

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, APRIL 14, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Wednesday, April 14, 2010, 1:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Arroyo, Foster, and White.

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

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

There were 48 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Rabbi Jonathan Glass, Civic Center Synagogue, 49 White Street, New York, New York 10013.

Men and women of the City Council.
This past Sunday,

the world observed Holocaust Memorial Day.
The Holocaust represents
the utter failure of human society,
but we recognize that leadership
of that time and place was key
in bringing on its full perfidy.
Conversely, however, leadership,
or specifically government,
can also be the bulwark against such oppression.
We look to the City Council
to be ever vigilant and a model in this effort.
As such, I invoke my blessing on today's meeting,
that it be part of the example it must show
of the values necessary
for a just and moral community.
Amen.

Council Member Chin moved that the Invocation be spread in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the lives lost in the April 10, 2010 plane crash in Smolensk, Russia which tragically took the lives of the President of Poland, Lech Kaczynski, his wife, Maria, and ninety four other individuals including many of Poland's top military, political, and financial leaders. President Kaczynski was en route to a memorial ceremony to commemorate the 70th anniversary of the Soviet massacre of 20,000 of Poland's elite officers in 1940. The Speaker (Council Member Quinn) yielded the floor to Council Member Levin whose district includes Greenpoint's "Little Poland". Council Member Levin spoke of the tragedy and expressed solidarity with the Polish people.

ADOPTION OF MINUTES

Council Member Gerson moved that the Minutes of the Stated Meetings of February 3, 2010 and February 11, 2010, be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-83

Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various units of appropriation within the Department of Education's expense budget in fiscal year 2010 (MN -3).

April 5, 2010

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various units of appropriation within the Department of Education's expense budget in fiscal year 2010.

This modification (MN-3) will implement a realignment of appropriations within the Department of Education to reflect spending as projected in the Department's Financial Status Report (FSR) for February. These changes were also reflected in the City's January Financial Plan modification.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2010 Budget Modification

-MN 3-

From

040	Department of Education	
	403 SE Instr. & School Leadership	-380,000,000
		-380,000,000

Fiscal Year 2010 Budget Modification

-MN 3-

To

040	Department of Education	
	401 GE Instr. & School Leadership	320,000,000
	402 GE Instr. & School Leadership	60,000,000
		380,000,000
		0

Appendix A

From

040	Department of Education	
	403 SE Instr. & School Leadership	
	Realignment - Schools	-380,000,000
	Unit of Appropriation Total	-380,000,000
		-380,000,000

Appendix A

To

040	Department of Education		
401	GE Instr. & School Leadership		
	Realignment - Schools	320,000,000	
	Unit of Appropriation Total	320,000,000	
402	GE Instr. & School Leadership		
	Realignment - Schools	60,000,000	
	Unit of Appropriation Total	60,000,000	
		380,000,000	
			0

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Referred to the Committee on Finance.

M-84

Communication from the Board of Elections - Submitting the Certification of Election of David G. Greenfield as the new Council Member of the 44th Councilmanic District, Kings County.

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

Received, Ordered, Printed & Filed.

M 85

Communication from the Office of the City Clerk – Submitting the Certificate of the swearing in of David G. Greenfield, as the new Council Member of the 44th Council District, Kings County.

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

Received, Ordered, Printed & Filed.

At this point, the City Clerk and Clerk of the Council (Mr. McSweeney) performed the ceremonial swearing-in of David Greenfield who took his Oath of Office as the Council representative for the people of the 44th Council District in Brooklyn (Editor's Note: Council Member Greenfield was formally sworn in by the City Clerk and Clerk of the Council on Wednesday, April 7, 2010).

LAND USE CALL UPS

M-86

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 523 9th Avenue, Community Board 4, Application 20105340 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-87

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 356 West 44th Street, Community Board 4, Application 20105301 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

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

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 24-A

Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education.

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 231), respectfully

REPORTS:

BACKGROUND AND ANALYSIS

On April 13, 2010, the Committee on Civil Service and Labor, chaired by Council Member James Sanders Jr., will hold a second hearing and vote on Proposed Int. No. 24-A, a local law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education. This bill captures an agreement that was negotiated between the current Administration and the United Federation of Teachers and both parties support its passage.

The first hearing on Proposed Intro 24-A was held by the Committee on April 7, 2010. Richard Yates, Deputy Commissioner, Office of Labor Relations, testified for the Mayoral Administration in favor of the bill. The United Federation of Teachers submitted written testimony in support of its passage.

Section 12-126 of the Administrative Code of the City of New York (the "Administrative Code") provides a definition of "city retiree" for certain health insurance coverage purposes and, among other provisions, states the requirements for credited service for vested retirement and service retirement. Currently, health insurance benefits vest for most City employees after either 5 or 10 years of credited service, depending on their first date of service. Proposed Intro. No. 24-A amends this requirement from 10 years to 15 years for certain retirees who were represented by the recognized teacher organization for collective bargaining purposes on their last day of paid service.

Bill section one would amend section 12-126 of the Administrative Code by amending paragraph (ii) of subdivision (a) of such section. New clause (C) of subparagraph (3) of such paragraph would provide that the requirement of credited service for vested retirement and service retirement shall be at least 15 years for an individual who was not a City or Board of Education, a/k/a Department of Education, employee on or before the effective date of this local law, who is receiving a retirement allowance from the New York City Teacher's Retirement System or the New York City Board of Education Retirement System and who held a position represented by the recognized teachers organization on the on the retiree's last date of paid service.

Section two of Proposed Int. No. 24-A would provide that this local law would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 24-A:)

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: Office of Labor Relations
United Federation of Teachers

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst

HISTORY: This is a new bill. It will be considered by Committee as Proposed Int. 24-A on April 13, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 24-A:)

Int. No. 24-A

By Council Members Sanders, James, Seabrook and Ulrich (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education.

Be it enacted by the Council as follows:

Section 1. Paragraph ii of subdivision a of section 12-126 of the administrative code of the city of New York, as amended by local law number 76 for the year 2001, is amended to read as follows:

ii. "City retiree." A person who: (1) is receiving a retirement allowance, pension or other retirement benefit from a retirement or pension system either maintained by the city or to which the city has made contributions on