one of Proposed Int. No. 666-A would amend paragraph 1 of subdivision (k) of section 27-2115 of the Ad. Code by numbering the existing text as subparagraph (i) and adding new subparagraphs (ii), (iii) and (iv). Pursuant to new subparagraph (ii), the civil penalties described in subparagraph (i) would be considered satisfied for a first violation of sections 27-2028, 27-2029(a), 27-2031 or 27-2032 if a Notice of Correction in a form prescribed by HPD that the violation has been corrected within 24 hours of the posting of the notice of violation in the building and a payment of \$250, are submitted to HPD within 10 days of the posting of the notice of such violation. If a valid Notice of Correction and payment are not received within the 10-day period, then the penalties set forth in subparagraph (i) would be applicable to the violations and, HPD may begin a proceeding in Housing Court for an order to correct and to recover such penalties in accordance with this section and section 27-2116 of the Ad. Code.

The bill also provides that in an enforcement proceeding, a person who has violated sections 27-2028, 27-2029(a), 27-2031 or 27-2032 may allege as a defense or in mitigation of the allegations compliance with the Notice of Correction and payment requirements. However, the opportunity to submit a Notice of Correction and the \$250 payment as prescribed would not be available if a violation of sections 27-2028, 27-2031 or 27-2032 occurred at the same dwelling or multiple dwelling during the prior calendar year or in the case of a violation of section 27-2029(a), if the violation of such section occurred at the same dwelling or multiple dwelling during the prior period of October 1st through May 31st.

New subparagraph (ii) also provides that if the owner submits a false Notice of Correction, the owner shall be subject to an additional civil penalty of not less than \$250 for each false notice. This is in addition to the civil penalties that may be imposed for the heat and hot water violations, themselves.

New subparagraph (iii) of paragraph (1) of subdivision (k) of section 27-2115 provides that within five (5) business days from receipt of the Notice of Correction and payment, HPD must notify by mail the tenant for whose dwelling unit the violation was written that the owner has filed a Notice of Correction. This notification to the tenant must inform the tenant as to when the violation was purportedly corrected, that the tenant has the right to object to the owner's Notice of Correction and how the tenant may raise that objection.

Under the provisions of new subparagraph (iv) of paragraph (1) of subdivision (k) of section 27-2115, a person who, after an inspection by HPD, is issued an immediately hazardous violation for a third or any subsequent violation of sections 27-2028, 27-2031 or 27-2032 at the same dwelling or multiple dwelling within the same calendar year or, in the case of section 27-2029(a), at the same dwelling or multiple-dwelling within the same period of October 1st through May 31st, would be subject to a fee of \$200 for each inspection resulting in the issuance of the violation as well as any civil penalties related to the violation. However, such fee would not be applicable to inspections performed in a multiple dwelling included in the Alternative Enforcement Program. All fees that remain unpaid would constitute a debt recoverable from the owner and a lien upon the premises and upon the rents and other income of the property. The provisions of sections 27-2143 through 27-2148 of the Ad. Code would govern the effect and enforcement of such debt and lien.

Bill section two contains the enactment clause and provides that this local law would take effect on June 1, 2012 and would apply to any violation issued on or after such date thereby being in place for next year's Heat Season. The Commissioner of HPD is required to take such actions as are necessary for the law's implementation, including the promulgation of rules, prior to such effective date.

#### **AMENDMENTS TO INT. NO. 666**

Int. No. 666 was amended in the following ways:

(1) Subparagraphs (i) and (ii) of paragraph (1) of subdivision (k) of section 27-2115 was amended to remove from coverage of the bill the provision of the Administrative Code (27-2033) relating to access to the central heating plant so as to focus the bill on those provisions of the Administrative Code that relate directly to the provision of heat and hot water.

(2) Subparagraph (ii) of paragraph (1) was also amended to provide for imposition of a civil penalty on an owner who files a false Notice of Correction in addition to those civil penalties which may be imposed for the failure to correct the violation(s).

(3) Subparagraph (iii) of paragraph (1) was renumbered as subparagraph (iv).

(4) New subparagraph (iii) was added which requires HPD to notify the tenant for whose dwelling unit the violation was issued when the owner submits to HPD a Notice of Correction, when the owner purportedly corrected the violation(s), that the

tenant may object to the owner's Notice of Correction and how the tenant may actually do that. Subparagraph (iii) also makes clear that the existing provision of law which allows a tenant to bring a proceeding in Housing Court if HPD does not conduct a reinspection should the tenant notify HPD that a violation was not corrected applies with respect to these new provisions and that the existing right of an owner to challenge HPD's invalidation of the Notice to Correct would also apply to this new provision.

(5) The effective date of this bill was amended so that it will take effect on June 1, 2012, in time for next year's Heat Season from October 1, 2011, the beginning of this year's Heat Season. This will provide HPD with an adequate amount of time to implement this new approach.

#### Update

On Monday, November 28, 2011 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> Administrative Code §§27-2028, 27-2029 and 27-2031. Multiple Dwelling Law §79.

<sup>2</sup> Administrative Code §27-2031.

<sup>3</sup> Administrative Code §§27-2028 and 27-2029. Multiple Dwelling Law §79

<sup>4</sup> The Mayor's Management Report Fiscal 2011, pg. 82. Available online at: <http://www.nyc.gov/html/ops/downloads/pdf/mmr/hpd.pdf>

<sup>5</sup> *Id.* at pg. 83.

<sup>6</sup> <http://www.nyc.gov/html/hpd/html/tenants/heat-and-hot-water.shtml>. Pursuant to Section 33 of the Public Service Law, when the landlord of a multiple dwelling fails to pay gas, electric, steam or water utilities and the utility company threatens to turn off service for lack of payment, advanced written notice of fifteen days must be provided by the company to tenants and certain government agencies. Service may not be discontinued if residents pay the landlord's bill directly to the utility company. According to Real Property Law §235-a, any payments made by residents to utility companies in an effort to avoid the discontinuation of services may be deducted from any future payment of rent by such residents. If a landlord's failure to pay utility bills results in the discontinuation of gas, electric, steam, or water services then such landlord is liable for compensatory and punitive damages to any tenant whose service is disconnected.

**(The following is the text of the Fiscal Impact Statement for Int. No. 666-A:)**



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

**INTRO. NO: 666-A**

**COMMITTEE:**

**TITLE:** To amend the administrative code of the city of New York, in relation to penalties for violation of the heat and hot water requirements of the housing maintenance code.

**SPONSOR:** **Dilan, Chin, Comrie, Jackson, Mark-Viverito, Nelson, Rose, Seabrook, Vann, Brewer and Lander (by request of the Mayor)**

**SUMMARY OF LEGISLATION:** This legislation would allow a property owner to pay a civil penalty of \$250 for a first-time violation of heat and hot water requirements which is corrected within 24-hours of the posting of the Notice of Violation at the dwelling where the property owner sends a Notice of Correction to the Department of Housing Preservation and Development (HPD) along with the payment within ten days of the posting of the Notice of Violation. If the property owner files a false Notice of Correction he/she will be subject to an additional civil penalty of not less than \$250 in addition to other applicable penalties. This legislation would also require HPD to mail to the tenant, within five days after receiving a timely Notice of Correction, information on when the violation was reportedly corrected and how the tenant may object to the Notice of Correction. This legislation would also impose a \$200 inspection fee on property owners who are issued three or more Class C heat or hot water-related violations for the same dwelling within the same calendar year or Heat Season. This fee would be for each inspection resulting in a violation in addition to applicable civil penalties. Buildings participating in the Alternative Enforcement Program would be exempt from such fees.

**EFFECTIVE DATE:** This local law shall take effect on June 1, 2012, and shall apply to any violation issued on or after such date, except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2014**

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY14
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$372,000</b>	<b>\$372,000</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$135,000</b>	<b>\$35,000</b>
<b>Net Revenues</b>	<b>\$0</b>	<b>\$237,000</b>	<b>\$337,000</b>

**IMPACT ON REVENUES:** The projected revenue and savings from this legislation is based on Fiscal 2010 heat and hot water multiple violation issuance data and certifications. HPD projects the percent of heat and hot water-related violations certified timely will increase to 25 percent, with the remaining 75 percent going to Housing Court. This is based on the assumption that more owners who correct the violations on time will want to certify rather than go to court. The City anticipates a net revenue increase of approximately \$237,000 from this legislation beginning in Fiscal 2013 increasing to \$337,000 by Fiscal 2014.

**IMPACT ON EXPENDITURES:** HPD will incur costs associated with this legislation due to necessary upgrades for Notice of Violation Systems (NOV) and mailing costs. Specifically, the HPD projects \$100,000 in start-up costs for the following: allowing payment on-line with e-certification, modifying HPDINFO to accept payment with paper certification, creating a new NOV cycle and creating payment records to send to the Department of Finance for inspection fees. In addition, HPD estimates approximately \$53,000 annually in new NOV and mailing costs. Because this legislation would also reduce the Housing Litigation Division's (HLD) workload, it is expected that a 5 percent reduction in cases will result in a savings of \$18,000 a year in City tax levy funds (approximately 80 percent of HLD's budget is funded by federal Community Development Block Grants). When taking the savings of \$18,000 a year into consideration the total projected costs will be approximately \$135,000 for Fiscal 2013 and \$35,000 in the outyears.

**SOURCE OF INFORMATION:** Department of Housing Preservation and Development

Estimate Prepared By: Nathaniel Toth, Deputy Director  
Anthony Brito, Sr. Legislative Financial Analyst

**HISTORY:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 666 on September 8, 2011. Hearing held by Committee on October 3, 2011, and the bill was laid over. This legislation will be voted by the Committee on November 28, 2011 as Proposed Int. No. 666-A.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 666-A:)**

Int. No. 666-A

By Council Members Dilan, Chin, Comrie, Jackson, Mark-Viverito, Nelson, Rose, Seabrook, Vann, Brewer, Lander, Rodriguez, Williams, Arroyo, Barron, Gennaro and Gentile (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for violation of the heat and hot water requirements of the housing maintenance code.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision k of section 27-2115 of the administrative code of the city of New York, as amended by local law number 16 for the year 2011, is amended to read as follows:

(1) (i) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of [article eight of subchapter two of] this chapter shall be subject to a civil penalty of not less than two hundred fifty nor more than five hundred dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected and not less than five hundred nor more than one thousand dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling that occurs within two consecutive calendar years or, in the case of subdivision a of section 27-2029, during two consecutive periods of October first through May thirty-first. A person who violates subdivision b of section 27-2029 of this chapter shall be subject to a civil penalty of twenty-five dollars per day from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is

corrected but not less than one thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph and section 27-2116 of this chapter, the civil penalties set forth in subparagraph (i) of this paragraph shall be deemed satisfied for a first violation of section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter if a notice, in a form prescribed by the department, that such violation has been corrected by the owner or an agent or employee of the owner within twenty-four hours of the affixing of the notice of such violation pursuant to paragraph two of this subdivision, and a payment of two hundred fifty dollars, are submitted to the department within ten days of affixing the notice of such violation. A person who submits a false notice of correction shall be subject to a civil penalty of not less than two hundred fifty dollars for each false notice of correction, in addition to the other penalties herein provided. If the notice of correction and payment are not received within such ten-day period then the penalties set forth in subparagraph (i) of this paragraph shall be applicable to such violations and the department may commence a proceeding for an order to correct and to recover such penalties in accordance with this section and section 27-2116 of this chapter. A person who has violated section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter may allege as a defense or in mitigation of liability for civil penalties, compliance with the notice of correction and payment requirements of this subparagraph in any proceeding brought by the department seeking civil penalties under this subdivision. The process for submission of the notice of correction and payment set forth in this subparagraph shall not be available if a violation of section 27-2028, section 27-2031 or section 27-2032 of this chapter occurred at the same dwelling or multiple dwelling during the prior calendar year or, in the case of subdivision a of section 27-2029 of this chapter, if a violation of such subdivision occurred at the same dwelling or multiple dwelling during the prior period of October first through May thirty-first.

(iii) Notwithstanding any other provision of law, within five business days from the date of receipt of the notice of correction by the department, the department shall mail to the occupant of any dwelling unit for which such violation was issued notification that the owner has submitted a notice of correction for such violation. The notification to the occupant shall include information on when the violation was reportedly corrected and how the occupant may object to such notice of correction. In addition, the provisions of paragraphs 4 and 5 of subdivision f of this section shall also be applicable to a notice of correction submitted in compliance with subparagraph (ii) of this paragraph.

(iv) Notwithstanding any other provision of law, a person who, after inspection by the department, is issued an immediately hazardous violation for a third or any subsequent violation of section 27-2028, section 27-2031 or section 27-2032 of this chapter at the same dwelling or multiple dwelling within the same calendar year or, in the case of subdivision a of section 27-2029 of this chapter, at the same dwelling or multiple dwelling within the same period of October first through May thirty-first, shall be subject to a fee of two hundred dollars for each inspection that results in the issuance of such violation as well as any civil penalties that may be due and payable for the violation, provided, however, that such fee shall not be applicable to inspections performed in a multiple dwelling that is included in the alternative enforcement program pursuant to article ten of subchapter five of this chapter. All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this chapter shall govern the effect and enforcement of such debt and lien.

§2. This local law shall take effect on June 1, 2012, and shall apply to any violation issued on or after such date, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, ROSIE MENDEZ, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 28, 2011.

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

#### Reports of the Committee on Land Use

Report for L.U. No. 447

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 110365 HAX, an Urban Development Action Area Designation and Project, located at East 179th Street and Boston Road and the disposition of such property, Borough of the Bronx, Council District no. 15. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**



The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3962), respectfully

REPORTS:

SUBJECT

BRONX CB - 6 C 110365 HAX

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a. the designation of property located at East 179th Street (Block 3140, part of Lot 32), 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 an eight-story building with approximately 65 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: Two Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

The Subcommittee recommends that the Land Use Committee make the findings required by Article 16 and approve the decision of the City Planning Commission.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Levin, Barron, Gonzalez, Dickens, Koo.

COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Jr., Vann, Gonzalez, Arroyo, Dickens, Cont'd, Garodnick.

Lappin
Mendez
Lander
Levin
Weprin
Williams
Ignizio
Koo

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

Res. No. 1132

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 110365 HAX, approving the designation of property located at East 179th Street (Block 3140, p/o Lot 32), Borough of the Bronx, as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 447; C 110365 HAX).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 5, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at East 179th Street (Block 3140, p/o Lot 32), as an Urban Development Action Area (the "Area");
b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of an eight-story building with approximately 65 units under the Supportive Housing Loan Program (the "Disposition"), Community District 6, Borough of the Bronx(ULURP No. C 110365 HAX) (the "Application");

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

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

WHEREAS, by letter dated October 24, 2011 and submitted to the Council on November 2, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on November 16, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 2, 2011 (CEQR No. 11HPD012X);

RESOLVED :

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

Pursuant to Section 197-d and based on the environmental determination described in the report of the City Planning Commission and incorporated by reference herein, the Council approves the decision of the City Planning Commission (C 110365 HAX).

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 448

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 110366 HAX, an Urban Development Action Area Designation and Project, located adjacent to 1087 East Tremont Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3962), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 6**

**C 110366 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property consisting of a portion of the former sidewalk of demapped Bronx Street located adjacent to the west side of 1087 East Tremont Avenue (Block 3141, Lot 1) 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 provide egress for emergency access purposes to the existing Bronx River Arts Center.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

The Subcommittee recommends that the Land Use Committee make the findings required by Article 16 and approve the decision of the City Planning Commission.

**In Favor:**

Levin  
None  
Barron

**Against:**

None

**Abstain:**

Gonzalez  
Dickens  
Koo

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
None  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Vann  
Gonzalez  
Arroyo  
Dickens  
**Cont'd**  
Garodnick  
Lappin  
Mendez  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

**Against:**

None

**Abstain:**

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

Res. No. 1133

**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 110366 HAX, approving the designation of property consisting of a portion of the former sidewalk of the demapped Bronx street located adjacent to the west side of 1087 East Tremont Avenue (Block 3141, Lot 1), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 448; C 110366 HAX).**

By Council Members Comrie and Levin.

**WHEREAS,** the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 5, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property consisting of a portion of the former sidewalk of the demapped Bronx street located adjacent to the west side of 1087 East Tremont Avenue (Block 3141, Lot 1), 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 to be selected by the New York City Department of Housing Preservation and Development to provide egress for emergency purposes for the existing Bronx River Arts Center (the "Disposition"), Community District 6, Borough of the Bronx (ULURP No. C 110366 HAX) (the "Application");

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

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

**WHEREAS**, by letter dated October 24, 2011 and submitted to the Council on November 2, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on November 16, 2011;

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

**RESOLVED :**

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 110366 HAX).

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 467

**Report of the Committee on Land Use in favor of approving Application no. 20125065 HAK, an Urban Development Action Area Project located at 386 Miller Avenue and 2406 Pacific 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 pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4111), respectfully

**REPORTS:**

**SUBJECT**

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
386 Miller Avenue	3742/41	20125065 HAK	467	Asset Control Area
2406 Pacific Street Brooklyn	1444/15			

**INTENT**

HPD requests that the Council:

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

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 Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. No. 467.

**PUBLIC HEARING**

**Date:** November 16, 2011

**Witnesses In Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**Date:** November 16, 2011

The Subcommittee recommends that the Committee 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.

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

**COMMITTEE ACTION**

**Date:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1134

**Resolution approving an Urban Development Action Area Project located at 386 Miller Avenue (Block 3742, Lot 41) and 2406 Pacific Street (Block 1444, Lot 15), 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. 467; 20125065 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 30, 2011 its request dated August 8, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 386 Miller Avenue (Block 3742, Lot 41) and 2406 Pacific Street (Block 1444, Lot 15), Community Districts 5 and 16, 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 November 16, 2011;

**WHEREAS**, the Council has considered the land use, environmental 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 1<sup>st</sup> or July 1<sup>st</sup> (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 497

**Report of the Committee on Land Use in favor of approving Application no. 20125124 HAM, In Rem Action no. 48, submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code for the conveyance of property and related tax exemptions located in Community Board 9, Council District no. 7, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4614), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 9**

**20125124 HAM**

In Rem Action no. 48, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York for the conveyance of property and related tax exemption pursuant to §577 of the Private Housing Finance Law.

**INTENT**

To facilitate the development and preservation of the Transfer Area.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

The Subcommittee recommends that the Land Use Committee approve requests.

**In Favor:**

Levin  
Barron  
Gonzalez  
Dickens  
Koo

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1135

**Resolution approving the conveyance of a Transfer Parcel located at 449 Convent Avenue, (Block 2064, Lot 69), and associated tax exemption pursuant to Section 11-412.2 of the Administrative Code (L.U. 497; No. 20125124 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Finance (“DOF”) and New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on September 21, 2011 its request dated September 21, 2011 that the Council take the following actions regarding the following Transfer Area (the “Project”) located at 449 Convent Avenue (Block 2064, Lot 149, Community District No. 9, Borough of Manhattan, Council District No. 7 (the “Transfer Area”):

Approve an exemption of the Transfer Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the “Tax Exemption”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 16, 2011;

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

**RESOLVED:**

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 Tax Exemption as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:

a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee (“Article XI Commencement Date”) and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance (“Article XI Expiration Date”).

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder (“Article XI Exemption”), the owner of

the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 498

**Report of the Committee on Land Use in favor of approving Application no. 20125125 HAM, In Rem Actions no. 48 and no. 49, submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions located in Community Boards 3, 9, 10 and 11, Council Districts no. 2, 7, 8 and 9, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4614), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3, 9, 10, 11**

**20125125 HAM**

In Rem Actions no. 48 and no. 49, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions pursuant to §696 of the General Municipal Law and §577 of the Private Housing Finance Law.

**INTENT**

To facilitate the development and preservation of the Transfer Parcels.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

The Subcommittee recommends that the Land Use Committee make the Article 16 findings and approve requests.

**In Favor:**

**Against:**

**Abstain:**

Levin  
None  
Barron  
Gonzalez  
Dickens  
Koo

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1136

**Resolution approving an Urban Development Action Area Project located at 369 Edgecombe Avenue (Block 2054, Lot 16), 420 West 150<sup>th</sup> Street (Block 2064, Lot 43), 158 West 122<sup>nd</sup> Street (Block 1906/57), 152 West 124<sup>th</sup> Street (Block 1908, Lot 56), 43 West 129<sup>th</sup> Street (Block 1727, Lot 14), 39 West 129<sup>th</sup> Street (Block 1727, Lot 16), 31 West 129<sup>th</sup> Street (Block 1727, Lot 20), 53 West 129<sup>th</sup> Street (Block 1727, Lot 10), 23 West 119<sup>th</sup> Street (Block 1718, Lot 27), 244 Lenox Avenue (Block 1721, Lot 3) and 388 East 8<sup>th</sup> Street (Block 377, Lot 26); 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. 498; 20125125 HAM).**

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Finance ("DOF") and the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 21, 2011 its request dated September 21, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 369 Edgecombe Avenue (Block 2054, Lot 16), 724 St. Nicholas Avenue (Block 2053, Lot 69), 420 West 150<sup>th</sup> Street (Block 2064, Lot 43), 142 East 126<sup>th</sup> Street (Block 1774, Lot 51), 158 West 122<sup>nd</sup> Street (Block 1906/57), 152 West 124<sup>th</sup> Street (Block 1908, Lot 56), 43 West 129<sup>th</sup> Street (Block 1727, Lot 14), 39 West 129<sup>th</sup> Street (Block 1727, Lot 16), 31 West 129<sup>th</sup> Street (Block 1727, Lot 20), 53 West 129<sup>th</sup> Street (Block 1727, Lot 10), 23 West 119<sup>th</sup> Street (Block 1718, Lot 27), 244 Lenox Avenue (Block 1721, Lot 3), 40 West 119<sup>th</sup> Street (Block 1717, Lot 152), 388 East 8<sup>th</sup> Street (Block 377, Lot 26) and 504 East 11<sup>th</sup> Street (Block 377, Lot 26); Community District Nos. 3, 9, 10, and 11, Borough of Manhattan, Council District Nos. 2, 7, 8 and 9 (the "Transfer Area"):

1. Find that the present status of the Transfer 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 Section 693 of the General Municipal Law;

3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

4. Approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemption");

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on October 20, 2011 its request dated October 19, 2011 that the properties located at 724 St. Nicholas Avenue (Block 2053, Lot 69), 142 East 126<sup>th</sup> Street (Block 1774, Lot 51), 40 West 119<sup>th</sup> Street (Block 1717, Lot 152) and 504 East 11<sup>th</sup> Street (Block 404, Lot 6) be withdrawn from the Project:

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 16, 2011;

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

**RESOLVED:**

The Council finds that the present status of the Transfer 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;

The Council waives the area designation requirement of Section 693 of the General Municipal Law 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; and

The Council approves an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemption");

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 Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:

a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee

("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

2. Pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Transfer 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 Article XI Expiration Date ("UDAAP Commencement Date");

provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder (“UDAAP Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“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 transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. 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 UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 508

**Report of the Committee on Land Use in favor of approving Application no. 20125046 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of A. Veniero, Inc. d.b.a. Venieros Pasticceria & Café, to continue, maintain and operate an unenclosed sidewalk café located at 342 East 11th Street, Borough of Manhattan, Council District no.2. 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 November 3, 2011 (Minutes, page 4875), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**20125046 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of A. Veniero, Inc., d/b/a Veniero’s Pasticceria & Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 342 East 11<sup>th</sup> Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1137

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 342 East 11<sup>th</sup> Street, Borough of Manhattan (20125046 TCM; L.U. No. 508).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 20, 2011 its approval dated October 20, 2011 of the petition of A. Veniero, Inc., d/b/a Veniero’s Pasticceria & Cafe, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 342 East 11<sup>th</sup> Street,

Community District 3, 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 November 16, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 509

**Report of the Committee on Land Use in favor of approving Application no. 20125058 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 151 Second Ave. Rest. Inc. d.b.a. Ryan's Irish Pub, to continue, maintain and operate an unenclosed sidewalk café located at 151 Second Avenue, Borough of Manhattan, Council District no.2. 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 November 3, 2011 (Minutes, page 4876), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**20125058 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 151 Second Ave. Rest. Inc., d/b/a Ryan's Irish Pub, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 151 Second Avenue.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

**In Favor:**

Weprin  
Rivera  
Reyna  
Jackson  
Vann  
Vacca  
Ignizio

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Vann  
Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Lander  
Levin

**Against:**

None

**Abstain:**

None

**Cont'd**

Weprin  
Williams  
Ignizio  
Koo

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

Res. No. 1138

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 151 Second Avenue, Borough of Manhattan (20125058 TCM; L.U. No. 509).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 20, 2011 its approval dated October 20, 2011 of the petition of 151 Second Ave. Rest. Inc., d/b/a Ryan's Irish Pub, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 151 Second Avenue, Community District 3, 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 November 16, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E.



DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 510

Report of the Committee on Land Use in favor of approving Application no. 20125179 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates d.b.a Mezzogiorno, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4876), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2      20125179 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, d/b/a Mezzogiorno for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street.

INTENT

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

PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: One      Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

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

In Favor: Weprin, Rivera, Reyna, Jackson, Vann, Vacca, Ignizio
Against: None
Abstain: None

COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie
Against: None
Abstain: None

- Rivera
Reyna
Barron
Jackson
Sanders, Jr.
Vann
Gonzalez
Arroyo
Dickens
Garodnick
Lappin
Mendez
Lander
Levin
Weprin
Cont'd
Williams
Ignizio
Koo

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

Res. No. 1139

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan (20125179 TCM; L.U. No. 510).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 20, 2011 its approval dated October 20, 2011 of the petition of Mezzogiorno Associates, d/b/a Mezzogiorno for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring 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 November 16, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 511

Report of the Committee on Land Use in favor of approving Application no. C 110382 ZMK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an M1-4 District. Council District 33.



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 110382 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d, by changing from an M1-2 District to an M1-4 District property bounded by the easterly centerline prolongation of Sands Street, a line 400 feet easterly of Navy Street, a line 400 feet northerly of Nassau Street, a line 680 feet easterly of Navy Street, Nassau Street, and Navy Street, as shown on a diagram (for illustrative purposes only) dated June 20, 2011, Community District 2, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 512

**Report of the Committee on Land Use in favor of approving Application no. N 110383 ZRK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale Developments, Community District 2, Borough of Brooklyn, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4877), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2 N 110383 ZRK**

City Planning Commission decision approving an application submitted by the Brooklyn Navy Yard Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale General Developments.

**INTENT**

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven  
**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1141

**Resolution approving the decision of the City Planning Commission on Application No. N 110383 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale General Developments in Community District 2, Borough of Brooklyn (L.U. No. 512).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), for an amendment of the text of the Zoning Resolution of the City of New York, to allow for an application for a special permit for a large-scale general development in cases when the proposed development is owned by the federal government (Application No. N 110383 ZRK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 POK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. 516), a special permit pursuant to Section 74-922 to

allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

**RESOLVED:**

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110383 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 as follows:

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

\* \* \*

**Article VII: Administration**

\* \* \*

**Chapter 4: Special Permits by the City Planning Commission**

\* \* \*

74-742

**Ownership**

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising

such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

When a #large-scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or when the site of a proposed #large-scale general development# is owned by the federal government and is within Community District 2 in the borough of Brooklyn, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 513

**Report of the Committee on Land Use in favor of approving Application no. C 110375 ZSK submitted by the Brooklyn Navy Yard 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 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. 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 November 3, 2011 (Minutes, page 4877), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**C 110375 ZSK**

City Planning Commission decision approving an application submitted by Brooklyn Navy Yard 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 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street.

**INTENT**

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven  
 One

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1142

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110375 ZSK (L.U. No. 513), for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an

M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, (ULURP No. C 110375 ZSK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 PQQ (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. No. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

**RESOLVED:**

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110375 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 514

**Report of the Committee on Land Use in favor of approving Application no. C 110376 ZSK submitted by the Brooklyn Navy Yard 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 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-64 and Section 32-65 in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. 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 November 3, 2011 (Minutes, page 4878), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**C 110376 ZSK**

City Planning Commission decision approving an application submitted by Brooklyn Navy Yard 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 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs) in connection with a proposed commercial development, on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street.

**INTENT**

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven  
**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None

- Rivera
- Reyna
- Barron
- Jackson
- Sanders, Jr.
- Vann
- Gonzalez
- Arroyo
- Dickens
- Garodnick
- Lappin
- Mendez
- Lander
- Levin
- Cont'd**
- Weprin
- Williams
- Ignizio
- Koo

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

Res. No. 1143

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110376 ZSK (L.U. No. 514), for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs) in connection with a proposed commercial development, on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), 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(c) of the Zoning Resolution to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs) in connection with a proposed commercial development, on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street (ULURP No. C 110376 ZSK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 POK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. No. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 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 November 16, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

RESOLVED:

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110376 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 515

Report of the Committee on Land Use in favor of approving Application no. C 110377 ZSK submitted by the Brooklyn Navy Yard 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 74-53 of the Zoning Resolution to modify the requirements of Section 44-12 to allow a group parking facility accessory to uses in a large scale development, with a maximum capacity of 266 spaces in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. 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 November 3, 2011 (Minutes, page 4878), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2 C 110377 ZSK

City Planning Commission decision approving an application submitted by Brooklyn Navy Yard 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 74-53 of the Zoning Resolution to modify the requirements of Section 44-12 (Maximum Size of Accessory Group Parking Facilities) to allow a group parking facility accessory to uses in a large-scale general development, with a maximum

capacity of 266 spaces in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street.

INTENT

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: Seven Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

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

In Favor: Weprin, Rivera, Reyna, Jackson, Vann, Vacca, Ignizio
Against: None
Abstain: None

COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1144

Resolution approving the decision of the City Planning Commission on ULURP No. C 110377 ZSK (L.U. No. 515), for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to allow a group parking facility accessory to uses in a large-scale general development, with a maximum capacity of 266 spaces in connection with a proposed

**commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to allow a group parking facility accessory to uses in a large-scale general development, with a maximum capacity of 266 spaces in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street (ULURP No. C 110377 ZSK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 POK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110378 ZSK (L.U. No. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 74-53 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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

**RESOLVED:**

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

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110377 ZSK, incorporated by reference herein, the Council approves the Decision.

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

VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 516

**Report of the Committee on Land Use in favor of approving Application no. C 110378 ZSK submitted by the Brooklyn Navy Yard 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 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. 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 November 3, 2011 (Minutes, page 4879), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**C 110378 ZSK**

City Planning Commission decision approving an application submitted by Brooklyn Navy Yard 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 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with the proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street.

**INTENT**

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven  
One

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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



**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1145

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110378 ZSK (L.U. No. 516), for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with the proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with the proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, (ULURP No. C 110378 ZSK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 POK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 74-922 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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

**RESOLVED:**

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110378 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 517

**Report of the Committee on Land Use in favor of approving Application no. C 110380 POK submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at the Brooklyn Navy Yard, (Block 2023, Lot 50), Community District 2, Borough of Brooklyn. 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 November 3, 2011 (Minutes, page 4879), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**C 110380 POK**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the

New York City Charter for the acquisition of property located at the Brooklyn Navy Yard (Block 2023, lot 50).

### INTENT

To facilitate the development of Admiral's Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral's Row site.

### PUBLIC HEARING

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven  
One

**Witnesses Against:**

### SUBCOMMITTEE RECOMMENDATION

**DATE:** November 16, 2011

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

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

### COMMITTEE ACTION

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1146

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110380 PQQ (L.U. No. 517), for the acquisition of federally-owned**

**property commonly known as Admiral's Row located at the Brooklyn Navy Yard (Block 2023, Lot 50), Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services, for the acquisition of property located at the Brooklyn Navy Yard (Block 2023, Lot 50) (the "Site"), Community District 2, (ULURP No. C 110380 PQQ) Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No. 11DEM001K).

### **RESOLVED:**

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 110380 PQQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 518

Report of the Committee on Land Use in favor of approving Application no. C 110381 PPK submitted by the NYC Department of Small Business Services pursuant to Section 197-c of the New York City Charter for disposition to the Brooklyn Navy Yard Development Corporation of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau Streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2, subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743 (a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922, respectively.. 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 November 3, 2011 (Minutes, page 4880), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB - 2    C 110381 PPK**

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for disposition to the Brooklyn Navy Yard Development Corporation (BNYDC) of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2, subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743(a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922, respectively.

INTENT

To facilitate the development of Admiral’s Row Plaza, approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral’s Row site.

PUBLIC HEARING

**DATE:** November 16, 2011

**Witnesses in Favor:** Seven    **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

**DATE:** November 16, 2011

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

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

COMMITTEE ACTION

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1147

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110381 PPK, for disposition to the Brooklyn Navy Yard Development Corporation (BNYDC) of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau streets (Block 2023, Lots 50 and p/o Lot 1), Borough of Brooklyn (L.U. No. 518).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Small Business Services (SBS), for disposition to the Brooklyn Navy Yard Development Corporation (BNYDC) of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau streets (Block 2023, Lots 50 and p/o Lot 1), subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743(a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922 (ULURP No. C 110381 PPK) (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110380 PPK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; N 110383 ZRK (L.U. No. 512), a zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

**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 November 16, 2011; and

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion

was issued on October 6, 2011 (CEQR No. 11DEM001K);

**RESOLVED:**

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

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

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 110378 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 519

**Report of the Committee on Land Use in favor of approving Application no. C 110386 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d., Council Districts 33, 38 and 39.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4880), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2, 6 and 7 C 110386 ZMK**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

**INTENT**

To establish the Special District "EC" along 4<sup>th</sup> Avenue in Community Districts 2, 6 and 7 in Brooklyn.

**PUBLIC HEARING**

**DATE:** November 16, 2011

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

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

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1148

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110386 ZMK, a Zoning Map amendment (L.U. No. 519).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to establish the Special District 'EC' along 4<sup>th</sup> Avenue, Community Districts 2, 6, and 7, Borough of Brooklyn (ULURP No. C 110386 ZMK) (the "Application");

**WHEREAS**, the Application is related to Application N 110387 ZRK (L.U. No. 520), a zoning text change to establish the Special Fourth Avenue Enhanced Commercial District on 56 blocks along Fourth Avenue in the Park Slope and South Park Slope neighborhoods of Brooklyn;

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 November 16, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on June 20, 2011 (CEQR No. 11DCP147K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110386 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 16c and 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, as shown on a diagram (for illustrative purposes only) dated June 20, 2011, Community Districts 2, 6 and 7, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 520

Report of the Committee on Land Use in favor of approving Application no. N 110387 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapters I, II and IV, and Article XIII, Chapter 2, to establish the Special Fourth Avenue Enhanced Commercial District, Community District 2, 6 and 7, Borough of Brooklyn, Council Districts 33, 38 and 39.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4881), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2, 6 and 7 N 110387 ZRK

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapters I, II and IV, and Article XIII, Chapter 2, to establish the Special Fourth Avenue Enhanced Commercial District.

INTENT

To establish the Special District "EC" along 4th Avenue in Community Districts 2, 6 and 7 in Brooklyn.

PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: Two None Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

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

In Favor: Weprin, Rivera, Reyna, Jackson, Vann, Vacca, Ignizio Against: None Abstain: None

COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1149

Resolution approving the decision of the City Planning Commission on Application No. N 110387 ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapters I, II and IV, and Article XIII, Chapter 2, to establish the Special Fourth Avenue Enhanced Commercial District, in the Community Districts 2, 6 and 7, Borough of Brooklyn (L.U. No. 520).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, the proposed text amendment will establish the Special Fourth Avenue Enhanced Commercial District on 56 blocks of Fourth Avenue between Atlantic Avenue and 25th Street (Application No. N 110387 ZRK),

Community Districts 2, 6 and 7, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application C 110386 ZMK (L.U. No. 519), a zoning map change to map the Special District as "EC" on the zoning map;

**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 November 16, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 20, 2011 (CEQR No. 11DCP147K);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110387 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:

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

**Article I: General Provisions**

**Chapter 1  
 Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-12  
 Establishment of Districts**

\* \* \*

**11-122  
 Districts established**

\* \* \*

**Special Purpose Districts**

Establishment of the Special 125th Street District

\* \* \*

Establishment of the Special Fourth Avenue Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Fourth Avenue Enhanced Commercial District# is hereby established.

\* \* \*

**Chapter 2 - Construction of Language and Definitions**

\* \* \*

**12-10  
 Definitions**

\* \* \*

Special 125th Street District

\* \* \*

Special Fourth Avenue Enhanced Commercial District

The "Special Fourth Avenue Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2 apply.

\* \* \*

**Chapter 4 - Sidewalk Café Regulations**

\* \* \*

**14-44  
 Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

	#Enclosed #Unenclosed Sidewalk Cafe#	Sidewalk Cafe#
Brooklyn		
<u>Fourth Avenue Enhanced Commercial District</u>	<u>No</u>	<u>Yes</u>
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

\* #Sidewalk cafes# are not allowed on Ocean Parkway

\* \* \*

**Article XIII: Special Purpose Districts**

\* \* \*

**Chapter 2  
 Special Fourth Avenue Enhanced Commercial District**

**\*ALL TEXT IN ARTICLE XIII, CHAPTER 2 IS NEW\***

**132-00  
 GENERAL PURPOSES**

The #Special Fourth Avenue Enhanced Commercial District#, in the Borough of Brooklyn, established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to enhance the character of the area by ensuring that ground floor space within buildings is occupied by establishments that promote a lively and engaging pedestrian experience along Fourth Avenue;
- (b) to limit the number of curb cuts along Fourth Avenue in order to minimize conflicts between vehicles and pedestrians; and
- (c) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**132-01  
 Definitions**

Ground floor level

For the purposes of this Chapter, "ground floor level" shall mean a #building's# lowest #story# located within 30 feet of the Fourth Avenue #street wall# of the #building#.

### 132-10 GENERAL PROVISIONS

The provisions of this Chapter shall apply to all #buildings# with Fourth Avenue #street# frontage.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

### 132-20 SPECIAL USE REGULATIONS

The special #use# regulations of this Section shall apply to the Fourth Avenue #street walls# of #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon Fourth Avenue.

For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon Fourth Avenue.

The following shall be exempt from the #use# provisions of this Section:

- (a) #buildings# located in #Commercial Districts# on a #zoning lot# with a width of less than 20 feet, as measured along the Fourth Avenue #street line#, provided such #zoning lot# existed on (date of adoption); and
- (b) any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

### 132-21 Special Ground Floor Level Use Requirements in Commercial Districts

In #Commercial Districts#, the following #use# provisions shall apply to the #ground floor level# of a #building#. In addition to these provisions, permitted #uses# shall comply with the provisions of Sections 132-30 (SPECIAL TRANSPARENCY REGULATIONS), and 132-40 (SPECIAL PARKING REGULATIONS).

- (a) Mandatory #commercial uses# for a portion of the #ground floor level#

Mandatory #commercial use# regulations shall apply to an area of a #building's ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# Fourth Avenue #street wall# and a depth equal to at least 30 feet, as measured from the Fourth Avenue #street wall#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B, or 9A.

- (b) Remaining portion of #ground floor level#

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, except that:

- (1) #residential# lobbies, and an associated vertical circulation core shall be permitted in such remaining area, provided that the #street wall# width of such lobbies shall not exceed 25 feet, as measured along the Fourth Avenue #street line#. In addition, the 30 foot depth requirement for #commercial uses# pursuant to paragraph (a) of this Section may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and
- (2) off-street parking spaces and entrances to such spaces shall comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).
- (c) Location of #ground floor level#

The finished floor of the #ground floor level# shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent Fourth Avenue public sidewalk.

### 132-22 Special Ground Floor Level Use Requirements in Residence Districts

In #Residence Districts#, all #uses# permitted by the underlying district regulations are permitted on the #ground floor level#, provided such #uses# comply

with the provisions of Sections 132-30 (SPECIAL TRANSPARENCY REGULATIONS), where applicable, and 132-40 (SPECIAL PARKING REGULATIONS).

### 132-30 SPECIAL TRANSPARENCY REGULATIONS

The special transparency regulations of this Section shall apply to the Fourth Avenue #street walls# of #developments# and to portions of #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon Fourth Avenue. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to transparent materials, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon Fourth Avenue.

The following shall be exempt from the transparency provisions of this Section:

- (a) #buildings# located in #Residence Districts# where the #ground floor level# of such #buildings# contains #dwelling units# or #rooming units#; and
- (b) #buildings# located in #Commercial Districts# on a #zoning lot# with a width of less than 20 feet, as measured along the Fourth Avenue #street line#, provided such #zoning lot# existed on (date of adoption); and
- (c) any #community facility building# used exclusively for either a #school# or a house of worship.

### 132-31 Special Ground Floor Level Transparency Requirements

The #ground floor level street wall# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such #ground floor level street wall# between a height of two feet, and 12 feet, or the height of the ground floor ceiling, whichever is higher as measured from the adjoining sidewalk. The lowest point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than two feet, six inches above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers. In addition, the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

However, where an entrance to an off-street parking facility is permitted on Fourth Avenue in accordance with the provisions of Section 132-42 (Special Curb Cut Requirements), the transparency requirements of this Section shall not apply to the portion of the #ground floor level street wall# occupied by such entrance.

### 132-40 SPECIAL PARKING REGULATIONS

The provisions of this Section shall apply to all #buildings# with Fourth Avenue #street# frontage.

### 132-41 Special Location of Parking Spaces Requirements

All off-street parking spaces shall be located within a #completely enclosed building#.

Enclosed, off-street parking spaces shall be permitted on the ground floor of a #building# only where they are located beyond 30 feet of such #building's# Fourth Avenue #street wall#. Entrances to such spaces along Fourth Avenue shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-42 (Special Curb Cut Requirements).

### 132-42 Special Curb Cut Requirements

For #zoning lots# with frontage along Fourth Avenue and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along Fourth Avenue.

Curb cuts accessing off-street parking spaces shall be permitted on Fourth Avenue only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along Fourth Avenue;
- (b) existed on (date of adoption);
- (c) has a width of at least 60 feet, as measured along the Fourth Avenue #street line#; and

(d) has a #lot area# of at least 5,700 square feet.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 521

Report of the Committee on Land Use in favor of approving Application no. M 830094(B) ZMK submitted by 8902 Foster Avenue, LLC for a modification to Restrictive Declaration D-86, which was approved as a part of Zoning Map Amendment (C 830094 ZMK), involving eliminating the restriction on Use Group 16B uses only on Block 5807, Lot 40, with a prohibition on automotive paint spraying; allowing open accessory parking on the zoning lot; and updating the plan attached as Exhibit D, governing tree replacement, to reflect the proposed conditions; on property bounded by 2nd Avenue, 63rd Street, 3rd Avenue and 64th Street (Block 5807, Lots 1 and 40), in a C8-1 District, Borough of Brooklyn, Community District 7, Council District no. 39.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4881), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7 M 830094(B) ZMK

City Planning Commission decision approving an application submitted by 8902 Foster Avenue, LLC for a modification to Restrictive Declaration D-86, which was approved as part of a Zoning Map Amendment (C 830094 ZMK), involving:

- 1. eliminating the restriction on Use Group 16B (automotive service establishments) uses only on Block 5807, Lot 40, with a prohibition on automotive paint spraying;
2. allowing open accessory parking on the zoning lot; and
3. updating the plan attached as Exhibit D, governing tree replacement, to reflect the proposed conditions;

on property bounded by 2nd Avenue, 63rd Street, 3rd Avenue and 64th Street (Block 5807, Lots 1 and 40), in a C8-1 District.

INTENT

To modify the restrictive declaration dated October 24, 1983, as modified in 1988, to facilitate the use of an existing building for an automotive service establishment, to allow off-street accessory parking on the zoning lot and to update the planting plan.

PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: One None Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

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

Table with 3 columns: In Favor, Against, Abstain. Rows list names: Weprin, Rivera, Reyna, Jackson, Vann, Vacca, Ignizio.

COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

Table with 3 columns: In Favor, Against, Abstain. Rows list names: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Jr., Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Lander, Levin, Weprin, Williams, Ignizio, Koo.

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

Res. No. 1150

Resolution approving the decision of the City Planning Commission on ULURP No. M 830094(B) ZMK, for a modification to Restrictive Declaration D-86, which was approved as part of a Zoning Map amendment (L.U. No. 521).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), on the application submitted by 8902 Foster Avenue, LLC, for a modification to Restrictive Declaration D-86 as part of a Zoning Map amendment, Community District 7, Borough of Brooklyn (ULURP No. M 830094(B) ZMK) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 16, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on January 24, 2011 (CEQR No. 82-249K);

RESOLVED:

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



Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 830094(B) ZMK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

Report for L.U. No. 522

**Report of the Committee on Land Use in favor of approving Application no. 20115470 SCK, a proposed site for a new, approximately 750 seat Primary/Intermediate School Facility, (Block 5321, Lots 44, 64 and 73), Council District No.39, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 3, 2011 (Minutes, page 4881), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 7**

**20115470 SCK**

Application pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 750-Seat Primary/Intermediate School Facility, known as P.S./I.S. 437, bounded by Kermit Place to the north, Caton Avenue to the south, East 8<sup>th</sup> Street to the east and East 7<sup>th</sup> Street to the west (Tax Block 5321, Lots 44, 64 and 73), Borough of Brooklyn, Community School District No. 15.

**INTENT**

To facilitate the construction of a new, approximately 750 seat school in Brooklyn.

**PUBLIC HEARING**

**DATE:** November 16, 2011

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 16, 2011

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

**In Favor:**

Lander  
None  
Sanders, Jr.  
Arroyo  
Mendez  
Williams

**Against:**

None

**Abstain:**

**COMMITTEE ACTION**

**DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
None  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Vann  
Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

**Against:**

None

**Abstain:**

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

Res. No. 1151

**Resolution approving the site plan for a new, approximately 750-Seat Primary/Intermediate School Facility (P.S./I.S. 437, Brooklyn), generally bounded by Kermit Place to the north, Caton Avenue to the south, East 8th Street to the east and East 7th Street to the west (Tax Block 5321, Tax Lots 44, 64 and 73), Borough of Brooklyn; (Non-ULURP No. 20115470 SCK; L.U. No. 522).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on November 10, 2011, a site plan dated January 21, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 750-Seat Primary/Intermediate School Facility known as P.S./I.S. 437, generally bounded by Kermit Place to the north, Caton Avenue to the south, East 8th Street to the east and East 7th Street to the west (Tax Block 5321, Tax Lots 44, 64 and 73), in the Prospect Park South section of Brooklyn, serving students from pre-kindergarten through eight grade in Community School District No. 15, Borough of Brooklyn, Community Board No. 7 (the "Site Plan");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on November 16, 2011;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on October 27, 2011 (SEQR Project Number 12-006); and

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

**RESOLVED:**

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE

D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

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

Report for L.U. No. 540

**Report of the Committee on Land Use in favor of approving Application no. 20125186 HAR, a request of the New York City Department of Housing Preservation and Development for Council consent and approval, pursuant to Article 5 of the Private Housing Finance Law, for an exemption from real property taxes, a termination of the prior exemption and the voluntary dissolution of the current owner for property located at Block 44/Lot1, Block 45/Lot 1, Block 46/Lot 1, Block 47/Lot 62, Block 48/Lot 29, Block 49/Lot 1 and Block 52/Lot 133, Council District 49, Borough of Staten Island.**

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

#### REPORTS:

##### SUBJECT

STATEN ISLAND CB - 1

20125186 HAR

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for an exemption from real property taxes, a termination of the prior exemption and the voluntary dissolution of the current owner for property located at Block 44/Lot1, Block 45/Lot 1, Block 46/Lot 1, Block 47/Lot 62, Block 48/Lot 29, Block 49/Lot 1 and Block 52/Lot 133, Council District 49, Borough of Staten Island.

##### INTENT

To facilitate the rehabilitation of the property.

##### PUBLIC HEARING

DATE: November 16, 2011

Witnesses in Favor: Three  
None

Witnesses Against:

##### SUBCOMMITTEE RECOMMENDATION

DATE: November 16, 2011

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

##### In Favor:

Levin  
None  
Barron  
Gonzalez  
Dickens  
Koo

##### Against:

None

##### Abstain:

##### COMMITTEE ACTION

DATE: November 17, 2011

The Committee recommends that the Council approve the attached resolution.

##### In Favor:

Comrie  
None  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Vann  
Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

##### Against:

None

##### Abstain:

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

Res. No. 1152

**Resolution approving a tax exemption and a voluntary dissolution for a Project located at Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 62; Block 48, Lot 29; Block 49, Lot 1 and Block 52, Lot 133, Staten Island, pursuant to the Private Housing Finance Law (Preconsidered L.U. No. 540; 20125186 HAR).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 4, 2011 its request dated November 1, 2011 that the Council take the following actions regarding the following property (the "Exemption Area") located at Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 62; Block 48, Lot 29; Block 49, Lot 1 and Block 52, Lot 133, Community District 1, Borough of Staten Island (the "Exemption Area"):

1. Approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law ("PHFL");

2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption granted by the Board of Estimate on April 1, 1982 (Cal. No. 44) ("Prior Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 16, 2011;

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

##### **RESOLVED:**

The Council approves the exemption of the Exemption Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

a. For the purposes hereof, the following terms shall have the following

meanings:

- (1) "Current Owner" shall mean Richmond Housing Associates, L.P.
- (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HFA and New Owner enter into the Regulatory Agreement.
- (3) "Exemption Area" shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 62; Block 48, Lot 29; Block 49, Lot 1 and Block 52, Lot 133, on the Tax Map of the City of New York.
- (4) "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.
- (5) "HDFC" shall mean Fairway Richmond Housing Development Fund Company, Inc.
- (6) "HFA" shall mean the New York State Housing Finance Agency.
- (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York
- (8) "New Exemption" shall mean the partial exemption from real property taxes provided hereunder with respect to the Exemption Area.
- (9) "New Owner" shall mean, collectively, the HDFC and the Partnership.
- (10) "Partnership" shall mean Fairway Richmond Partners, L.P.
- (11) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on April 1, 1982 (Cal. No. 44)."
- (12) "PHFL" shall mean the Private Housing Finance Law.
- (13) "Regulatory Agreement" shall mean the regulatory agreement between HFA and the New Owner providing that, for the term of forty years, all dwelling units upon vacancy, must be rented to families whose incomes do not exceed 60% of the area median income.
- (14) "Shelter Rent Tax" shall mean \$202,614.67, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.
  - b. All of the value of the property, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
  - d. Notwithstanding any provision hereof to the contrary:
    - (1) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (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 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 New Exemption Area shall

prospectively terminate.

- (2) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- (3) 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.
  - e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

The Council approves pursuant to Section 125 of the PHFL, the termination of the Prior Exemption which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council consents pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

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

Report for L.U. No. 541

**Report of the Committee on Land Use in favor of approving Application no. 20125187 HAR, a request of the New York City Department of Housing Preservation and Development for Council consent and approval, pursuant to Article 5 of the Private Housing Finance Law, for an exemption from real property taxes for property located at Block 2869/Lots 1, 23 and 65, Council District 49, Borough of Staten Island.**

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

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1**

**20125187 HAR**

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for an exemption from real property taxes for property located at Block 2869/Lots 1, 23 and 65, Council District 49, Borough of Staten Island.

**INTENT**

To facilitate the rehabilitation of the property.

**PUBLIC HEARING****DATE:** November 16, 2011

**Witnesses in Favor:** Three  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION****DATE:** November 16, 2011

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

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

**COMMITTEE ACTION****DATE:** November 17, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1153

**Resolution approving a tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at Block 2869, Lots 1, 23 and 165, Borough of Staten Island (Preconsidered L.U. No. 541; 20125187 HAR).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 4, 2011 its request dated November 1, 2011 that the Council take the following actions regarding the following Project (the "Exemption Area") located at Block 2869, Lots 1, 23 and 165, Community District 1, Borough of Staten Island (the "Exemption Area"):

Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law

(the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 16, 2011;

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

**RESOLVED:**

The Council approves the Tax Exemption as follows:

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that the HFA and the owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxes provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 2869, Lots 1, 23 and 165 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) "HFA" shall mean the New York State Housing Finance Agency.
- (f) "HDFC" shall mean Fairway Richmond Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean collectively, the HDFC and the Partnership.
- (i) "Partnership" shall mean Fairway Richmond Partners, L.P.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HFA and the Owner providing that, for a term of 40 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (k) "Shelter Rent Tax" shall mean (i) \$197,930, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.

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

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

4. Notwithstanding any provision hereof to the contrary:

- (a) The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of

any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, November 17, 2011.

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

**Report of the Committee on Transportation**

Report for Int. No. 626-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to interagency consultation prior to major transportation projects.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 29, 2011 (Minutes, page 2697), respectfully

**REPORTS:**

**INTRODUCTION**

On November 28, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 626-A, a Local Law to amend the administrative code of the city of New York, in relation to interagency consultation prior to major transportation projects. This bill would require the New York City Department of Transportation (DOT) to consult with the Police Department, the Fire Department, the Department of Small Business Services and the Mayor’s Office for People with Disabilities prior to undertaking a major transportation project. In addition, the bill would require DOT to include a description of the project when notifying affected Council Members and Community Board about such a project. The term “major transportation project” was defined by Local Law 90 of 2009 as “any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).”

This will be the second hearing on this legislation. The first hearing was held on September 26, 2011. Witnesses presenting testimony at that hearing included the DOT. Amendments were made to this legislation based on testimony received at that hearing.

**BACKGROUND**

In recent years, the City of New York has been attempting to make streets more pedestrian friendly. According to the DOT it is a goal of the mayoral administration to have all New York City residents live within a 10 walk from an

open space, such as a pedestrian plaza.<sup>21</sup> According to DOT testimony, since 2008, 14 plazas have been selected for development, and DOT is accepting applications for a fourth round of the program.<sup>22</sup>

While the aim of such major transportation projects is to improve the quality of life for New Yorkers, there have been recent examples of problems and concerns. In a recent case, a newly installed pedestrian island had to be removed in Borough Park in Brooklyn, because it was preventing ambulances from getting to emergencies.<sup>23</sup>

At the December 2010 oversight hearing, DOT Commissioner Janette Sadik-Khan testified that consultations take place between DOT and other city agencies and community groups.<sup>24</sup> Testifying on behalf of DOT at the May 2011 hearing on pedestrian plazas, Andy Wiley-Schwartz, Assistant Commissioner for Planning and Sustainability, underlined DOT’s commitment to engage local communities in consultation regarding each pedestrian plaza project.<sup>25</sup> However, there is no formal process by which DOT seeks input from other agencies, such as the Police Department, Fire Department, Department of Small Business Services, and the Mayor’s Office for People with Disabilities. While DOT has said that it consults with BIDs, many areas in the city with small businesses do not have a BID. Additionally, advocates for the disabled have suggested that the manner in which the plazas are designed make it difficult for visually impaired people to navigate them. In a question posed to DOT at the May 2011 hearing, DOT was asked by Committee Chair James Vacca whether pedestrian plazas are constructed to be ADA complaint, Deputy Commissioner David Woloch said completed pedestrian plazas are designed to meet the needs of the visual impaired.<sup>26</sup>

Proposed Int. No. 626-A amends Local Law 90 of 2009, by requiring major transportation projects to include specific inter-agency consultations, in addition to those currently required. The bill also requires that following the consultations, a written certification of such consultations be submitted to local council member(s) and community board(s) as part of the legally required notice to such members and boards. As of February 2011, Local Law 90 has been triggered 15 times for major transportation projects.

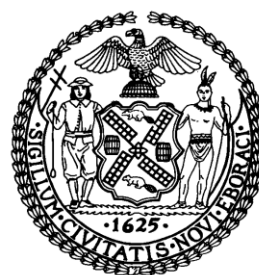
**ANALYSIS**

Section one of Proposed Int. No. 626-A would amend subdivision c of section 19-101.2 of the Administrative Code by requiring that with the notice to affected Community Boards and Council Members of a major transportation project already required by such subdivision c, the DOT would be required to provide a description of the major transportation project.

Section two of Proposed Int. No. 626-A would amend section 19-101.2 of the Code by adding a new subdivision j. Such new subdivision j would require the Department of Transportation to consult with the Police Department, Fire Department, Department of Small Business Services, and the Mayor’s Office for People with Disabilities prior to undertaking a major transportation project, as defined by paragraph 2 of subdivision a of section 19-101.2. Such new subdivision j would also require that a certification of these consultations be provided to affected Council Members and Community Boards along with the notice of a major transportation project. Such notice is currently required under subdivision c of such section 19-101.2.

Section three of Proposed Int. No. 626-A states that the local law takes effect sixty days following enactment.

**(The following is the text of the Fiscal Impact Statement for Int. No. 626-A:)**



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

**PROPOSED INTRO. NO: 626-A**

**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to interagency consultation prior to major transportation projects. **SPONSORS:** Council Members Vacca, Chin, Comrie, Ferreras, Fidler, Gentile, James, Van Bramer, Nelson, Mendez, Koo and Ignizio

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

<sup>21</sup> Information from <http://www.nyc.gov/html/dot/html/sidewalks/publicplaza.shtml> (Last accessed on 09/20/2011).

<sup>22</sup> Hearing transcript from May 4, 2011 Committee on Transportation hearing, p. 11.

<sup>23</sup> Fermino, Jennifer. City’s Street-fix Blunder. *New York Post*, August 24, 2011 [http://www.nypost.com/p/news/local/brooklyn/city\\_street\\_fix\\_blunder\\_9VhKLspPe0cYjuglsx8ZdN](http://www.nypost.com/p/news/local/brooklyn/city_street_fix_blunder_9VhKLspPe0cYjuglsx8ZdN) (Last accessed on 09/20/2011).

<sup>24</sup> Hearing transcript from December 9, 2010 Committee on Transportation hearing, p. 23.

<sup>25</sup> Hearing transcript, May 4, 2011, p. 11.

<sup>26</sup> Ibid, p. 48

**SUMMARY OF LEGISLATION:** This legislation would amend section 19-101.2 of the Administrative Code of the city of New York to require that prior to the implementation of a major transportation Projects, the Department of Transportation (“Department”) shall forward notice of such project, including a description of such project, to the affected council member(s) and community board(s) by electronic mail.

In addition, the bill would amend section 19-101.2 of the Administrative Code by adding a new subdivision j to require that the Department consult with the Police Department, the Fire Department, the Department of Small Business Services and the Mayor’s Office for People with Disabilities prior to the implementation of a major transportation project and to include a certification of such consultations in the notice required by this local law.

**EFFECTIVE DATE:** This legislation would take effect sixty days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2013.

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Department will use existing resources to comply with this local law, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

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

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head

**HISTORY:** Introduced as Intro. 626 by the Council on June 29, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on September 26, 2011. Intro. 626 has been amended, and the amended version, Proposed Int. 626-A, will be considered by the Committee on November 29, 2011.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 626-A:)**

Int. No. 626-A

By Council Members Vacca, Chin, Comrie, Ferreras, Fidler, Gentile, James, Van Bramer, Nelson, Mendez, Koo, Ignizio, Jackson, Rodriguez, Rose, Dickens, Lappin, Vallone Jr., Levin, Barron, Eugene and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to interagency consultation prior to major transportation projects.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 19-101.2 of the administrative code of the city of New York is amended to read as follows:

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, *including a description of such project*, to affected council member(s) and community board(s) by electronic mail.

§2. Section 19-101.2 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

*j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor’s office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.*

§3. This local law shall take effect 60 days after its enactment into law.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, November 28, 2011.

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

Report for Int. No. 671-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of certain statistics following the completion of major transportation projects**

The Committee on Transportation, to which the annexed amended proposed local law was referred on September 8, 2011 (Minutes, page 4104), respectfully

**REPORTS:**

**INTRODUCTION**

On November 28, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 671-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of certain statistics following the completion of major transportation projects. This bill would require the New York City Department of Transportation (DOT) to provide statistics to affected Council Members and Community Boards and to post on DOT’s website such statistics related to a major transportation projects not more than eighteen months following the completion of that project. In addition, DOT is required to consult with the Fire Department and Police Department regarding the effect a major transportation project has had on emergency vehicles and shall provide a summary of these consultations at the same time the statistics are provided. The term “major transportation project” was defined by Local Law 90 of 2009 as “any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).”

This will be the second hearing on this legislation. The first hearing was held on September 26, 2011. Witnesses presenting testimony at that hearing included DOT representatives. Amendments were made to this legislation based on testimony received at that hearing.

**BACKGROUND<sup>1</sup>**

On March 7, 2011, Neighbors for Better Bike Lanes (“NBBL”) and Seniors for Safety (“SFS”), filed a lawsuit against the DOT, at State Supreme Court in Brooklyn, regarding the installation of a protected two way bike lane on Prospect Park West.<sup>2</sup> The lawsuit alleged that the bike lane had been installed by DOT in an “arbitrary and irrational way.” In addition, NBBL also claimed that DOT had not fully complied with a Freedom of Information Act (“FOIL”) request, and was asking for DOT to fully comply with the request.

In the lawsuit, NBBL claimed that DOT had not provided the following information:

- 1) Any data on the emergency vehicle response time, before and after the bikeway’s construction;
- 2) Any studies conducted by DOT before constructing the bikeway;
- 3) Any study design plans for the study of the bikeway which DOT “promised, including the standardized statistical procedures it intended to follow;
- 4) The methodology DOT used to study the effect of the bikeway on motor vehicle speeds;
- 5) The complete correspondence between DOT officials and the advocates;
- 6) Documents and emails from the Commissioner of DOT Policy, Jon Orcutt concerning the bikeway;
- 7) The complete correspondence between DOT and the third-party consultant it hired to conduct studies of travel times and bicycle volumes after the construction of the bikeway; and
- 8) Documents further illuminating DOT’s role in collecting, analyzing, or selecting data on which it relied and disclosed to the public.

On August 17, 2011, the judge in the case, Bert A. Bunyan, ruled in favor of DOT with regards to keeping the protected bike lane on Prospect Park West.<sup>3</sup> The lawsuit was dismissed on the ground that the petitioners had filed after the statute of limitations had expired. However, Judge Bunyan did rule in favor of NBBL by directing DOT to provide the request documents or a detailed explanation of why the agency cannot provide documents. In his ruling the judge wrote that DOT’s denial of the FOIL “did not make sense” and that their response was “inadequate.”

Proposed Int. No. 671-A would require DOT to provide certain statistics, related to major transportation projects, to the local Community Boards and Council Members where these projects took place eighteen months after the completion. The report would include statistics on the average number of crashes over the three-year period prior to installation and the one year subsequent to the project. Also, DOT would be required to provide and post other relevant data, including but not limited to speed data, vehicular volume data and vehicular level of service data (data to determine “bottleneck” locations) to the extent such data is relevant to the project. DOT would also be required to consult with the Police and Fire Departments, and report to the affected Community Boards and Council Members the details of those consultations.

**ANALYSIS**

Section one of Proposed Int. No. 671-A would amend subchapter one of chapter one of title 19 of the Administrative Code by adding a new section 19-101.3, entitled “Reporting requirement following the completion of major transportation projects.” Subdivision a of new section 19-101.3 would define “affected council member(s) and community board(s) and “major transportation project” with the same meaning as defined in section 19-101.2 of such Code under Local Law 90 of 2009.

Subdivision b of new section 19-101.3 of the Code would require that not more than eighteen months following the completion of a major transportation project, DOT would be required to report to the affected community boards and council members and post on DOT’s website the average number of crashes for the three years prior to the major transportation project and the year subsequent to the major transportation project. This report would be required to be disaggregated by the streets affected by the major transportation project and disaggregated further by the number of motorists and/or injured or killed passengers, bicyclists and pedestrians.

Subdivision c of such new section 19-101.3 would require DOT, simultaneous to providing and posting the information required by subdivision b of new section 19-101.3, to provide and post other relevant data, including but not limited to speed data, vehicular volume data and vehicular level of service data (data to determine “bottleneck” locations) to the extent such data is relevant to the project. This same subdivision c also provides that accompanying the data would be an explanation of the data, along with the dates and times of the collection of the data, and similar data from prior to the major transportation project.

Subdivision d of such new section 19-101.3 would require DOT to consult with the Fire and Police Departments regarding the effect of the major transportation project on emergency vehicles. The results of these consultations would be reported with the information required by such subdivisions b and c of new section 19-101.3.

Section two of Proposed Int. No. 671-A states that the local law take effect immediately, except that the local law would only apply to major transportation projects completed at least ninety days following enactment.

<sup>1</sup> All information in this section is provided from Seniors for Safety et al vs the New York City Department of Transportation, Kings County Index No. 5210/11 (decision and order of the Hon. Bert A. Bunyan, dated August 15, 2011)

<sup>2</sup> Natalie O’Neill and Gary Buiso, “Suit: City lied about Prospect Park West bike lane,” Brooklyn Paper, March 8, 2011. [http://www.brooklynpaper.com/stories/34/10/all\\_ppwbikelanesuit\\_2011\\_3\\_11\\_bk.html](http://www.brooklynpaper.com/stories/34/10/all_ppwbikelanesuit_2011_3_11_bk.html)

<sup>3</sup> Michael M. Grynbaum, “Judge Rejects Groups’ Effort to Remove Bike Lane,” New York Times, August 17, 2011, <http://www.nytimes.com/2011/08/17/nyregion/effort-to-remove-prospect-park-west-bike-lane-is-rejected.html>

(The following is the text of the Fiscal Impact Statement for Int. No. 671-A:)



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

PROPOSED INTRO. NO: 671-A

COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of certain statistics following the completion of major transportation projects.

**SPONSORS:** Council Members Vacca, Brewer, Comrie, Fidler, James, Koslowitz, Nelson, Rose, Seabrook, Williams, Koo, Ignizio and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would amend chapter 1 of title 19 of the Administrative Code by adding a new section 19-101.3 entitled “Reporting Requirement Following the Completion of Major Transportation Projects” and would require that in not more than eighteen months following the completion of a major transportation project, the Department of Transportation (“Department”) shall in addition to other data related to the project including but not limited to speed data, vehicular volume data and vehicular level of service data submit to the affected council member(s) and community board(s) and post on the Department’s website the average number of crashes for the three years prior to the commencement of the major transportation project and the year subsequent to the completion of the major transportation project, disaggregated by the streets affected by the major transportation project, and disaggregated further by the number of motorists and/or injured or killed passengers, bicyclists and pedestrians involved.

Additionally, this bill would require that the Department consult with the Fire Department and the Police Department regarding the effect a major transportation project has had on emergency vehicles, and to report the results of such consultations with the information required by this local law.

**EFFECTIVE DATE:** This legislation would take effect immediately after its enactment into law, provided that it shall apply only to major transportation projects completed at least 90 days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2013.

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Department will use existing resources to comply with this local law, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

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

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head

**HISTORY:** Introduced as Intro. 671 by the Council on September 8, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on September 26, 2011. Intro. 671 has been amended, and the amended version, Proposed Int. 671-A, will be considered by the Committee on November 29, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 671-A:)

Int. No. 671-A

By Council Members Vacca, Brewer, Comrie, Fidler, James, Koslowitz, Nelson, Rose, Seabrook, Williams, Koo, Ignizio, Ulrich, Jackson, Rodriguez, Van Bramer, Lappin, Vallone Jr., Levin, Dromm, Barron, Chin, Eugene, Gennaro and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of certain statistics following the completion of major transportation projects**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.3 to read as follows:

§19-101.3 Reporting requirement following the completion of major transportation projects. a. For purposes of this section, “affected council member(s) and community board(s)” and “major transportation project” shall have the same meanings as in section 19-101.2 of this chapter.

b. Not more than eighteen months following the completion of a major transportation project, the department shall submit to the affected council member(s) and community board(s) and shall post on the department's website the average number of crashes for the three years prior to the commencement of the major transportation project and the year subsequent to the completion of the major transportation project, disaggregated by the streets affected by the major transportation project, and disaggregated further by the number of motorists and/or injured or killed passengers, bicyclists and pedestrians involved.

c. Simultaneous to providing the information required by subdivision b of this section, the department shall provide to the affected council member(s) and community board(s) and shall post on the department's website other data related to the project including but not limited to speed data, vehicular volume data and vehicular level of service data to the extent such data is relevant to the project. Accompanying such data shall be an explanation of the data, along with the dates and times of the collection of such data, and similar data from prior to the commencement of the major transportation project.

d. The department shall consult with the fire department and the police department regarding the effect a major transportation project has had on emergency vehicles, and shall report the results of such consultations with the information required by subdivisions b and c of this section.

§2. This local law shall take effect immediately, provided that it shall apply only to major transportation projects completed at least 90 days after its enactment into law.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., INEZ E. DICKENS; Committee on Governmental Operations, November 28, 2011.

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

Name	Address	District #
Janice Watson	22-47 92 <sup>nd</sup> Street East Elmhurst, N.Y. 11369	21
Patrick Harrison	222 10 <sup>th</sup> Street Brooklyn, NY 11215	39
Valerie Robbins	180 Powell Street #14B Brooklyn, NY 11212	41
Maryann L. Vigliante	7502 Avenue V Brooklyn, NY 11234	46

*Approved New Applicants and Reapplicants*

Name	Address	District #
Elba Feliciano	55 Rutgers Street #7B New York, N.Y. 10002	1
Joan Guidetti	90 Beekman Street #6K New York, N.Y. 10038	1
Joseph Guidetti	90 Beekman Street #6K New York, N.Y. 10038	1
Mildred Aviles	170 Avenue D #11A New York, N.Y. 10009	2
Sharron Blake	344 East 28 <sup>th</sup> Street #13E New York, N.Y. 10016	2
Ellen T. Pine	245 East 25 <sup>th</sup> Street #7L New York, N.Y. 10010	2
Veer A. Gulati	45 East 45 <sup>th</sup> Street New York, N.Y. 10017	3
Kelly Francis Callahan	315 East 70 <sup>th</sup> Street #90 New York, N.Y. 10021	5
Wanda Larregui	216 West 62 <sup>nd</sup> Street #2D	6

Trisha Powell	New York, N.Y. 10023 4865 Broadway #3Y New York, N.Y. 10034	7
Rowan P. Kirchheimer	600 West 111 <sup>th</sup> Street #10C New York, N.Y. 10025	9
Kathleen A. Benjamin	40 West Mosholu Pkwy South #24A Bronx, N.Y. 10468	11
Alberta M. Abrams	120 Aldrich Street #5H Bronx, N.Y. 10475	12
Sarah L. Garcia	2920 Tiemann Avenue Bronx, N.Y. 10469	12
Mildred Rodriguez	3555 Bruckner Blvd #50 Bronx, N.Y. 10461	13
Teesha Foreman	135 West 183 <sup>rd</sup> Street #11 Bronx, N.Y. 10453	14
Nilda Velazquez	2401 Davidson Avenue #1D Bronx, N.Y. 10468	14
Laura M. Yangas	797 Crotona Park North #31 Bronx, N.Y. 10460	15
Aida Cruel	747 St. Ann's Avenue #D Bronx, N.Y. 10456	17
Sonja T. Stokely	1190 Fox Street Bronx, N.Y. 10459	17
Millicent A. Johnson	880 Thieriot Avenue #2A Bronx, N.Y. 10473	18
Carolyn D. Parker	920 Metcalf Avenue 34G Bronx, N.Y. 10473	18
Margaret G. Toro	220-55 46 <sup>th</sup> Avenue #4G Bayside, N.Y. 11361	19
Jacqueline Ayer	34-20 137 <sup>th</sup> Street #2H Queens, N.Y. 11354	20
Martha M. Aguilera	43-18 Forley Street #1 Elmhurst, N.Y. 11373	21
Kristen Lanham	40-45 Hampton Street #5J Queens, N.Y. 11373	21
Idris Dathi	21-43 29 <sup>th</sup> Street #1D Astoria, N.Y. 11105	22
Manuel F. Perez	31-39 56 <sup>th</sup> Street Queens, N.Y. 11377	22
Aisha Padgett	72-49 153 <sup>rd</sup> Street #3F Flushing, N.Y. 11367	24
Damaris Saunders	147-44 Village Road Queens, N.Y. 11435	24
Adalgisa Gomez-Lopez	97-11 Horace Harding Expressway #16C Queens, NY. 11368	25
Roger E. Hammer	90-11 Northern Blvd. #607 Queens, N.Y. 11372	25
Israel Leader	80-06 47 <sup>th</sup> Avenue #5K Queens, N.Y. 11373	25
Anne McLaughlin	25-55 76 <sup>th</sup> Street Queens, N.Y. 11370	25
Clarissa R. Ingram	117-28 202 <sup>nd</sup> Street St. Albans, N.Y. 11142	27
Toni Wright	109-25 173 <sup>rd</sup> Street Jamaica, N.Y. 11433	27
Kathy Whitehead	114-17 141 <sup>st</sup> Street Queens, N.Y. 11435	28
Lorraine Cruz	100-2089 <sup>th</sup> Avenue Queens, N.Y. 11418	30
Edmund H. Hunte	69-30 DaCosta Avenue Queens, N.Y. 11692	31
Bracha Ribowsky	809 Empire Avenue Queens, N.Y. 11691	31
Lew M. Simon	134 Beach 122 <sup>nd</sup> Street Rockaway Park, N.Y. 11694	32
Marguerite Connelly	60 Sackett Street Brooklyn, N.Y. 11231	33
Wilfredo Negron	541 Wythe Avenue #8H Brooklyn, N.Y. 11211	33
Patricia Riordan	741 Manhattan Avenue Brooklyn, N.Y. 11222	33



Drew H. Elliott	1 Rockwell Place #1F Brooklyn, N.Y. 11217	35
Janet Mason	1035 Washington Avenue Brooklyn, N.Y. 11225	35
Kisha A. Nesbeth	572 Prospect Place #3B Brooklyn, N.Y. 11238	35
Hazleann Smith	591 St. Marks Avenue Brooklyn, N.Y. 11216	35
Mattie Raysor	750 Gates Avenue #1C Brooklyn, N.Y. 11221	36
Tonya Reese	2164 Pitkin Avenue Brooklyn, N.Y. 11207	37
Gloria T. Johnson	1426 St. Marks Avenue Brooklyn, N.Y. 11233	41
Regina McCord	129 Chester Street Brooklyn, N.Y. 11212	41
Heather McIntosh	279 Remsen Avenue Brooklyn, N.Y. 11212	41
Janice Daniels	1250 Sutter Avenue #2F Brooklyn, N.Y. 11208	42
Gwendolyn Hutley	240 Cozine Avenue #6F Brooklyn, N.Y. 11207	42
Robert E. Reale	8901 Shore Road Brooklyn, N.Y. 11209	43
Gregory E. McCree	1539 East 53 <sup>rd</sup> Street Brooklyn, N.Y. 11234	46
Frank Novello	1803 Ryder Street Brooklyn, N.Y. 11234	46
Sandra Rodriguez	2449 Stuart Street Brooklyn, N.Y. 11229	46
Stacey S. Newman	2040 80 <sup>th</sup> Street #2R Brooklyn, N.Y. 11214	47
Lenore Zalstein	2925 West 5 <sup>th</sup> Street #12E Brooklyn, N.Y. 11224	47
Santa Colella	424 Virginia Avenue Staten Island, N.Y. 10305	49
Lawrence E. Inconiglios	150 Morani Street Staten Island, N.Y. 10314	50
Margaret Maravolo	335 Woodbine Avenue Staten Island, N.Y. 10314	50
Tara Braccia	171A Devon Loop Staten Island, N.Y. 10314	51
Maria Edwards	65 Westfield Avenue Staten Island, N.Y. 10309	51
Melanie J. Gallego	39 Lorrain Avenue Staten Island, N.Y. 10312	51
Linda L. Glaz	11 Wellington Court Staten Island, N.Y. 10314	51
Silvana Tredici	230 Carteret Street Staten Island, N.Y. 10307	51

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- (1) **Int 626-A --** Interagency consultation prior to major transportation projects.
- (2) **Int 666-A --** Penalties for violation of the heat and hot water requirements of the housing maintenance code.
- (3) **Int 671-A --** Requiring the reporting of certain statistics following the completion of major transportation projects
- (4) **Int. 704-A -** Extending the rate of the additional tax on the occupancy of hotel rooms.
- (5) **L.U. 447 & Res 1132 --** App. C 110365 HAX, 179th Street and Boston Road and the disposition of such property, Borough of the Bronx, Council

- (6) **L.U. 448 & Res 1133 --** District no. 15.  
App. C 110366 HAX, 1087 East Tremont Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15.
- (7) **L.U. 467 & Res 1134 --** App. 20125065 HAK, 2406 Pacific Street, Council District no. 37, Borough of Brooklyn.
- (8) **L.U. 497 & Res 1135 --** App. 20125124 HAM, Community Board 9, Council District no. 7, Borough of Manhattan.
- (9) **L.U. 498 & Res 1136 --** App. 20125125 HAM, Community Boards 3, 9, 10 and 11, Council Districts no. 2, 7, 8 and 9, Borough of Manhattan.
- (10) **L.U. 508 & Res 1137 --** App. 20125046 TCM, East 11th Street, Borough of Manhattan, Council District no.2.
- (11) **L.U. 509 & Res 1138 --** App. 20125058 TCM, 151 Second Avenue, Borough of Manhattan, Council District no.2.
- (12) **L.U. 510 & Res 1139 --** App. 20125179 TCM, 195 Spring Street, Borough of Manhattan, Council District no.3.
- (13) **L.U. 511 & Res 1140 --** App. C 110382 ZMK, Zoning Map, Section No. 12d, changing from an M1-2 District to an M1-4 District. Council District 33.
- (14) **L.U. 512 & Res 1141 --** App. N 110383 ZRK, ownership requirements for Large Scale Developments, Community District 2, Borough of Brooklyn, Council District 33.
- (15) **L.U. 513 & Res 1142 --** App. C 110375 ZSK, 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District.
- (16) **L.U. 514 & Res 1143 --** App. C 110376 ZSK, Zoning Resolution to modify the sign regulations of Section 32-64 and Section 32-65 in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District.
- (17) **L.U. 515 & Res 1144 --** App. C 110377 ZSK, Zoning Resolution to modify the requirements of Section 44-12 to allow a group parking facility accessory to uses in a large scale development, with a maximum capacity of 266 spaces in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District
- (18) **L.U. 516 & Res 1145 --** App. C 110378 ZSK, Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District.
- (19) **L.U. 517 & Res 1146 --** App. C 110380 POK Brooklyn Navy Yard, (Block 2023, Lot 50), Community District 2, Borough of Brooklyn.
- (20) **L.U. 518 & Res 1147 --** App. C 110381 PPK, 2 Wallabout Street, on the northeasterly corner of Navy and Nassau Streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2.
- (21) **L.U. 519 & Res 1148 --** App. C 110386 ZMK, amendment of the Zoning Map, Section Nos. 16c and 16d., Council Districts 33, 38 and 39.
- (22) **L.U. 520 & Res 1149 --** App. N 110387 ZRK, Fourth Avenue Enhanced Commercial District, Community District 2, 6 and 7, Borough of Brooklyn, Council Districts 33, 38 and 39.
- (23) **L.U. 521 & Res 1150 --** App. M 830094(B) ZMK, 2nd Avenue, 63rd Street, 3rd Avenue and 64th Street (Block 5807, Lots 1 and 40), in a C8-1 District, Borough of Brooklyn, Community District 7, Council District no. 39.
- (24) **L.U. 522 & Res 1151 --** App. 20115470 SCK, a proposed site for a new, approximately 750 seat Primary/Intermediate School Facility,

- (25) **L.U. 523 & Res 1126 --** (Block 5321, Lots 44, 64 and 73), Council District No.39, Borough of Brooklyn.  
Ennis Francis Houses Phase II, Block 1929, Lots 17 and 29, Manhattan, Community District No. 10, Council District No. 9
- (26) **L.U. 524 & Res 1127 --** Fairway Gardens, Block 2869, Lots 1, 23 and 165, Staten Island, Council District No. 49
- (27) **L.U. 525 & Res 1128 --** Greene Avenue Senior Citizens, Block 1952, Lot 16, Brooklyn, Community District No. 2, Council District No. 35
- (28) **L.U. 526 & Res 1129 --** Heyson Garden Apartments, Block 15627, Lot 21, Queens, Community District No. 14, Council District No. 31
- (29) **L.U. 527 & Res 1130 --** Oceanview Apartments I, Block 15622, Lot 100, Queens, Community District No. 14, Council District No. 31
- (30) **L.U. 528 & Res 1131 --** Oceanview Apartments II, Block 156929, Lot 62, Queens, Community District No. 14, Council District No. 31
- (31) **L.U. 540 & Res 1152 --** App. **20125186 HAR**, Block 44/Lot1, Block 45/Lot 1, Block 46/Lot 1, Block 47/Lot 62, Block 48/Lot 29, Block 49/Lot 1 and Block 52/Lot 133, Council District 49, Borough of Staten Island.
- (32) **L.U. 541 & Res 1153 --** App. **20125187 HAR**, Block 2869/Lots 1, 23 and 65, Council District 49, Borough of Staten Island.
- (33) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

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

The following was the vote recorded for **Int No. 704-A:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **43**.

**Negative** – Halloran, Koo, Oddo, Ulrich, and Vallone, Jr. – **5**.

The following was the vote recorded for **LU No. 467 & Res No. 1134:**

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

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 626-A, 666-A, 671-A, and 704-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. 671-A

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling on the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require that paper ballots be designed in a more user-friendly manner.**

The Committee on Governmental Operations, to which the annexed resolution was referred on February 16, 2011 (Minutes, page 399), respectfully

## REPORTS:

### I. Introduction

Today, the Committee on Governmental Operations (the “Committee”), chaired by Council Member Gale Brewer, will meet to vote on Res. No. 671-A (the “Resolution”), a resolution calling on the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require paper ballots be designed in a more user-friendly manner. This pending State legislation would address a major area of concern expressed by voters in an Election Day exit survey conducted by the Council last year. The Committee previously held a hearing on the Resolution on September 22, 2011.

### II. Background

#### *The 2010 Elections*

The 2010 Primary Election held on September 14th, 2010 marked the first elections held in New York City using new voting machines mandated by the Help American Vote Act (“HAVA”), a federal law passed in 2002.<sup>1</sup> HAVA required punch card and lever voting machines to be replaced with voting systems in which voters could be notified of any errors on their ballot and make changes to it prior to casting their final vote.<sup>2</sup> The new system consisted of optical scan voting machines that, for the first time, required New York City voters to fill out paper ballots.<sup>3</sup>

In the lead-up to the 2010 Primary Election, the New York City Board of Elections (“BOE”) ramped up its training programs to ensure that the election went smoothly, and that both poll workers and voters understood how the new voting system worked.<sup>4</sup> Despite these efforts, on the day of the election many poll sites experienced significant difficulties, including late openings, malfunctioning voting machines, inadequately trained poll workers, a lack of privacy when casting ballots, poll site accessibility problems and other issues.<sup>5</sup> The confluence of newspaper reports and independent accounts indicated that the problems experienced were widespread and serious – some voters were unable to vote altogether.<sup>6</sup> New York City Mayor Michael Bloomberg went so far as to refer to that day’s election operations as having been a “royal screw-up.”<sup>7</sup>

One of the most persistent complaints reported by voters was the form of the ballot itself, both in terms of font size and layout. Indeed, as part of a voter exit survey conducted by the Council during the 2010 General Election, 34.4% of surveyed voters reported that they struggled to read the ballot as a result of small font size and a layout that was deemed confusing.<sup>8</sup>

#### *New York State Election Law*

The problems with the ballot layout and design have been attributed, in large measure, to New York State Election Law, which prescribes the form of the ballot.<sup>9</sup> According to a report by the Brennan Center for Justice, New York State Election Law contains several provisions that run contrary to best practices for ballot design, and that cause the ballot to be “cluttered.”<sup>10</sup> For example, State Election Law requires, among other things:

- Candidates’ names to be written in “all caps.”<sup>11</sup>
- An image of a “closed fist with index finger” to be printed next to each party row, along with a picture of the party emblem.<sup>12</sup>
- Specifically-worded instructions that are lengthy and contain legalese and technical election terms.<sup>13</sup>

At the same time, State Election Law does not require ballots to be written in a minimum font size.

#### *Pending State Legislation*

There are several bills pending in the State Legislature that seek to address this issue by improving ballot design. First, S609-A, introduced by State Senator Joseph Addabbo, and A4696-A, introduced by State Assemblymember Brian Kavanaugh, would require:

- each candidate’s name to be printed in a bold typeface with a minimum font size of 12;
- the first initial of each candidate’s name capitalized followed by lower case letters; and
- all other text relating to position, party affiliation and ballot questions to be easily readable.

The bills also require that the boards of elections for New York State, New York City, and Erie, Nassau, Suffolk and Westchester counties employ one full-time employee trained in ballot design who would also be available to advise other county boards of election on their ballot design.

Second, A7492-A, otherwise known as the “Voter Friendly Ballot Act of 2011,” introduced by Assemblymembers Kavanaugh and Andrew Hevesi, would significantly overhaul the current ballot layout by setting forth a series of specifications that would remove unnecessary clutter from the ballot, simplify the ballot instructions, provide for more consistent ballot design, and would require the New York State Board of Elections to publish and distribute a master template ballot for statewide elections.<sup>14</sup>

**III. The Resolution**

The Resolution urges the New York State Legislature to pass and the Governor to sign into law this legislation that would further the important goal of improving ballot layout and design for New York City voters.

**IV. The Prior Hearing**

At the prior hearing held on September 22, 2011, several witnesses testified in support of the Resolution.

Representatives of the BOE testified that the legislation supported by the Resolution would adopt many of the BOE’s longstanding legislative recommendations, including to amend the law to allow candidates’ names to be written in mixed-case letters, to require candidates’ names and offices to be printed in a uniform size, and other modifications that would improve the layout of the ballot.<sup>15</sup>

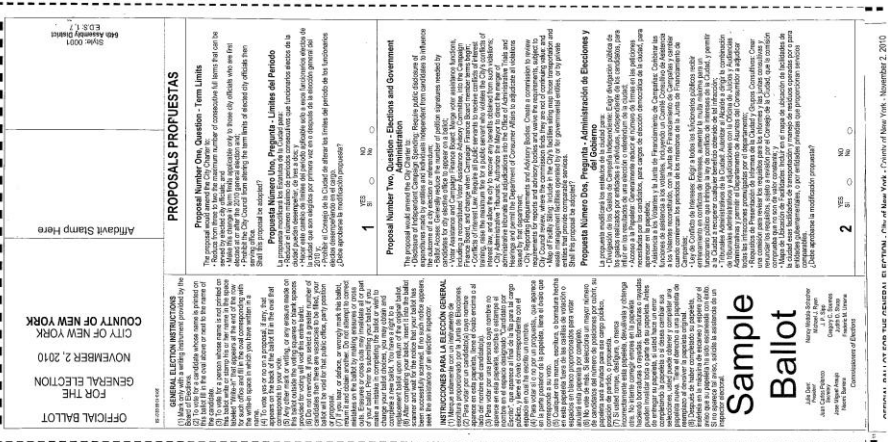
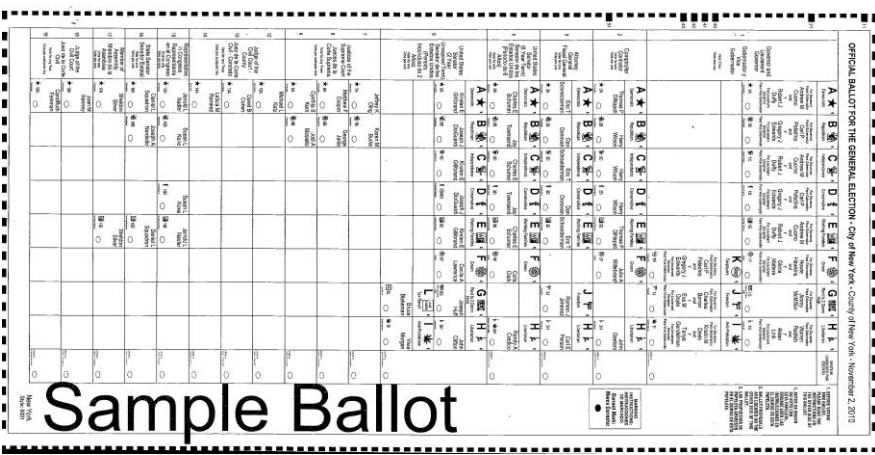
The BOE noted one area of disagreement with S609-A and A4696-A. The BOE does not support a minimum 12 point font size, as it could potentially cause ballots to be multiple pages and more expensive to print. Representatives acknowledged, however, that it is highly important that ballot font size not be too small.

Assemblyman Brian Kavanaugh testified in favor of the Resolution, which supports two bills for which he is the prime sponsor in the New York State Assembly.

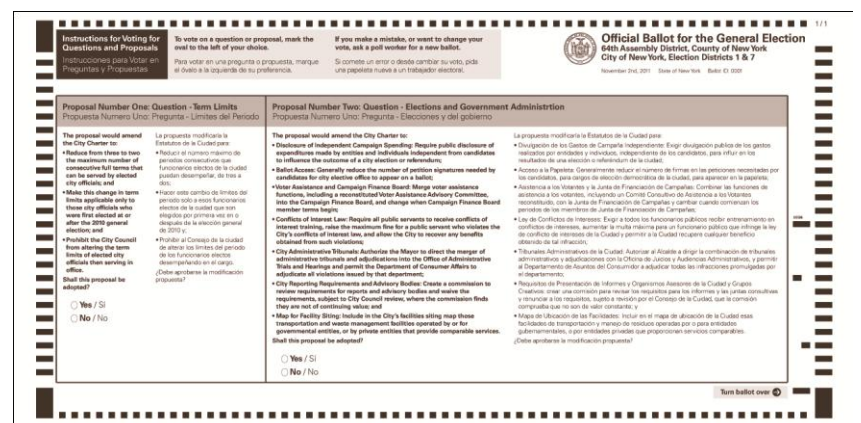
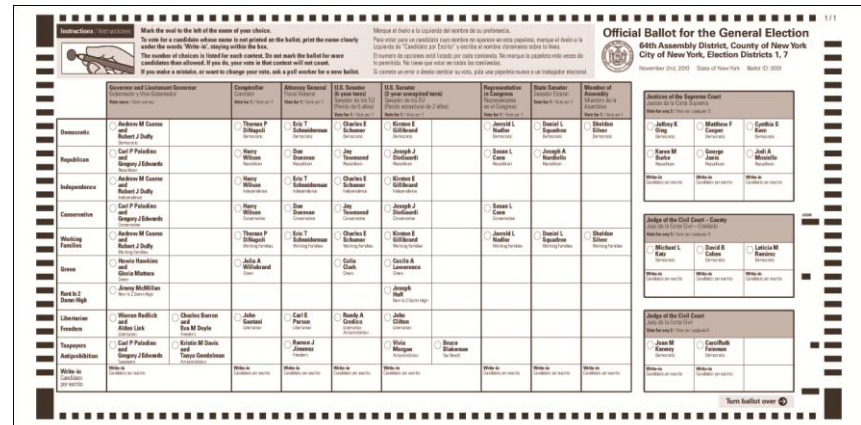
The Brennan Center for Justice, Campaign Finance Board, Citizens Union, Common Cause, League of Women Voters, NYPIRG, and the Voter Assistance Advisory Committee each testified in strong support of the Resolution.

**Exhibits**

**Exhibit 1: New York City Sample Ballot for 2010 General Election**



**Exhibit 2: Recommended Ballot Design, Brennan Center for Justice**



<sup>1</sup> See Briefing Paper, *Oversight: Evaluating the Board of Elections’ Performance in the 2010 Primary Election*, Oct. 04, 2010, Committee on Governmental Operations.  
<sup>2</sup> Help America Vote Act, 42 USC § 15301-15545 (2002).  
<sup>3</sup> See Briefing Paper, *Oversight: Evaluating the Board of Elections’ Performance in the 2010 Primary Election*, Oct. 04, 2010, Committee on Governmental Operations.  
<sup>4</sup> See Transcript, *Oversight: Evaluating the Board of Elections’ Performance in the 2010 Primary Election*, Oct. 04, 2010, Committee on Governmental Operations.  
<sup>5</sup> See Briefing Paper, *Oversight: Evaluating the Board of Elections’ Performance in the 2010 Primary Election*, Oct. 04, 2010, Committee on Governmental Operations.  
<sup>6</sup> *Id.*  
<sup>7</sup> *Id.*  
<sup>8</sup> *Id.* See Exhibit 1 for a sample ballot that illustrates the layout of the 2010 general election ballot.  
<sup>9</sup> See N.Y. Elec. Law §§ 7-104, 7-106.  
<sup>10</sup> See Lawrence Norden, David Kimball, Whitney Quesenbery, and Margaret Chen, “Better Ballots,” Brennan Center for Justice (2008).  
<sup>11</sup> N.Y. Elec. Law § 7-106(2). Both the Brennan Center and the federal Election Assistance Commission recommend against all caps lettering, as it is hard to see, difficult to read, and takes up more space than mixed-case lettering.  
<sup>12</sup> N.Y. Elec. Law § 7-104(7).  
<sup>13</sup> N.Y. Elec. Law § 7-106(5).  
<sup>14</sup> See Exhibit 2 as an example of what the proposed ballot design might look like, as provided by the Brennan Center for Justice.  
<sup>15</sup> See Board of Elections in the City of New York, “Recommended Revisions in the New York State Election Law” (2011) (on file with Committee Counsel).

(The following is the text of Res. No. 671-A:)

Res. No. 671-A

**Resolution calling on the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require that paper ballots be designed in a more user-friendly manner.**

By Council Members Fidler, Dromm, Gennaro, Gentile, Gonzalez, Jackson, James, Koslowitz, Lander, Mark-Viverito, Mendez, Palma, Rose, Seabrook, Vann, Williams, Nelson, Dickens, Recchia, Rodriguez, Arroyo, Van Bramer, Levin, Barron, Chin, Halloran, Koo and Ulrich.

**Whereas**, The right to free and fair elections is the bedrock of any democratic society; and

**Whereas**, In order to attain free and fair elections, it is crucial that voters are not disenfranchised during the election process; and

**Whereas**, One of the major causes of voter disenfranchisement is poor ballot design whereby ballots are either miscast or lost; and

**Whereas**, According to the Brennan Center for Justice, potentially hundreds of thousands of votes are lost or miscast in every election due to poor ballot design; and

**Whereas**, Ballot design reemerged as an issue in the 2010 Primary Elections in New York City, when many voters complained about the small font size and poor design used on the newly-introduced paper ballots; and

**Whereas**, An informal City Council survey concerning the subsequent 2010 General Election revealed that over one-third of respondents found the ballots difficult to read or confusing, with font size and layout being among the most common complaints; and

**Whereas**, New York City's current ballot format is dictated by New York State Election Law and is the relic of a time when ballots were designed for use with the older generation of mechanical voting machines; and

**Whereas**, Both the United States Election Assistance Commission and the Brennan Center have published reports recommending that the ballot layout should be redesigned and that it should include large, legible fonts; that ballot instructions should be brief, simple, and clear; that ballot design should be consistent; and that ballots should be easy to understand visually; and

**Whereas**, New York State Senator Joseph Addabbo and New York State Assemblymember Brian Kavanagh have introduced bills (S609-A and A4696-A respectively) that would mandate improved ballot design by amending the Election Law to require that paper ballots be easily readable; and

**Whereas**, These bills would also require that the candidate's name be printed with the first initial of each name capitalized followed by lower case letters, presented in a bold typeface with a minimum font size of 12, and that all other text relating to position, party affiliation and ballot questions also be easily readable; and

**Whereas**, The bills would also require the boards of elections for New York State, New York City, and Erie, Nassau, Suffolk and Westchester counties to employ one full-time employee trained in ballot design who would also be available to advise other county boards of election on their ballot design; and

**Whereas**, New York State Assemblymember Brian Kavanagh has introduced bill number A7492-A, also known as the "Voter Friendly Ballot Act of 2011," which would provide a remedy for New York's hard to read ballot by setting forth specifications that would create a ballot layout that is straightforward; and

**Whereas**, the specifications set forth in the bill would remove unnecessary clutter from the ballot, simplify the ballot instructions, and provide for consistent ballot design; and

**Whereas**, the bill would also require the New York State Board of Elections to publish and distribute a master template ballot for statewide elections; and

**Whereas**, all three bills further the important goal of improving ballot design in New York State and would significantly reduce voter disenfranchisement; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require that paper ballots be designed in a more user-friendly manner.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., INEZ E. DICKENS; Committee on Governmental Operations, November 28, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 671-A** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 1067

**Report of the Committee on Juvenile Justice in favor of approving a Resolution supporting New York State Chief Judge Jonathan Lippman's call on the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16 and 17 year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system.**

The Committee on Juvenile Justice, to which the annexed resolution was referred on October 5, 2011 (Minutes, page 4534), respectfully

## REPORTS:

### I. INTRODUCTION

On Monday, November 28, 2011, the Committee on Juvenile Justice, chaired by Council Member Sara M. Gonzalez, will vote on Resolution No. 1067 supporting New York State Chief Judge Jonathan Lippman's call on the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the

cases of 16 and 17 year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system. The Committee previously held a hearing on the resolution on November 1, 2011. The Committee heard testimony from New York State Chief Judge Jonathan Lippman, The Legal Aid Society, Center for Court Innovation and other advocates who expressed their support for Resolution 1067.

### II. BACKGROUND

#### *History on Age Delinquency in New York City*

Throughout most of New York's early history, children who committed criminal offenses were prosecuted in the criminal system. By the mid-19<sup>th</sup> century, recognizing the harms of incarcerating children in the adult penitentiary, the state legislated reforms to require that children be committed in "houses of refuge," publicly-funded institutions with the goal of rehabilitating juvenile transgressors, in lieu of imprisonment.<sup>1</sup> In 1909, New York State Legislature ("Legislature") enacted its first juvenile delinquency law by decriminalizing most offenses for youth between the ages of 7 to 16.<sup>2</sup> The enactment of the Family Court Act in 1962 established the Family Court system across the state and presented the Legislature an opportunity to reexamine the age threshold of juvenile responsibility. At the time, the Legislature could not agree on the age threshold and tentatively selected 16 as the upper age limit, until public hearings could be held and further studies could be presented.<sup>3</sup> However, the issue was not subsequently revisited, and the "temporary" decision to set the age of 16 as the threshold of juvenile responsibility has remained in effect since 1962.<sup>4</sup>

#### *Differences between the Criminal Justice System and Juvenile Justice System*

The New York State Family Court Act gives Family Courts exclusive original jurisdiction to hear juvenile delinquency cases.<sup>5</sup> A "Juvenile Delinquent" is a youth who is over 7 but less than 16 years of age who commits an act that would be a crime if he or she were an adult.<sup>6</sup> A juvenile delinquent may face a maximum placement term of 12 months for a misdemeanor;<sup>7</sup> 18 months for a felony;<sup>8</sup> or 5 years for a violent felony designated by the Family Court Act.<sup>9</sup> During the pendency of juvenile delinquency cases, juveniles are either supervised by the New York City Department of Probation ("DOP")<sup>10</sup> or detained in facilities overseen by the New York City Administration of Children's Services ("ACS"). Adjudicated youth who receive a disposition of placement are placed in facilities overseen by the New York State Office of Children and Family Services ("OCFS"). Because a finding of juvenile delinquency is not considered a criminal conviction,<sup>11</sup> youth do not acquire any criminal record as a result of juvenile delinquency proceedings. In addition, upon motion of the youth, the Family Court judge may seal any records relating to the proceeding.<sup>12</sup>

One overarching goal of the juvenile justice system is to rehabilitate young people who commit offenses. It seeks to identify negative behavior in youth and to reform their actions by placing certain requirements on them and their families. Unfortunately, this task is often difficult due to the fact that most young people involved in the juvenile system have special needs. According to OCFS, more than half of the children admitted to its juvenile facilities suffer from mental illness.<sup>13</sup> Nationwide, 72% of males and 87% of females in secure juvenile facilities have at least one mental health disorder.<sup>14</sup> As such, an important goal of the juvenile justice system is to rehabilitate young people by providing them with necessary services such as evidence-based therapy, mentoring, mental health services, education and vocational training. On the other hand, the adult criminal justice system is typically thought to focus on punishment and incarceration, with limited educational or rehabilitative options available to young offenders. Even if services are available, they are often not tailored to the developmental needs of youth. When young people go through the adult criminal system, they often "fall through the cracks," leaving the system with no education or skills and no services to address their special needs.<sup>15</sup>

#### *Alternative Services for Youth in New York City's Juvenile Justice System*

Studies have shown that pretrial detention has been found to negatively impact youth and the decision to detain youth pending trial can have serious consequences. Detained youth are removed from their communities, families and support systems, and once released, they encounter obstacles to re-enrollment in school or renewed participation in specialized treatment.<sup>16</sup>

Recognizing the poor outcomes associated with juvenile detention, many jurisdictions, including New York City, have instituted reforms to ensure that detention should be reserved only for those youth who pose the highest risk to themselves or to the community. For lower-risk youth who can be kept safely in the community, ACS may offer them Alternative-to-Detention ("ATD") programs during the pendency of the court case. ATDs consist of evidence-based intensive treatment models that have been shown to be significantly effective in reducing youth violence.<sup>17</sup> Such programs aim to keep youth in the community by working directly with families to help them manage their children more effectively and to reduce antisocial behavior.<sup>18</sup> ATDs have been shown to reduce recidivism rates for youth and cost substantially less than institutional placement. The average cost of community-based alternatives is \$18,000 per child per year,<sup>19</sup> compared to approximately \$266,000 it would cost to hold a youth in a juvenile facility.<sup>20</sup>

Another type of alternative service available to youth is Alternative-to-Placement ("ATP"). Similar to ATDs, ATP programs have been developed to

address disparities in disposition decisions, negative impacts on youth and excessive costs related to youth placement.<sup>21</sup> ATPs allow youth to remain in their community under supervision in lieu of placement in OCFS facilities. Services offered by ATP programs aim at addressing the issues that cause youth to enter the juvenile justice system, such as mental illness, substance abuse, family dynamics.<sup>22</sup>

### III. SHIFTS IN JUVENILE POLICY

A century ago, virtually every state restricted juvenile court's jurisdiction to children less than 16 years of age.<sup>23</sup> Today, the national norm is to prosecute juvenile transgressors over 16 in the juvenile system. In 37 states and the District of Columbia, the age of criminal responsibility starts at 18;<sup>24</sup> and in 11 states, the age is set at 17.<sup>25</sup> New York and North Carolina are the only two states that still try all 16- and 17-year-olds in the adult criminal court system, regardless of the severity of the offense.<sup>26</sup> Recently, North Carolina has introduced legislation to increase the age of adult prosecution for nonviolent offenses to 18, placing most 16- and 17-year-olds in the state's juvenile justice system.<sup>27</sup> If the North Carolina legislation is enacted into law, New York will remain the only state in the United States ("U.S.") that still prosecute 16- and 17-year-olds as adults for nonviolent offenses. Several factors have contributed to the states' shift from a "get tough" approach to one that recognizes the diminished responsibility of youth.

#### *Decrease in the Juvenile Crime Rate and the Minor Nature of Most Juvenile Crimes*

According to the Federal Bureau of Investigation, between 1999 and 2008, the number of juveniles arrested decreased by 15.7%.<sup>28</sup> Youth who have been arrested for violent crimes such as murder, rape, aggravated assault and robbery are rare and only account for about 5% of all juveniles arrested each year.<sup>29</sup> The overwhelming majority of the crimes committed by adolescents are minor and nonviolent: approximately 28.1% are property crimes (including burglary, larceny, theft and vandalism), 17.2% are status offenses (such as runaways, curfew, loitering and liquor law violations), 8.9% are drug abuse violations, 8% are disorderly conduct, and 21.1% consist of miscellaneous offenses such as forgery, counterfeiting, fraud, gambling, prostitution, driving under the influence, drunkenness, weapons offenses and vagrancy.<sup>30</sup> Most youth who are tried in the adult courts are there for nonviolent offenses. While a large proportion of them only receive a sentence of probation, and the vast majority of those held in adult prisons are not given long sentences (such that 95% of youth will be released to the community before their 25<sup>th</sup> birthday),<sup>31</sup> by virtue of being involved in the adult criminal system, they are less likely to receive an education and vocational training and their criminal records will make it harder for them to find jobs. Therefore, many states see it as bad policy to subject these youth to criminal prosecution, penalties and records, as opposed to provide them with juvenile court remedies to help youth get back on their feet.

#### *Increased Recidivism for Youth Incarcerated in Adult Prison vs. Juvenile Facilities*

Recent empirical studies show that youth who are incarcerated in adult penal institutions – as opposed to juvenile facilities – have significantly higher recidivism rates. A literature review by the Center for Disease Control and Prevention found that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely to be re-arrested for crimes than youth retained in the juvenile court system.<sup>32</sup> Another study compared the recidivism rates between 16- and 17-year-old youth who are prosecuted in New York and youth of the same age groups in New Jersey (which has a juvenile delinquency age limit of 18, such that youth over 16 are adjudicated in the juvenile courts). The study found that youth prosecuted in New York were 85% more likely to be re-arrested for violent crimes, and 44% more likely to be re-arrested for felony property crimes, compared to similarly situated New Jersey teenagers.<sup>33</sup>

There are a number of reasons why youth who are tried in the adult system have a higher risk of re-offending compared to those who are involved in the juvenile justice system. Youth in the adult system do not normally receive rehabilitative and educational services that could help to turn their lives around. For those who are sentenced to imprisonment in adult prisons, they often become socialized into a violent prison culture where their role models are adult criminals.<sup>34</sup> Furthermore, having a criminal record makes it that much harder for a young person to get a job, and those who are not able to find employment might resort to re-committing crimes in order to support themselves.<sup>35</sup>

#### *Research on Adolescent Brain Development Suggesting Diminished Responsibility*

A growing body of science research shows that the adolescent brain is not as fully developed as the adult brain. This developmental difference limits youth's capacity to exercise sound judgment, reasoning, impulse control and ability to resist peer pressure.<sup>36</sup> Such research suggests that youth should not be treated the same way as adults, but that punishment should be proportionate to their diminished responsibility.<sup>37</sup> In fact, the United States Supreme Court ("Supreme Court") has explicitly relied on advancing research in concluding that less severe penalties are appropriate for juveniles who commit serious crimes. In 2005, the Supreme Court held that it is unconstitutional to impose capital punishment for crimes committed by persons under 18 because young people's irresponsible conduct is not as "morally reprehensible as that of an adult" and that from a "moral standpoint," it would be misguided to put an adult and a minor on the

same footing because "a greater possibility exists that a minor's character deficiencies will be reformed."<sup>38</sup> Based on similar reasoning, in 2010, the Supreme Court held that juveniles may not be sentenced to life without parole in non-homicide cases.<sup>39</sup> Many states increased the age of criminal responsibility because they recognized that holding young people as criminally accountable as adults goes against the principles accepted by both the science and legal communities.

### IV. POTENTIAL IMPACT OF RAISING THE AGE OF JUVENILE JURISDICTION

#### *Changes to the Juvenile Justice System and the Criminal Justice System*

During 2009, there were 47,339 youth ages 16 and 17 years arrested in New York State, out of which 26,802 arrests occurred in New York City.<sup>40</sup> Over three-quarters of these arrests were for misdemeanors.<sup>41</sup> Shifting tens of thousands of cases involving 16- and 17-year-old nonviolent offenders from the Criminal Court to Family Court will likely place heavy strain on the existing infrastructure and staffing of the Family Court and the entire juvenile justice system. In order to handle the large increase in caseload, the state may have to make significant upfront investments to hire additional Family Court and prosecutorial staff. Probation services will also have to be expanded to handle additional case intake and community supervision. Since the vast majority of the 16- and 17-year-olds who are affected by the age increase are low-level offenders, they will likely be eligible for community-based programs, including ATDs and ATPs.<sup>42</sup> The state must increase the capacity of such programs if it wishes to continue its reform to keep low-risk youth out of institutional placement. Increasing the age of juvenile jurisdiction can potentially increase the youth population in the city's juvenile detention centers and the OCFS placement facilities. Residential services may therefore need to be expanded.<sup>43</sup>

On the other hand, increasing the age limit will reduce the workload of the criminal justice system. The increase in the costs to the juvenile justice system will be partially offset by an immediate decrease in the Criminal Courts' and the adult probation system's caseload and a reduction in the adult jail and prison population. In the long run, lower recidivism is expected to further reduce future criminal justice expenditures, as youth who go through the juvenile justice system, rather than the adult criminal system, are less likely to be re-arrested in the future.<sup>44</sup> Fewer arrests mean that law enforcement will devote less resource to investigate crimes and process arrests, the Criminal Court, probation and prosecutors will have smaller caseload and the state will realize savings from further reduction in the adult jail and prison population.<sup>45</sup>

#### *Benefits Associated with Increasing the Age of Criminal Responsibility*

An adult criminal conviction can limit a youth's opportunities for the rest of his or her life. While most juvenile records are sealed, adult convictions become public record and often diminish a person's employment prospects throughout life. Employers are sometimes unwilling to hire people with criminal records because of potential liability if the person harms a customer or coworker, if the person engages in theft, or because of general mistrust of the person's skills and reliability. Prosecuting 16- and 17-year-old low-level offenders in Family Court will benefit youth because they will no longer have criminal records that restrict their future employment opportunities.<sup>46</sup> Access to services within the juvenile justice system, such as mental health treatment, education and vocational programs, may further enable young people to cultivate the skills necessary to succeed in the future. These benefits can be significant as studies have shown that a criminal conviction reduces a person's future earnings by 10 to 40%.<sup>47</sup> The increase in employment prospect will further reduce recidivism as youth are less likely to resort to criminal activities in order to support themselves.

Furthermore, the absence of criminal records will benefit youth by removing potential impediments that may prevent them from voting, receiving financial aid for college, or applying for public housing.<sup>48</sup> It also produces intangible benefits in allowing youth and their families to avoid the stigma of criminal conviction.

As recidivism decreases, crimes reduce and fewer people will incur the costs associated with being the victims of crimes. These costs include direct out-of-pocket expenses, such as medical costs, cash loss, value of stolen or damaged property, lost earnings, as well as costs arising from sufferings due to physical injuries or psychological pain.<sup>49</sup> Not only will potential victims benefit from not having to incur these real and substantial costs, society at large will also realize the intangible benefits of living in a safer environment.

### V. RESOLUTION NO. 1067

Resolution 1067 supports New York State Chief Judge Jonathan Lippman's call on the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permitting the cases of 16- and 17-year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system.

On September 21, 2011, New York State Chief Judge Jonathan Lippman spoke before the Citizen's Crime Commission of New York. In recognizing that the guiding principles of Family Court is to focus on problems specific to youth and to promote rehabilitation for those youth involved in the juvenile justice system, Chief Judge Lippman outlined the need for New York State to align its juvenile justice practices with the rest of the country by raising the age of criminal responsibility for nonviolent crimes.

Resolution 1067 identifies New York as one of only two states in the country in which youth arrested at age 16 or older are tried in adult court and

confined in adult jails and prisons. Consequently, youth who are tried in Criminal Court are not provided adequate alternative rehabilitative services, which are often present in Family Court. These alternative services allow family court judges an option to divert youth from secure detention by placing such youth in community programs, which are both cost-effective and successful in helping to prevent future crime. Additionally, Resolution 1067 calls for youth between the ages of 16 to 18 years of age who are accused of certain nonviolent crimes to be tried in Family Court, which would prevent such youth from obtaining a criminal record that could potentially bar them from future employment and educational opportunities.

Resolution 1067 supports Chief Judge Lippman's call on the New York State Legislature to introduce legislation increasing the age of criminal responsibility from 16 to 18 years of age in order to permit 16- and 17-year-olds charged with less serious crimes to have their cases adjudicated by the New York State Family Court. Furthermore, Resolution 1067 recognizes that adolescents' brains are not fully developed, and this lack maturity limits their ability to make reasoned judgments and engage in the kind of thinking that weighs risks and consequences. Finally, Resolution 1067 notes Chief Judge Lippman's emphasis on prosecuting those adolescents charged with less serious crimes as adults in the criminal court neither improves public safety nor quality of life in our communities.

<sup>1</sup> Merrill Sobie, *Pity the Child: The Age of Delinquency in New York*, 30 Pace L. Rev. 1061, 1066-68 (2010).

<sup>2</sup> *Id.* at 1069.

<sup>3</sup> *Id.* at 1071-73.

<sup>4</sup> *Id.* at 1073.

<sup>5</sup> N.Y. Fam. Ct. Act §115(a)(vi).

<sup>6</sup> N.Y. Fam. Ct. Act §301.2(1).

<sup>7</sup> N.Y. Fam. Ct. Act §353.3(5).

<sup>8</sup> N.Y. Fam. Ct. Act §353.3(5).

<sup>9</sup> N.Y. Fam. Ct. Act §353.5(4). See N.Y. Fam. Ct. Act §301.2(8) for the designated felonies.

<sup>10</sup> DOP plays a significant role in New York City's juvenile justice system. After the initial arrest, DOP interviews the youth and other stakeholders to determine whether the case should be dismissed, adjusted (diverted from court) or referred to the New York City Corporation Counsel for prosecution in the Family Court. If a juvenile delinquency petition is filed, DOP makes recommendations to the Family Court judge on whether the youth should be detained or released during the pendency of the case, and regarding the most appropriate disposition if the youth is adjudicated to be a juvenile delinquent. See Ashley Cannon, Richard Aborn and John Bennett, *Guide to Juvenile Justice in New York City*, Citizens Crime Commission, at 20-21, May 2010.

<sup>11</sup> N.Y. Fam. Ct. Act §380.1.

<sup>12</sup> N.Y. Fam. Ct. Act §375.2.

<sup>13</sup> Children Welfare Watch, *A Need for Correction: Reforming New York's Juvenile Justice System*, at 5, Vol. 18 Fall 2009.

<sup>14</sup> *Id.*

<sup>15</sup> Campaign for Youth Justice, *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*, at 11, April 2011.

<sup>16</sup> Bart Lubow and Joseph Tulman, *The Unnecessary Detention of Children in the District of Columbia*, *The District of Columbia Law Review*, at xv-xvi, Fall 1995, Vol. 3, No.2.

<sup>17</sup> Children Welfare Watch, *supra* note 13, at 15.

<sup>18</sup> *Id.*

<sup>19</sup> New York City Department of Probation, *Presentation: NYC's Success with Juvenile Justice Reform, and a Vision of a Community-Based Continuum of Care*, at 18.

<sup>20</sup> New York State Juvenile Justice Advisory Group, *Tough on Crime – Promoting Public Safety by Doing What Works*, at 9, December 2010.

<sup>21</sup> Cannon, Aborn and Bennett, *supra* note 10, at 33.

<sup>22</sup> *Id.*

<sup>23</sup> Sobie, *supra* note 1, at 1061.

<sup>24</sup> Hon. Jonathan Lippman, *Statement to the Citizens Crime Commission of New York*, September 21, 2011, at 5, available at <http://www.nylj.com/nylawyer/adgifs/decisions/092211speech.pdf> (last accessed on October 26, 2011).

<sup>25</sup> These states are: Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas and Wisconsin. Campaign for Youth Justice, *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*, at 29, April 2011.

<sup>26</sup> Lippman, *supra* note 24, at 5.

<sup>27</sup> Michael D. Abernethy, *Age of Offenders*, *The Times News*, October 1, 2011.

<sup>28</sup> Campaign for Youth Justice, *supra* note 15, at 13.

<sup>29</sup> *Id.* at 12.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 14.

<sup>32</sup> Center for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, November 30, 2007.

<sup>33</sup> MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court*, Issue Brief 5, available at [http://www.adjj.org/downloads/3582issue\\_brief\\_5.pdf](http://www.adjj.org/downloads/3582issue_brief_5.pdf) (last accessed on October 26, 2011).

<sup>34</sup> Campaign for Youth Justice, *supra* note 15, at 17.

<sup>35</sup> See *infra* notes 46-47 and accompanying text.

<sup>36</sup> The Governor's Children's Cabinet Advisory Board, *Advancing a Fair and Just Age of Criminal Responsibility for Youth in New York State*, at 1-2, January 2011.

<sup>37</sup> *Id.*

<sup>38</sup> *Roper v. Simmons*, 543 U.S. 551, 569 (2005).

<sup>39</sup> *Graham v. Florida*, 130 U.S. 2011 (2010).

<sup>40</sup> The Governor's Children's Cabinet Advisory Board, *supra* note 36, at 1.

<sup>41</sup> New York State Juvenile Justice Advisory Group, *supra* note 20, at 48.

<sup>42</sup> Sobie, *supra* note 1, at 1086-88.

<sup>43</sup> *Id.*

<sup>44</sup> Christian Henrichson and Valerie Levshin, *Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina*, Vera Institute of Justice, at 18, January 10, 2011.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 8-9.

<sup>47</sup> *Id.*

<sup>48</sup> See Mosi Secret, *New York Judge Seeks New System for Juveniles*, *The New York Times*, September 16, 2011; see also Brennan Center for Justice, *Can I Vote: Frequently Asked Questions by People with Criminal Records in New York*, available at <http://www.brennancenter.org/page/-/Democracy/NY%20State%20Voting%20FAQs%20updated%205-5-10.pdf> (last accessed on Oct. 26, 2011).

<sup>49</sup> Henrichson and Levshin, *supra* note 44, at 8.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 1067:)**

Res. No. 1067

**Resolution supporting New York State Chief Judge Jonathan Lippman's call on the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16 and 17 year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system.**

By Council Members Gonzalez, Crowley, the Speaker (Council Member Quinn), Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Foster, Jackson, James, Lander, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Rose, Seabrook, Vann, Williams, Arroyo, Sanders, Rodriguez, Levin, Van Bramer and Gennaro.

**Whereas**, At the time of enactment of the 1962 New York State Family Court Act, the New York State Legislature chose 16 to be the age of criminal responsibility as a temporary measure until public hearings and research could be conducted; and

**Whereas**, The age set by the New York State Legislature was never revisited and has now lasted half a century without meaningful reconsideration; and

**Whereas**, According to the Correctional Association of New York, New York is one of only two states in the country, along with North Carolina, in which youth arrested at age 16 or older are tried in adult court and confined in adult jails and prisons regardless of the crime with which they are charged; and

**Whereas**, In 37 states, including the District of Columbia, the age of criminal responsibility is 18 with 11 other states setting the age at 17; and

**Whereas**, According to the New York State Division of Criminal Justice Services ("DCJS"), 45,873 16 and 17 year-olds were arrested in New York State during 2010; and

**Whereas**, According to John Jay College of Criminal Justice, the majority of arrests for 16 and 17 year-olds were for nonviolent crimes; and

**Whereas**, According to the DCJS, 3,854 16 and 17 year-olds were convicted of felonies and misdemeanors in New York City in 2008; and

**Whereas**, Studies have shown that youth receiving juvenile sanctions had lower recidivism rates than youth receiving adult sanctions; and

**Whereas**, Youth subject to the jurisdiction of the Criminal and Supreme Court do not have access to the array of services and alternatives to incarceration, reentry based programs, and support services available to those under the jurisdiction of Family Court; and

**Whereas**, According to the New York Law Journal, scientific studies of the adolescent mind have shown that 16 and 17 year-olds lack the maturity and judgment to understand the legal consequences of their actions; and

**Whereas**, In the 2005 U.S. Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on adolescent brain development to prohibit the imposition of the death penalty for youth under the age of 18; and

**Whereas**, In the 2010 U.S. Supreme Court ruling *Graham v. Florida*, the Court further held that juvenile offenders may not be sentenced to life imprisonment without parole for non-homicide offenses; and

**Whereas**, On September 21, 2011, New York State Chief Judge Jonathan Lippman addressed the Citizens Crime Commission of New York City regarding the need for juvenile justice system reform in the State of New York; and

**Whereas**, Chief Judge Lippman called on the New York State Legislature to introduce legislation increasing the age of criminal responsibility from 16 to 18 years of age in order to permit 16 and 17 year-olds charged with less serious crimes to have their cases adjudicated by the New York State Family Court, which is better suited to their needs; and

**Whereas**, In describing differences between adolescents and adults, Chief Judge Lippman stated, "In particular, [adolescents'] brains are not fully matured, and this limits their ability to make reasoned judgments and engage in the kind of thinking that weighs risks and consequences. Teenagers have difficulty with impulse control, and with resisting outside influences and peer pressure;" and

**Whereas**, Chief Judge Lippman stated the adult criminal justice system is focused on punishment and incarceration and is not designed to address the special problems and needs of 16 and 17 year-olds; and

**Whereas**, Chief Judge Lippman referred to the New York State Family Court as “a system that is focused on rehabilitation and getting children back on the right track, that offers supervision, mental health treatment, remedial education and other services and programs where judges are obligated by law to act in the best interests of the children who come before them - a mandate that does not exist in criminal court;” and

**Whereas**, Chief Judge Lippman questioned whether society is best served by burdening adolescents charged with less serious, nonviolent crimes with criminal records that may bar them from future employment and educational opportunities rather than providing them with rehabilitative options; and

**Whereas**, Chief Judge Lippman highlighted the financial and logistical concerns attached to raising the age of criminal responsibility for nonviolent crimes; and

**Whereas**, These complex issues include: (i) shifting thousands of cases a year to family court, (ii) strengthening the juvenile probation system, and (iii) increasing community-based services, all of which require funding; and

**Whereas**, Nevertheless, the Vera Institute of Justice recently completed a cost-benefit analysis of North Carolina’s attempt to raise the age of criminal responsibility to age 18 and concluded that the economic benefits to the state would greatly exceed the costs - both over the short and long term; and

**Whereas**, Chief Judge Lippman underscored that prosecuting those adolescents charged with less serious crimes as adults in the criminal court does not improve public safety or quality of life in our communities; now, therefore, be it

**Resolved**, That the Council of the City of New York supports New York State Chief Judge Jonathan Lippman’s call on the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16 and 17 year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system.

SARA M. GONZALEZ Chairperson; JAMES SANDERS JR., MARIA del CARMEN ARROYO, FERNANDO CABRERA, DANIEL DROMM., Committee on Juvenile Justice, November 29, 2011.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Gentile, Koo and Oddo.

The following Council Member formally abstained from voting on this item: Council Member Vallone, Jr.

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. 1124

**Report of the Committee on General Welfare in favor of approving a Resolution authorizing the Council of the City of New York to bring or join in an action or proceeding against the New York City Department of Homeless Services and its Commissioner, to enjoin the adoption, implementation, or enforcement of Procedure No. 12-400, which sets forth new standards by which DHS Single Adult Intake facilities would determine whether individuals who apply for Temporary Housing Assistance are eligible for temporary emergency shelter.**

The Committee on General Welfare, to which the annexed resolution was referred on November 29, 2011, respectfully

#### REPORTS:

The Committee on General Welfare, chaired by Council Member Annabel Palma, will meet on Tuesday, November 29, 2011 to hear and vote on a Preconsidered Resolution authorizing the Council to bring or join in an action or proceeding against the New York City Department of Homeless Services and its Commissioner, to enjoin the adoption, implementation, or enforcement of Procedure No. 12-400.

#### Background

On November 3, 2011, the Department of Homeless Services (“DHS”) notified the Legal Aid Society that it planned on implementing a new Single Adults Eligibility

Procedure (“Eligibility Procedure”) for single adults seeking shelter at DHS to be enacted on November 14, 2011.<sup>1</sup> The purpose of the Eligibility Procedure is to ensure that shelter is provided “only to persons who have no other available housing or the means to secure other housing.”<sup>2</sup> While previously DHS would provide shelter to any single adult who needed assistance, the new Eligibility Procedure sets forth standards that intake specialists at single adult facilities must follow, including requiring that applicants complete a Temporary Housing Application and an Intake or Eligibility Determination Questionnaire (“EDQ”) that collects a two-year housing history.<sup>3</sup> Intake specialists will use an applicant’s housing history to determine whether previous addresses are viable housing options.<sup>4</sup> The Eligibility Procedure explicitly states that applicants are required to cooperate with DHS’ eligibility process; failure to produce required documentation without a valid reason constitutes a failure to cooperate and shelter will not be granted.<sup>5</sup> Applicants bear the burden of proving, by clear and convincing evidence that they “have actively sought and are unable to access any other temporary or permanent housing.”<sup>6</sup>

On November 9, 2011, the Committee on General Welfare, chaired by Council Member Annabel Palma, held a hearing on the Eligibility Procedure.<sup>7</sup> At the November 9<sup>th</sup> hearing, DHS Commissioner Diamond testified that DHS is implementing the Eligibility Procedure because the single adult population is changing; “Five years ago one-third of the adult shelter population reported having lived on the street prior to shelter entry. Today less than 15% of those seeking shelter report a history of street homelessness. In fact nearly 60% of men currently seeking shelter were living with friends or family before they arrived at intake.”<sup>8</sup> DHS alleges that the Eligibility Procedure will help DHS staff determine whether single adult applicants have available housing options or financial resources to independently secure their own housing. This procedure is modeled on the approach DHS currently employs for assessing whether families have other housing options, such as doubling up with friends and families.<sup>9</sup> By implementing the Eligibility Procedure, DHS asserts it can deny shelter to those applicants who could instead live with friends and family and save an estimated \$4 million for the agency.<sup>10</sup>

According to the Commissioner’s testimony, DHS is allowed to implement eligibility standards for anyone seeking shelter. Relying on State Administrative Directive 94 A.D.M. 20 (Responsibilities of Homeless Individual and Families),<sup>11</sup> the Commissioner argues that, “districts have a limited ability to provide housing and are neither expected nor obligated to provide temporary housing assistance unless it is clearly demonstrated that the person requesting assistance is faced with an immediate need for housing, has made reasonable efforts to secure housing, and cannot access any other housing even on a temporary basis.”<sup>12</sup> Advocates, and families seeking shelter, have criticized DHS in the past, however, for failing to accurately assess families’ eligibility, leading to increasing reapplication rates.<sup>13</sup> Specifically, according to the Fiscal Year 2011 DHS Critical Activities Report, the number of eligible families who submitted two applications increased from 9.5 percent in Fiscal Year 2010 to 10.4 percent in Fiscal Year 2011.<sup>14</sup> In a number of instances some families submit up to six applications.<sup>15</sup> Given the increasing reapplication rates for families, the Committee is concerned about DHS’ ability to properly gauge applicants’ eligibility. Additionally, the Committee is concerned that the Eligibility Procedure could result in an increase in street homelessness, which is particularly troublesome as the winter approaches.<sup>16</sup>

The Council is not the only governmental body that questions the Eligibility Procedure. The New York State Office of Temporary and Disability Assistance (“OTDA”) sent a letter to Commissioner Diamond on November 9<sup>th</sup> indicating that while it found that the proposal was “not inconsistent with State law” it has “serious concerns that DHS failed to submit this proposal to the New York Supreme Court for review,” and that it “finds the November 14<sup>th</sup> implementation date—a mere ten days after the policy change was announced—to be completely unreasonable and is not supported by the State.”<sup>17</sup> On November 10<sup>th</sup>, the Legal Aid Society sued the City, arguing that the Eligibility Procedure would violate the Callahan Consent Decree,<sup>18</sup> which requires the City to provide shelter to every person who seeks it.<sup>19</sup> Hours later, the City agreed to postpone the implementation date of the Eligibility Procedure so that the New York State Supreme Court could hear the case, which is currently pending.<sup>20</sup>

On November 18, 2011, Speaker Quinn and Council Member Palma sent a letter to Commissioner Diamond expressing concern over: (i) the Eligibility Procedure and its effect on the homeless population; and (ii) DHS’ legal basis for adopting the Eligibility Procedure without going through the City’s Administrative Procedure Act (“CAPA”).<sup>21</sup> On November 23<sup>rd</sup> Commissioner Diamond responded that the Eligibility Procedure was issued under the authority of the rules of the New York State Department of Social Services, and consistent with the Callahan Consent Decree.<sup>22</sup> According to the Commissioner, the Eligibility Procedure is “a communication of the State’s policy and requirements regarding shelter eligibility, without independent legal effect. [It is], moreover, not of general applicability, in that [it] provide[s] for the exercise of case-by-case discretion.”<sup>23</sup> Therefore, according to the Commissioner, the Eligibility Procedure is not subject to CAPA because it does not “constitute a rule for the purposes of CAPA and [is] not required to undergo the CAPA rulemaking process.”<sup>24</sup>

#### Preconsidered Res. No.

The Preconsidered Resolution authorizes the Council of the City of New York to bring or join in an action or proceeding against DHS and its Commissioner, to enjoin the adoption, implementation, or enforcement of the new standards by which DHS Single Adult Intake facilities would determine whether individuals who apply for Temporary Housing Assistance are eligible for temporary emergency shelter. The resolution reasons that DHS’ new Eligibility Procedure falls within the definition of a “rule” under CAPA; that DHS did not follow the procedure for rulemaking set forth in section 1043 of the New York City Charter, and that DHS has not asserted that the

Eligibility Procedure was adopted as an “emergency procedure” pursuant to section 1043(i) of the Charter.

<sup>1</sup> Letter from Michele M. Ovesey, General Counsel, Department of Homeless Services to Steven Banks and Joshua Goldfein, Attorneys for The Legal Aid Society (Nov. 3, 2011) (on file with the General Welfare Committee).

<sup>2</sup> DHS Procedure No. 12-400 (Nov. 14, 2011) (on file with the General Welfare Committee).

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

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

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

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

<sup>7</sup> New York City Council General Welfare Committee Hearing, Oversight: New Homeless Shelter Eligibility Process for Single Adults, Nov. 9, 2011, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=995000&GUID=8E16D7EF-E30A-4598-9B24-439F804A47CB&Options=Advanced&Search=>.

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

<sup>9</sup> DHS Procedure No. 06-500 (Feb. 21, 2006) (on file with the General Welfare Committee).

<sup>10</sup> New York City Council General Welfare Committee Hearing Transcript, Oversight: New Homeless Shelter Eligibility Process for Single Adults, Nov. 9, 2011, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=995000&GUID=8E16D7EF-E30A-4598-9B24-439F804A47CB&Options=Advanced&Search=>.

<sup>11</sup> New York State Office of Temporary and Disability Assistance, Administrative Directive No. 96 ADM-20, (Dec. 27, 1996), available at <http://www.ocfs.state.ny.us/main/policies/external/1996/ADMs/96-ADM-20%20Responsibilities%20of%20Homeless%20Individuals%20and%20Families.pdf>.

<sup>12</sup> New York City Council General Welfare Committee Hearing Transcript, Oversight: New Homeless Shelter Eligibility Process for Single Adults, Nov. 9, 2011, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=995000&GUID=8E16D7EF-E30A-4598-9B24-439F804A47CB&Options=Advanced&Search=>.

<sup>13</sup> New York City Council General Welfare Committee Hearing Transcript, Oversight: Department of Homeless Services' New Policy for Family Intake and Overnight Placements, Oct. 24, 2007, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447701&GUID=2D52E541-F90F-428D-BFEE-FD85A1362D2E&Options=Advanced&Search=>.

<sup>14</sup> See DHS Critical Activities Report, available at <http://www.nyc.gov/html/dhs/downloads/pdf/familyfy10.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> Melissa Russo, NYC Shelter Seekers Must Prove Homelessness Under New Policy, *NBC New York*, Nov. 3, 2011.

<sup>17</sup> Letter from Elizabeth R. Berlin, Executive Deputy Commissioner, Office of Temporary and Disability Assistance, to Seth Diamond, Commissioner, NYC Department of Homeless Services (Nov. 9, 2011) (on file with the General Welfare Committee).

<sup>18</sup> The Callahan Consent Decree resulted from a settlement in Callahan v. Carey where the Supreme Court of the State of New York ordered that the City and State must provide shelter for homeless men, and specifically, that New York City must provide shelter and board to homeless men who apply for shelter, provided that 1) they meet the needs standard to qualify for public assistance, as established by the State, or 2) they need temporary shelter due to physical, mental, or social dysfunction. The Callahan Consent Decree also sets forth minimum standards New York City must maintain for single adult shelters, including health and safety standards, locations and operation hours for intake centers, and standards for the dissemination of public assistance benefits information to applicants. See 1981 Callahan Consent Decree, available at [http://www.escriet.org/usr\\_doc/callahanconsentdecree.pdf](http://www.escriet.org/usr_doc/callahanconsentdecree.pdf). See also Eldredge v. Koch, 98 AD2d 675 (1st Dept. 1983) which incorporated a right to shelter and equal shelter standards for homeless women into the Callahan Consent Decree.

<sup>19</sup> David W. Chen, City Delays Tighter Rules for Homeless People Seeking Shelter, *The New York Times* (Nov. 10, 2011).

<sup>20</sup> *Id.*

<sup>21</sup> Letter from Christine C. Quinn, Speaker, and Annabel Palma, Council Member, New York City Council, to Seth Diamond, Commissioner, Department of Homeless Services, 1 (Nov. 18, 2011) (on file with the General Welfare Committee).

<sup>22</sup> Letter from Seth Diamond, Commissioner, Department of Homeless Services, to Christine C. Quinn, Speaker, and Annabel Palma, Council Member, New York City Council, 1-2 (Nov. 23, 2011) (on file with the General Welfare Committee).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 2.

Accordingly, this Committee recommends its adoption.

**(For text of the resolution, please see the Introduction and Reading of Bills section printed in these Minutes).**

ANNABEL PALMA, Chairperson; GALE A. BREWER, HELEN D. FOSTER, MARIA del CARMEN ARROYO, YDANIS RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES G. VAN BRAMER, RUBEN WILLS; Committee on General Welfare, November 29, 2011.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Member formally voted against this item: Council Member Vallone, Jr.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 714

By Council Members Arroyo, Cabrera, Ferreras, Palma and Rose.

### **A Local Law to amend the administrative code of the city of New York, in relation to the veterinary examinations of rental horses.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-326 of the administrative code of the city of New York is amended by adding a new subdivision l, to read as follows:

(l) “Independent veterinarian” means a veterinarian whose services have been procured by the department and who:

1. holds a valid license to practice veterinary medicine pursuant to Article 135 of New York state education law;

2. has experience in equine veterinary care, as determined by the commissioner;

3. is not employed by an entity authorized under section 371 of the New York state agriculture and markets law to enforce Article 26 of the New York state agriculture and markets law;

4. is not employed as a veterinarian by the city of New York; and

5. possesses other qualifications as the commissioner may establish by rule.

§2. Subdivision n of section 17-330 of the administrative code of the city of New York is amended to read as follows:

n. Every horse required to be licensed hereunder shall be examined by an independent veterinarian, prior to its use in a rental horse business[,] and at time of each license renewal[, and thereafter]. *In addition, licensed horses shall be examined by an independent veterinarian at intervals of not less than four months and not greater than eight months. [The] Every examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, its stamina and physical ability to perform the work or duties required of it, and whether it is current on vaccinations, including those for rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus, or any other vaccinations the Commissioner may require by rule. [The] Every examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the [examining] independent veterinarian shall be maintained at the stable premises at which such horse is located and shall be displayed on the outside of the such horse's individual stall. An original of said certificate shall be [mailed by the examining veterinarian] kept on file by the department.*

§3. This local law shall take effect one hundred eighty days after enactment provided, however, the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Res. No. 1120

### **Resolution calling on the Office of the Mayor of New York City to establish a Commission on Queen Mother Moore Reparations for Descendants of Africans of New York City.**

By Council Members Barron, Mendez, Palma, Sanders, Vann and Williams.

**Whereas**, In 1625, the Dutch established the village of New Amsterdam on Manhattan Island and began the wholesale kidnapping and enslavement of African people from the Caribbean and Africa; and

**Whereas**, African laborers in 1639 worked daily in Manhattan Island's Northern Forest (Upper East Side and Harlem) clearing timber and cutting lumber at the Colony's Sawmill (74<sup>th</sup> Street and Second Avenue); and

**Whereas**, These Africans also built farms beyond New Amsterdam, in Staten Island, Brooklyn and Queens; and

**Whereas**, In 1664, the English won control of New Amsterdam, renaming it New York after the Duke of York, and continued the wholesale thievery of African people from the Caribbean and Africa; and

**Whereas**, These Africans were forced to provide “free labor” to New York City under British rule, which was even more aggressive and cruel through its participation in the so-called Transatlantic slave trade, one of the greatest crimes committed against humanity; and

**Whereas**, During New York City's colonial period of enslavement, these Africans cleared land, built houses, paved roads, built forts and bridges, and planted and harvested crops; and

**Whereas**, The enslavement of Africans in New York City continued after the colonial period when the United States ratified its constitution in 1789, and after New York City abolished slavery in 1827, and did not end until the 1840s; and



**Whereas**, In short, Africans built New York City's infrastructure and economy without remuneration; and

**Whereas**, Not only were these Africans never compensated, they were also subjected to the worst kind of rape, torture, brutality and murder the human mind can conjure; and

**Whereas**, Evidence of this cruelty can be validated by the over 20,000 African ancestral remains located in downtown Manhattan, particularly the 427 of those African ancestral remains that have been excavated from the African Burial Ground located on Duane and Reade Streets; and

**Whereas**, These Africans are now represented by over 2.1 million people of African ancestry in New York City; and

**Whereas**, Queen Mother Moore, born Audley F. Moore on July 27, 1898 and passing on to be with the ancestors on May 2, 1997, spent seventy-seven years of her life fighting for Human Rights, Civil Rights, Liberation, Black Nationalism and Reparations for African People; and

**Whereas**, Queen Mother Moore spent decades of her struggle fighting in Harlem, New York City; and

**Whereas**, In the early 1960s, Queen Mother Moore formed "The Reparations Committee of Descendants of United States Slaves" to demand reparations for Africans in America from the United States government; she canvassed the country to get over a million signatures to petition the government and was successful in presenting the signatures to President John F. Kennedy; and

**Whereas**, Queen Mother Moore continued the struggle of I.H. Dickerson and Callie House, who engaged in one of the earliest calls for reparations when they established the "Ex-Slaves Pension Movement" from 1890 to 1920; and

**Whereas**, Queen Mother Moore joined many other Africans in America in the fight for Reparations, such as Marcus Mosiah Garvey, Malcolm X., Martin Luther King Jr., The Republic of New Africa, The National Coalition of Blacks for Reparations in America, The December 12<sup>th</sup> Movement, The Black Radical Congress, The Patrice Lumumba Coalition, United African Movement, National Action Network, The Black United Front, The Unity Party and countless others; and

**Whereas**, It is imperative that a Queen Mother Moore Reparations for Descendants of Africans of New York City Commission be established to continue the work started by Queen Mother Moore; and

**Whereas**, Such a commission should be created by individuals and organizations of the New African Community of New York City in conjunction with the Black, Latino and Asian Caucus of the City Council; and

**Whereas**, The Queen Mother Moore Reparations for Descendants of Africans of New York City Commission should be funded by the City of New York for the duration of time deemed necessary by the Commission to hold hearings, conduct research and recommend compensation to the New African Descendant Community of New York City for the debt owed for the enslavement of their African ancestors during the colonial and post-colonial periods in New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Office of the Mayor of New York City to establish a Commission on Queen Mother Moore Reparations for Descendants of Africans of New York City.

Referred to the Committee on Governmental Operations.

Res. No. 1121

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign A. 1838, legislation requiring all food products made from cloned animals or the progeny of cloned animals to be labeled accordingly.**

By Council Members Brewer, Cabrera, Eugene, Ferreras, Gentile, Lander, Mendez, Palma, Rose, Sanders, Williams and Ulrich.

**Whereas**, Cloning is a scientific process that allows individuals to copy the genetic traits of a plant or animal and create one or more living replicas; and

**Whereas**, In order to clone an animal, the nucleus of an unfertilized egg in the host animal is destroyed and replaced with a nucleus from a cell of the body of another animal; and

**Whereas**, Cloning produces animals that are more likely to become sick than animals that are reproduced naturally, which requires the increased use of antibiotics and other medical interventions; and

**Whereas**, Global Resource Action Center for the Environment, an organization that educates and advocates for the benefits of community-based food production, alleges that cloning is detrimental to animals, as it puts sick and deformed clones as well as their surrogate parents through unneeded suffering; and

**Whereas**, In 2008, the United States Food and Drug Administration (FDA) asked that livestock and dairy producers uphold a 2003 voluntary ban on the use of cloned animals in any phase of food production; and

**Whereas**, However, no such ban is in place that would prohibit the offspring of cloned animals, or foods containing meat or dairy from cloned animals or their offspring, from being included in food production; and

**Whereas**, Sustainable Table, an organization that educates consumers about food-related issues, asserts that there has been no government-mandated, independent, peer-reviewed scientific testing of genetically-engineered foods; and

**Whereas**, This organization further states that the public has been serving as an

unwitting laboratory for experimental food technology; and

**Whereas**, Recently, the Center for Food Safety (TCFS) filed a petition on behalf of the *Just Label It* campaign, a coalition of more than 350 companies, organizations, scientists, doctors and individuals dedicated to food safety and consumer rights, against the FDA for failing to promulgate mandatory labeling disclosures for genetically-engineered foods; and

**Whereas**, TCFS indicates that the FDA's failure to require labeling of genetically-engineered foods is an abdication of its statutory mandate to require labeling of foods that are "misbranded"; and

**Whereas**, The petitioners requested that the FDA require foods that are comprised of genetically-engineered organisms or contain ingredients derived from genetically-engineered organisms be labeled as such; and

**Whereas**, Absent federal labeling requirements, states should be able to take necessary precautions to protect consumers; and

**Whereas**, In New York State, Assembly Member Linda Rosenthal introduced A.1838, legislation that would ensure consumers are able to make informed decisions about the food they consume and increase confidence in consumer purchasing; and

**Whereas**, This proposed law would further require that every livestock producer who sells or transfers any cloned animal or its progeny shall disclose to the buyer or transferee that the animal is cloned or is the progeny of a cloned animal; and

**Whereas**, Supporters believe that mandating the labeling of foods made from cloned animals would significantly reduce the animal cruelty and suffering that accompanies cloning; and

**Whereas**, A.1838 would significantly lead to reduced consumption of deformed and sick animals, thereby guarding the health and safety of consumers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign A.1838, legislation requiring all food products made from cloned animals or the progeny of cloned animals to be labeled accordingly.

Referred to the Committee on Health.

Res. No. 1122

**Resolution calling on the United States Senate and the President to oppose H.R.822, known as the "National Right-to-Carry Reciprocity Act of 2011," which would allow a resident from one state who has a carry concealed handgun permit to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.**

By Council Members Brewer, Rose, Chin, Dromm, Ferreras, Lander, Mark-Viverito, Mendez, Palma, Vann and Williams.

**Whereas**, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

**Whereas**, Both New York State and New York City have instituted stringent procedures for citizens to lawfully possess and carry a handgun; and

**Whereas**, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

**Whereas**, The application process entails meeting the following eligibility requirements: have good moral character, must be older than 21 years old, has not been convicted of a serious offense, or not subject to a court order; and

**Whereas**, In New York State, unless a licensing officer places restrictions on the handgun license, a license to possess a handgun also serves as a license to carry a handgun; and

**Whereas**, The permit is valid throughout New York State except in New York City where such individual needs to obtain a special permit to validate such license from the New York City Police Department; and

**Whereas**, Despite the safeguards to keep guns away from certain individuals, there is a bill pending in Congress that would undermine New York's efforts; and

**Whereas**, Representative Cliff Stearns (R-FL) has introduced H.R. 822, known as the "National Right-to-Carry Reciprocity Act of 2011," which would amend the United States Code by inserting a new section entitled "reciprocity for the carrying of certain concealed firearms"; and

**Whereas**, On October 25, 2011, the House Judiciary Committee voted on the bill and it was voted out of the committee by a vote of 19 to 11; and

**Whereas**, This amendment to the United States Code would allow a resident from one state who has a concealed handgun permit to lawfully carry his or her handgun into most other states, regardless of the licensing standards in that other state; and

**Whereas**, H.R. 822 would apply to 48 States which either have a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms, or allow the carrying of concealed firearms for lawful purposes without the need for a permit; and

**Whereas**, H.R. 822 would permit an individual lawfully licensed to carry a concealed handgun in one state to also be lawfully licensed to carry a concealed handgun in any of the other applicable states, so long as he or she is subject to the same conditions or limitations that apply to residents of that state; and

**Whereas**, H.R. 822 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less

stringent licensing standards; and

**Whereas**, H.R. 822 would therefore undermine the strict licensing standards put in place by certain States by creating a loophole for those seeking to carry and conceal handguns in those states; and

**Whereas**, If H.R. 822 were enacted, the bill would create serious and potentially life threatening situations for law enforcement officers especially when conducting car stops since it would make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

**Whereas**, New York State Attorney General Eric Schneiderman opposes the bill and expressed his opinion by saying, “the police have no way of checking whether the license you carry is valid or not”; and

**Whereas**, There is widespread opposition against the bill, including from elected officials such as Senators Chuck Schumer and Kirsten Gillibrand of New York, 130 mayors, law enforcement officials, and numerous advocacy groups including the New York State Coalition against Domestic Violence; and

**Whereas**, Each state should determine for themselves who can carry a concealed handgun within its borders; and

**Whereas**, Everyone including New York State residents should be protected from threat of gun violence and weapons trafficking; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Senate and the President to oppose H.R.822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a carry concealed handgun permit to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

Referred to the Committee on Public Safety.

Int. No. 715

By Council Members Crowley, Cabrera, Koslowitz, Lander, Mendez, Recchia, Rose, Dromm and Halloran.

**A Local Law to amend the administrative code of the city of New York in relation to requiring identification of contractors on construction projects where discretionary approval or financial assistance has been provided by the city.**

*Be it enacted by the Council as follows:*

Section 1. Article 101 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-101.6 to read as follows:

§28-101.6 *Identities of certain construction contractors.* a. For purposes of this section, the following terms shall have the following meanings:

(1) “discretionary approval” shall mean where an entity has received approval pursuant to section 197-c of the charter, approval by the board of standards and appeals and/or where the entity has received financial assistance or incentive for such project by any city agency;

(2) “construction” and “contractor” shall have the same meaning as set forth in section 27-232 of this code;

(3) “financial assistance” shall mean cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of buildings, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for, and includes both discretionary and as of right assistance.

b. Any owner of property which receives discretionary approval or financial assistance shall, not less than ten days prior to the commencement of any construction that results from such discretionary approval or financial assistance, provide to the community board or boards where such construction is to take place the identity, address, phone number and electronic mail contact information of any contractor retained to perform such construction. If during the course of such construction, any additional contractors are retained, the identity of all such contractors along with the above contact information shall be provided to the relevant community board or boards prior to such additional contractor commencing work.

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

Referred to the Committee on Housing and Buildings.

Int. No. 716

By Council Members Crowley, Cabrera, Chin, Dickens, Eugene, Ferreras, Gentile, Koslowitz, Mealy, Mendez, Palma, Rose, Williams, Dromm, Vann, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation give seven days advance notice before installing “no standing” signs on residential streets.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of Section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

§ 19-175.2 Notification of changes in parking restrictions. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. *Before installation of new “no standing” signs on residential streets, such notice shall be posted at least seven days before the effective date of such street sign change.* An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within five days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 of the code.

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

Referred to the Committee on Transportation.

Int. No. 717

By Council Members Crowley, Brewer, Cabrera, Chin, Ferreras, Fidler, Gentile, Koslowitz, Lander, Mealy, Mendez, Palma, Recchia, Rose, Sanders, Williams, Dromm and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to make certain statistics regarding crimes against women available through its website.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-154, to read as follows:

§14-154. *Data regarding crimes against women to be placed on the world wide web.* (a) *The department shall indicate to the public, through its website: (1) how many victims of each of the seven major felony crimes are women; (2) the number of murders of women related to domestic violence; (3) the number of rape incidences of women related to domestic violence; (4) the number of felonious assaults of women related to domestic violence; and (5) the number of women who have been the victim of a hate crime. For purposes of subdivision (a)(5) of this section, the term “hate crime” shall have the meaning ascribed to it by section 485.05 of the New York penal law.*

(b) *The data required by subdivision a of this section shall be displayed on the first page of the department’s crime statistics webpage, together with the police department’s publicly available crime statistics for the seven major felonies, and shall be disaggregated by precinct and patrol borough in the same manner, and updated as frequently, as the seven major felony statistics.*

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

Referred to the Committee on Public Safety.

Int. No. 718

By Council Members Dickens, Brewer, Cabrera, Chin, Dromm, Eugene, Ferreras, Fidler, Gentile, Koslowitz, Mendez, Recchia, Rose, Sanders, Van Bramer, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a temporary task force to evaluate the epidemic of diabetes in the city of New York and recommend a comprehensive, citywide strategy to reduce the epidemic of diabetes.**

*Be it enacted by the Council as follows:*

Section 1. Diabetes Task Force. a. There is hereby established a diabetes task force, which shall examine the epidemic of diabetes in the city of New York and

recommend a comprehensive, citywide strategy to reduce such epidemic, which shall include, but not be limited to, recommendations related to improving nutrition, increasing access to affordable exercise programs, reducing diabetes-related health care disparities, and increasing public awareness regarding diabetes prevention.

b. The diabetes task force shall be comprised of seven members, three of whom shall be appointed by the speaker of the city council and four of whom shall be appointed by the mayor; provided, however, that one of the appointments by the mayor shall be the commissioner of the department of health and mental hygiene, or his or her designee, who shall serve in an ex-officio capacity and be the chairperson of such task force.

c. Each member of the diabetes task force shall serve at the pleasure of the appointing authority without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges. Any member may be removed at any time by the appointing authority and any vacancy shall be filled in the same manner as the original appointment; provided, however, that the requirements of this paragraph shall not apply to the commissioner of the department of health and mental hygiene.

d. The diabetes task force shall serve for a period of two years, and shall meet at least four times annually.

e. The diabetes task force shall issue a report to the mayor and city council no later than three months before the expiration of such task force, which shall summarize the findings of such task force and recommend a comprehensive, citywide strategy to reduce the epidemic of diabetes, which shall include, but not be limited to, recommendations related to improving nutrition, increasing access to affordable exercise programs, reducing diabetes-related health care disparities, and increasing public awareness about diabetes prevention.

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

Referred to the Committee on Health.

Res. No. 1123

**Resolution calling upon the United States Congress to pass and the President to sign H.R.1513/S.810, the Great Ape Protection and Cost Savings Act of 2011.**

By Council Members Gonzalez, Nelson, Palma and Recchia.

**Whereas**, In the United States, chimpanzees are the only types of great apes used in invasive research; and

**Whereas**, Currently, there are approximately 1,000 chimpanzees housed in laboratories in the United States, approximately half of which are owned by the federal government; and

**Whereas**, According to the Humane Society of the United States, a national animal advocacy organization, owning and housing these chimpanzees costs the federal government approximately \$30 million each year; and

**Whereas**, Aside from the cost, research laboratory environments are not beneficial for chimpanzees as these locations do not meet their complex physical, emotional and psychological needs; and

**Whereas**, Additionally, roughly 80 to 90 percent of chimpanzees in United States laboratories are not used in research but rather are warehoused at these facilities; and

**Whereas**, In 1997, the United States National Research Council released a report that addressed the ethical care, management and use of chimpanzees in research; and

**Whereas**, The report indicated that there is a moral responsibility for the long-term care of these animals, that there should be a moratorium on further chimpanzee breeding, that euthanasia should not be used as a means to control the size of the great ape population and that sanctuaries should be created to house chimpanzees to accommodate their physical and emotional needs; and

**Whereas**, The report's conclusions led to President William Jefferson Clinton signing the Chimpanzee Health Improvement, Maintenance and Protection (CHIMP) Act into law in 2000; and

**Whereas**, While this law generally provided better care and treatment for chimpanzees involved in invasive research, it did not establish criteria to determine when a chimpanzee should be retired, prohibit a retired chimpanzee from returning to research, or allow the laboratory to make these important decisions; and

**Whereas**, President George Walker Bush signed an amendment to this Act in 2007, known as the Chimp Haven is Home Act, which prohibited retired chimpanzees from coming back into service; and

**Whereas**, While these reforms greatly assisted in protecting chimpanzees, humans have a moral imperative to safeguard these animals further; and

**Whereas**, On April 13, 2011, United States Representative Roscoe Bartlett (R-MD) and Senator Maria Cantwell (D-WA) introduced the Great Ape Protection and Cost Savings Act of 2011; and

**Whereas**, The purpose of this legislation is to phase out invasive research on great apes and eliminate funding for this research within and outside of the United States; and

**Whereas**, To accomplish this goal, the legislation prohibits transporting and breeding great apes for purposes of invasive research; and

**Whereas**, Great apes who are owned or under the control of the federal government would be retired and placed in a suitable animal sanctuary, as a cost-

effective alternative to being warehoused in a laboratory; and

**Whereas**, GlaxoSmithKline, a major pharmaceutical company, voluntarily decided to forgo the use of chimpanzees in its research at the end of 2008; and

**Whereas**, The United States is the only developed country in the world that continues the large-scale confinement of chimpanzees in laboratories, with Australia, the European Union, Japan and New Zealand severely limiting or outright banning such practice; 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.1513/S.810, the Great Ape Protection and Cost Savings Act of 2011.

Referred to the Committee on Health.

Int. No. 719

By Council Members Halloran, Oddo, Koo, Ignizio, Comrie, Fidler, Dickens, Lander, Mealy, Recchia, Rose and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing an annual arson investigations results report.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-305 to read as follows:

**§ 15-305 Arson investigation reporting. a. Definitions.** *For purposes of this section, the term "arson investigation" shall mean an investigation conducted by the fire department to determine whether an incident was a result of criminal arson in the fifth, fourth, third, second or first degree pursuant to section 150.01, 150.05, 150.10, 150.15, or 150.20, respectively, of article 150 of the penal law.*

*b. Report. No later than January fifteenth, two thousand twelve, and on or before every January fifteenth thereafter, the commissioner shall submit to the speaker of the city council and the chairperson of the council's fire and criminal justice services committee a report regarding the results of arson investigations. The two thousand twelve report shall include the results of arson investigations commenced in the preceding twelve-month period. All subsequent reports shall include the results of arson investigations (i) commenced in the preceding twelve months; and (ii) from prior reporting periods that were ongoing at the time of the issuance of the most recent report, disaggregated by the year in which the arson investigation commenced. Such reports shall include but not be limited to the following:*

*(1) the number of incidents for which an arson investigation was commenced, disaggregated by borough;*

*(2) the number of arson investigations that resulted in a finding by the fire department that a criminal arson was committed, including the degree of the criminal arson, disaggregated by borough;*

*(3) the number of incidents for which an arson investigation is ongoing, disaggregated by borough.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 720

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 of the laws of 2009, is amended to read as follows:

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall [provide not less than] *maintain racks, hooks, poles or other devices to which bicycles can be secured as well as locks, chains or other devices with which to secure them. Such devices shall enable the garage or lot to park and secure at least one bicycle [parking space] for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, the garage or lot shall be equipped to park one bicycle [parking space shall be provided] for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be [considered] deemed to [be] require parking for one bicycle [parking space].*

2. [The] A bicycle [parking spaces] *parked in [garages and lots] a garage or lot that is subject to the provisions of this section shall be [enclosed to the same extent*

that parking spaces for automobiles are enclosed] *parked at least two feet away from any motor vehicle.*

3. [Each such bicycle parking space] *Bicycles parked pursuant to this section shall [adjoin] be locked to a rack, pole or [similar system for] other device capable of securing the bicycle [and shall be located in an area secured by a lock or similar means], or shall be hung on the wall from a securely anchored hook or rack to which the bicycle frame and at least one wheel [can] shall be locked [without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a]. Such requirements for racks, poles, or hooks and locks, chains or other securing devices shall not be required where a parking garage or lot provides bicycle parking in a location [not accessible to the public and bicycles are parked therein] that prohibits any person other than [only by] employees of the facility from removing the bicycle from the garage or lot.*

[4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.]

§ 2. Subdivision c of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is amended to read as follows:

c. Bicycle parking racks [or other devices shall be securely anchored so they cannot be easily removed and], *hooks, poles or other devices used by garage or lot operators to secure bicycles shall be of sufficient strength and design to resist vandalism and theft.*

§ 3. Subdivision d of section 20-327.1 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision d and amended to read as follows:

[e]d. Bicycle parking [spaces] shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking [spaces are] is accessible to vehicle owners/operators. *The operator of a garage or lot subject to this section shall not refuse to provide parking for a bicycle unless there is no room for such bicycle at that time because the total number of bicycles required to be accommodated by paragraph one of subdivision b of this section has been met.*

§ 5. Subdivisions f, g, i, and j of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, are re-lettered as subdivisions e, f, h and i, respectively.

§ 6. Subdivision h of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision g and amended to read as follows:

[h]g. The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking [spaces], the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycles [parking spaces] of such garage or parking lot.

§ 7. This local law shall take effect 120 days after its enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs (preconsidered but laid over by the Committee on Consumer Affairs).

Int. No. 721

By Council Members Lappin, Ferreras, Gentile, Lander and Dromm.

**A Local Law to amend the New York city charter, in relation to establishing a city employee poll worker program.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Findings. Voting is at the heart of our democratic process. Since the 2000 presidential election and through the implementation of the Help America Vote Act (HAVA), the voting process has faced increasing scrutiny and undergone substantial change. New York City experienced firsthand during the primary election in 2010 the challenges new voting processes and more rigorous election requirements can place on poll workers, who face longer work days and more complex administrative tasks than in the past. The Board of Elections in the City of New York typically recruits half of the 30,000 poll workers it needs with most of the remainder being provided by the district leaders as prescribed in Election Law. This is a challenging endeavor, given the difficulties of finding qualified workers for what is essentially a temporary job that requires only a few days of work. While the Board of Elections expanded its recruitment efforts in 2011, a more comprehensive approach that will produce civic-minded, qualified poll workers is needed to address the thousands of positions that went unfilled during the 2010 elections. City employees represent an underutilized pool of potential applicants for poll worker positions. By encouraging city employees to serve as poll workers on election day, the City can help to improve electoral administration and preserve the integrity of our elections.

§ 2. Subdivision b of section 1054 of chapter forty-six of the New York city

charter is amended by adding a new paragraph 8 to read as follows:

8. (a) *develop and administer a city employee poll worker program for employees of participating agencies. Employees participating in such program who serve as poll workers for the general election in the city of New York shall be entitled to receive the poll worker stipend as paid by the board of elections.*

(b) *No later than March 1 of each year, the board shall distribute a program calendar to participating agencies identifying deadlines related to the recruitment of city employees for participation in the program containing the following information: (i) the date by which agency coordinators must be chosen; (ii) the period during which participating agencies shall recruit employee volunteers; (iii) deadlines for submitting poll worker applications to the board of elections; (iv) poll worker training dates; (v) deadlines by which agency coordinators must provide to the board of elections a final list of city employees who elected to participate in the program; and (vi) such other information as the board shall deem relevant.*

(c) *Participating agencies shall include all agencies designated as participating agencies under section 1057-a of this chapter and any other agency or agencies designated for participation in such program by the mayor. Each participating agency shall designate an agency employee to serve as agency coordinator to facilitate the administration of the program. Each agency coordinator, during the period specified by the program calendar, shall recruit employees from his or her respective agency to work as poll workers on election day. Such recruitment shall, at a minimum, consist of two email or other communications providing information about the program, including: (i) application forms and materials provided by the board of elections; (ii) a description of the types, requirements for, and the responsibilities of poll worker positions; (iii) the available poll worker stipends; and (iv) notice that city employees who participate in the program and serve as poll workers are eligible to receive such stipends. Heads of participating agencies, or their designee(s), may also make available via announcements at meetings, agency bulletin boards, memos, or any other means, opportunities for the agency coordinator to promote the program.*

(d) *The agency coordinator shall assist employees who elect to participate in the program in applying to become poll workers in the manner prescribed by the board of elections. Each agency coordinator shall provide to the board, on or prior to the date as set by the program calendar pursuant to subdivision b, a list of employees of such agency who have elected to participate in the program.*

(e) *In order to participate in the program, an employee of a participating agency must meet all of the requirements mandated by the board of elections, including attendance at training session(s) as prescribed by the election law. The head of each participating agency, or his or her designee, shall determine whether employees who elect to participate in the program shall be granted a leave of absence with pay for attendance at a mandated training session. Any city employee who participates in the program and attends a training session shall be eligible to receive the poll worker stipends and bonuses paid by the board of elections for the completion of such training and subsequent work on election day.*

(f) *No later than December 1, 2012, and no later than every December 1 thereafter, each participating agency shall report to the mayor and the council the number of employees of such agency that elected to participate in the program and the number of employees of such agency that served as poll workers on election day.*

§ 3. This local law shall take effect ninety days following enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1124

**Resolution authorizing the Council of the City of New York to bring or join in an action or proceeding against the New York City Department of Homeless Services and its Commissioner, to enjoin the adoption, implementation, or enforcement of Procedure No. 12-400, which sets forth new standards by which DHS Single Adult Intake facilities would determine whether individuals who apply for Temporary Housing Assistance are eligible for temporary emergency shelter.**

By Council Member Palma, the Speaker (Council Member Quinn) and Council Members Arroyo, Barron, Chin, Dickens, Ferreras, Jackson, Koslowitz, Lander, Mark-Viverito, Recchia, Rose, Sanders, Van Bramer, Williams, Vann and Mendez.

**Whereas**, The City Administrative Procedure Act (“CAPA”), New York City Charter §1043, states that “No agency shall adopt a rule except pursuant to this section;” and

**Whereas**, A “rule” is defined by section 1041(5) of the Charter as “the whole or part of any statement or communication of general applicability that (i) implements or applies law or policy, or (ii) prescribes the procedural requirements of an agency...;” and

**Whereas**, Section 1041(5) further explains that a rule “shall not include any (i) statement or communication which relates only to the internal management or personnel of an agency which does not materially affect the rights of or procedures available to the public; (ii) form, instruction, or statement or communication of general policy, which in itself has no legal effect but is merely explanatory; (iii) statement or communication concerning the allocation of agency resources or personnel...” (emphasis added); and

**Whereas**, On or about November 3, 2011, the New York City Department of Homeless Services (“DHS”) issued Procedure No. 12-400, with an “Effective Date” of November 14, 2011; and

**Whereas**, Currently, as set forth on DHS’s website, most single adults seeking shelter are required to go to one of three intake centers after which staff assess their needs and determine an appropriate shelter placement, but they are not required to undergo a formal eligibility determination process; and

**Whereas**, In contrast, Procedure No. 12-400 sets forth new standards by which DHS Single Adult Intake facilities would determine whether individuals who apply for Temporary Housing Assistance (“THA”) are eligible for temporary emergency shelter; and

**Whereas**, More specifically, the new standards established by Procedure No. 12-400 state that DHS will “investigate whether the applicant has other available housing or the means to obtain other housing;” and

**Whereas**, All applicants for THA would be required to cooperate with DHS’s investigation “by providing all information and documentation necessary to determine that applicant’s eligibility for THA. If the applicant is unable to produce required documentation, s/he must explain the reason. Without a valid reason, failure to produce documentation constitutes a failure to cooperate;” and

**Whereas**, “All applicants must cooperate in completing an assessment of their need for THA by, among other things, providing information regarding their prior housing arrangements and financial resources;” and

**Whereas**, Procedure 12-400 states that “when an individual or family fails to cooperate in completing the assessment, and the failure is not due to a verified mental or physical incapacity of the individual or family member, [DHS] must deny THA;” and

**Whereas**, Procedure 12-400 also establishes criteria for determining eligibility, including that “DHS shall investigate all residences where the individual has resided in the year prior to the date of the application for temporary housing assistance;” and

**Whereas**, Procedure 12-400 further states, “An individual cannot elect to be homeless, for eligibility purposes, by not utilizing other resources to obtain housing. DHS may explore a housing resource for availability and propose additional actions, either on the part of the individual or primary tenant, to make the housing option suitable for the applicant to reside there...;” and

**Whereas**, “A primary tenant’s claim, oral or written, that the applicant can no longer reside in the viable housing option is not, by itself, sufficient to establish that the housing is no longer available;” and

**Whereas**, The stated purposes of Procedure No. 12-400 are to “ensure that THA is being provided only to persons who have no other available housing or the means to secure other housing; and the applicant has responsibilities to cooperate with the assessment conducted by the City and to use available resources and/or seek necessary assistance to avoid homelessness wherever possible; therefore each applicant must clearly demonstrate that s/he is faced with an immediate need for THA, has made reasonable efforts to secure housing and cannot access any other housing even on a temporary basis;” and

**Whereas**, DHS will utilize Procedure No. 12-400 “to determine whether an applicant for THA is an eligible homeless person. This determination will be based on an assessment of whether the applicant has a viable housing option where s/he can live even on a temporary basis and/or whether s/he possesses sufficient financial resources to secure such housing;” and

**Whereas**, Procedure No. 12-400 “also sets forth the requirements with which applicants for shelter must comply in order to receive THA;” and

**Whereas**, Procedure No. 12-400 falls within the definition of a “rule” under the City Administrative Procedure Act; and

**Whereas**, DHS did not follow the procedure for rulemaking set forth in section 1043 of the New York City Charter, including (a) publishing the full text of Procedure No. 12-400 in the City Record at least thirty days prior to the date set for a public hearing or the final date for receipt of written comments; (b) electronically transmitting Procedure No. 12-400 to the Office of the Speaker of the Council, the Council’s Office of Legislative Documents, and each Council Member; (c) transmitting to the Speaker of the City Council the certification and analysis; or (d) providing the public with the opportunity to comment on Procedure No. 12-400 guaranteed by section 1043(e) of the New York City Charter; and

**Whereas**, DHS has not asserted that Procedure No. 12-400 was adopted as an “emergency procedure” pursuant to section 1043(i) of the New York City Charter; now, therefore, be it

**Resolved**, That the Council of the City of New York is authorized to bring or join in an action or proceeding against the New York City Department of Homeless Services and its Commissioner, to enjoin the adoption, implementation, or enforcement of Procedure No. 12-400, which sets forth new standards by which DHS Single Adult Intake facilities would determine whether individuals who apply for Temporary Housing Assistance are eligible for temporary emergency shelter.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on General Welfare).

Res. No. 1125

**Resolution in support of the peaceful and vibrant exercise of First Amendment rights being carried out by the "Occupy Wall Street" protesters and in support of their goal of ending economic inequality in the United States.**

By Council Members Rodriguez, Williams, James, Mark-Viverito, Barron, Cabrera, Dickens, Dromm, Foster, Jackson, Koslowitz, Lander, Mendez, Rose, Sanders, Vann and Palma.

**Whereas**, September 17, 2011 marked the beginning of the “Occupy Wall Street” movement (OWS) at Zuccotti Park, also known as Liberty Plaza, located in the heart of New York City’s financial district; and

**Whereas**, The “Occupy Wall Street” movement is fueled by disheartened New Yorkers and other citizens from all walks of life who have come together to present a growing demonstration of solidarity among those self-identified as “the 99%” who started the initial “Occupy Wall Street” by calling for a fair distribution of wealth; and

**Whereas**, OWS has demonstrated a commitment to the principles of non-violence as a means of protest; and

**Whereas**, The First Amendment to the United States Constitution protects the right to freedom of expression from government interference, including the rights to freedom of speech, press, assembly and to petition the government for a redress of grievances; and

**Whereas**, Over 70 related “Occupy” protests have taken root across the country, from large demonstrations in Boston and San Francisco, to dozens of smaller ones in other cities, as well as a large-scale “Occupy College” movement on college campuses across the United States; and

**Whereas**, Today, large corporations hold undue influence and power in our country; and

**Whereas**, Our economic system can only be described as broken when one considers that the United States Department of Labor’s Bureau of Labor Statistics reported for October 2011 that there were 13.9 million unemployed persons in America, that more than 50 million Americans are forced to live without health insurance, and, even using our current poverty measure that is widely recognized to be inadequate and outdated, and using the American community survey five year data on housing costs from 2008, more than one in five American children are growing up poor in households that lack access to such basic survival needs as food, clothing, and shelter; and

**Whereas**, According to a recent report of the United States Census Bureau, “2010 American Community Survey”, more than one in five New York City residents live below the federal poverty line; and

**Whereas**, The United States Centers for Disease Control (CDC) released a “CDC Health Disparities & Inequalities Report United States, 2011” which reveals that income inequality in the United States is the highest among any advanced industrialized nation, with wide-spread inequities in health outcomes by income, race, and gender; and

**Whereas**, This unfortunate reality is also supported by the Central Intelligence Agency World Fact Book in its presentation of Gini coefficients, a measure of economic inequality, for 145 different countries; and

**Whereas**, Research conducted by the Institute for Policy Studies indicates that the top one percent of Americans own half of the country’s stocks, bonds and mutual funds; and

**Whereas**, According to the New York State Department of Labor, as of September 2011 the unemployment rate in New York City was 8.7 percent; and

**Whereas**, According to data released by the United Hospital Fund in 2008, nearly 1.5 million New York City children and adults are uninsured; and

**Whereas**, Measures should be undertaken within the Community Reinvestment Act that would at the very least address the key credit and financial services needs of small businesses in order to create much needed jobs and work with borrowers to restructure their delinquent or troubled home mortgage loans; and

**Whereas**, Americans must resolve the divisive economic and social realities facing our nation in a peaceful way to avoid the further deterioration of our greatest asset, our human capital; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the peaceful and vibrant exercise of First Amendment rights being carried out by “Occupy Wall Street” protesters and supports their goal of ending economic inequality in the United States.

Referred to the Committee on Civil Rights.

Int. No. 722

By Council Members Vacca, Fidler and Koo.

**A Local Law to amend the New York city charter, in relation to evaluating the fiscal impact of proposed rules.**

*Be it enacted by the Council as follows:*

Section 1. Section 1043 of chapter 45 of the New York city charter is amended by adding a new subdivision j to read as follows:

*j. Fiscal impact statements. 1. No proposed rule shall be included in the City Record for initial publication unless it is accompanied by a fiscal impact statement; except that such a fiscal impact statement shall not be required for a proposed rule if the anticipated fiscal impact of the proposed rule is provided in the fiscal impact*

statement prepared for the local law pursuant to which the agency is acting pursuant to section 33 of the charter.

2. Each fiscal impact statement prepared pursuant to this section shall indicate the fiscal year in which the proposed rule would first become effective and the first fiscal year in which the full fiscal impact of the proposed rule is expected to occur; and contain an estimate of the fiscal impact of the proposed rule on the revenues and expenditures of the city during the fiscal year in which the proposed rule is to first become effective, during the succeeding fiscal year, and during the first fiscal year in which the full fiscal impact of the proposed rule is expected to occur.

3. Each fiscal impact statement prepared pursuant to this section shall identify the sources of the information used in its preparation.

4. If the estimate or estimates contained in any fiscal impact statement prepared pursuant to this section are inaccurate, such inaccuracies shall not affect, impair, or invalidate the rule.

5. This subdivision shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this subdivision shall not result in the invalidation of any rule.

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

Referred to the Committee on Governmental Operations.

Int. No. 723

By Council Members Williams, Halloran, Mark-Viverito, Gentile and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to the hours of operation of certain parks.**

*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 new section 18-110.1 to read as follows:

§18-110.1 *Hours of operation of parks. Notwithstanding the provisions of any other law or rule to the contrary, persons may at all times enter and use any park within the jurisdiction of the commissioner that is located within a zoning district classified as a commercial or manufacturing district pursuant to the New York city zoning resolution or is bordered solely by such zoning districts.*

§2. This local law shall take effect on March 1, 2012, except that the commissioner of parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

L.U. No. 523

By Council Member Recchia:

**Ennis Francis Houses Phase II, Block 1929, Lots 17 and 29, Manhattan, Community District No. 10, Council District No. 9**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 524

By Council Member Recchia:

**Fairway Gardens, Block 2869, Lots 1, 23 and 165, Staten Island, Council District No. 49**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 525

By Council Member Recchia:

**Greene Avenue Senior Citizens, Block 1952, Lot 16, Brooklyn, Community District No. 2, Council District No. 35**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 526

By Council Member Recchia:

**Heyson Garden Apartments, Block 15627, Lot 21, Queens, Community District No. 14, Council District No. 31**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 527

By Council Member Recchia:

**Oceanview Apartments I, Block 15622, Lot 100, Queens, Community District No. 14, Council District No. 31**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 528

By Council Member Recchia:

**Oceanview Apartments II, Block 156929, Lot 62, Queens, Community District No. 14, Council District No. 31**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 529

By Council Member Comrie:

**Application no. 20125096 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 1 & 3 On 5<sup>th</sup> Corp. d.b.a Fabiane's Café & Pastry, to continue to maintain and operate an unenclosed sidewalk café located at 142 North 5<sup>th</sup> Street, Borough of Brooklyn, Council District no.34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 530

By Council Member Comrie:

**Application no. 20115397 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of IL Gallo Cedrone LTD d.b.a Atlas Café, to continue to maintain and operate an unenclosed sidewalk café located at 116 Havemeyer Street, Borough of Brooklyn, Council District no.34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 531

By Council Member Comrie:

**Application no. 20125072 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 60 Greenwich LLC d.b.a Gusto, to continue to maintain and operate an unenclosed sidewalk café located at 60 Greenwich Avenue, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 532

By Council Member Comrie:

**Application no. 20125093 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Lunella Ristorante Inc. d.b.a Lunella, to continue to maintain and operate an unenclosed sidewalk café located at 173 Mulberry Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 533

By Council Member Comrie:

**Application no. 20125095 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC d.b.a Nello's, to continue to maintain and operate an unenclosed sidewalk café located at 696 Madison Avenue, Borough of Manhattan, Council District no.4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 534

By Council Member Comrie:

**Application no. 20125121 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Grand Endeavors, Inc. d.b.a Clem's, to continue to maintain and operate an unenclosed sidewalk café located at 264 Grand Street, Borough of Brooklyn, Council District no.34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 535

By Council Member Comrie:

**Application no. 20125123 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 133 Mulberry Street Restaurant, LLC d.b.a Ristorante S.P.Q.R. , to continue to maintain and operate an unenclosed sidewalk café located at 133 Mulberry Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 536

By Council Member Comrie:

**Application no. 20125120 HKK (N 120069 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Borough Hall Skyscraper Historic District (List No.447, LP-2449), Council District no. 33, as an historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 537

By Council Member Comrie:

**Application no. 20125152 HKM (N 120080 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Madison-Belmont Building located at 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2425), Council District no.2, as an historic landmark .**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 538

By Council Member Comrie:

**Application no. 20125153 HKM (N 120081 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Madison-Belmont Building, First Floor Interior, located at 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2426), Council District no.2, as an historic landmark .**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 539

By Council Member Comrie:

**Application no. 20125038 SCR, a proposed site for a new, approximately 444 seat Primary School Facility, P.S. 62R to be located at Crabtree Avenue (Block 7092, Lots 39 and 75), Community School District No. 31, Borough of Staten Island, Council District 51. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 540

By Council Member Comrie:

**Application no. 20125186 HAR, a request of the New York City Department of Housing Preservation and Development for Council consent and approval, pursuant to Article 5 of the Private Housing Finance Law, for an exemption from real property taxes, a termination of the prior exemption and the voluntary dissolution of the current owner for property located at Block 44/Lot1, Block 45/Lot 1, Block 46/Lot 1, Block 47/Lot 62, Block 48/Lot 29, Block 49/Lot 1 and Block 52/Lot 133, Council District 49, Borough of Staten Island.**

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

L.U. No. 541

By Council Member Comrie:

**Application no. 20125187 HAR, a request of the New York City Department of Housing Preservation and Development for Council consent and approval, pursuant to Article 5 of the Private Housing Finance Law, for an exemption from real property taxes for property located at Block 2869/Lots 1, 23 and 65, Council District 49, Borough of Staten Island.**

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

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Wednesday, November 30, 2011**

**★ Deferred**

~~Committee on CONSUMER AFFAIRS.....10:00 A.M.  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson~~

**★ Topic Addition**

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** .....10:00 A.M.  
Int. 711 - By Council Member Van Bramer – A Local Law to amend the administrative code of the city of New York, in relation to requiring various agencies to distribute information on how to obtain a library card.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... James Van Bramer, Chairperson

**★ Topic and Committee Addition**

Committee on **WATERFRONTS** jointly with the  
**★Committee on LOWER MANHATTAN..... ★11:00 A.M.**  
**★Oversight - Update on Governors Island**  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Michael Nelson, Chairperson  
..... Margaret Chin, Chairperson

**★ Location Change**

Committee on **AGING** jointly with the  
Committee on **HOUSING AND BUILDINGS** .....10:00 A.M.  
Oversight – Examining How Existing and New Residential Housing Can Meet the Needs of Older New Yorkers.  
**★Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Jessica Lappin, Chairperson**  
.....Erik Dilan, Chairperson

**★ Deferred**

~~Committee on Parks and Recreation .....1:00 p.m.  
Agenda to announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor  
..... Melissa Mark Viverito, Chairperson~~

**★ Topic Addition**

Committee on **EDUCATION**.....1:00 P.M.  
Oversight - Department of Education’s School Suspension Data  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

**★ Topic Addition**

Committee on **SANITATION AND SOLID WASTE MANAGEMENT**  
Jointly with the **COMMITTEE ON PUBLIC SAFETY** ..... 1:00 P.M.  
Oversight -Winter Weather in NYC - Are We Prepared? Analyzing DSNY’s Annual Borough-Based Winter Storm Plans and OEM’s Citywide Snow Preparedness and Response Report  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Letitia James, Chairperson  
.....Peter Vallone, Chairperson

**★ Addition**

Committee on **WOMEN’S ISSUES** .....1:00 P.M.  
Tour: Rose M. Singer Center (at Riker’s Island)  
Location: 19-19 Hazen Street  
East Elmhurst, NY 11370  
Details Attached  
.....Julissa Ferreras, Chairperson

**★ Addition**

Committee on **HIGHER EDUCATION** jointly with the  
Committee on **CIVIL SERVICE AND LABOR** .....3:00 P.M.  
TOUR: CUNY MURPHY INSTITUTE  
Location: 25 West 43<sup>rd</sup> Street  
NY, NY  
Details Attached

..... Ydanis Rodriguez, Chairperson  
..... James Sanders, Chairperson

**Thursday, December 1, 2011**

Subcommittee on **ZONING & FRANCHISES** .....9:30 A.M.  
See Land Use Calendar Available Monday, November 28, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....11:00 A.M.  
See Land Use Calendar Available Monday, November 28, 2011  
Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

**★ Deferred**

~~Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....1:00 P.M.  
See Land Use Calendar Available Monday, November 28, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson~~

**Monday, December 5, 2011**

Committee on **VETERANS** jointly with the  
Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** .....10:00 A.M.  
Oversight - Improving Access to Mental Health Services for Veterans  
Res. 958 - By Council Members Lappin, Brewer, Chin, Dromm, Gentile, Koslowitz, Lander, Williams, Rodriguez, Koo and Ulrich - Resolution urging the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mathieu Eugene, Chairperson  
..... Oliver Koppell, Chairperson

Committee on **JUVENILE JUSTICE** jointly with the  
Committee on **WOMEN’S ISSUES** and the  
Committee on **YOUTH SERVICES**.....10:00 A.M.  
Oversight - Implementation of the Safe Harbor Act  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Sara Gonzalez, Chairperson  
.....Julissa Ferreras, Chairperson  
..... Lewis Fidler, Chairperson

Committee on **FINANCE**.....1:00 P.M.  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
..... Domenic Recchia, Chairperson

**Tuesday, December 6, 2011**

Committee on **TRANSPORTATION**.....10:00 A.M.  
Oversight - MTA Readiness for Winter 2011-2012.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....James Vacca, Chairperson

Committee on **LAND USE**.....10:00 A.M.  
All items reported out of the subcommittees  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

**Wednesday, December 7, 2011**

Committee on **SMALL BUSINESS** jointly with the  
Committee on **ECONOMIC DEVELOPMENT** .....1:00 P.M.  
Oversight - Industrial Business Zones and Retaining Small Manufacturing Businesses  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
.....Diana Reyna, Chairperson  
..... Karen Koslowitz, Chairperson



Committee on **CIVIL SERVICE AND LABOR**... ..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Sanders, Chairperson

**Thursday, December 8, 2011**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*  
*Location* .....~ *Council Chambers ~ City Hall*.....

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again at the newly renovated Council Chambers at City Hall for the Stated Meeting on Thursday, December 8, 2011.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

**Editor's Local Law Note:** *Int Nos. 412-A and 656-A, both adopted at the November 3, 2011 Stated Council Meeting, were signed by the Mayor into law on November 22, 2011, as, respectively, Local Law Nos. 61 and 62 of 2011.*







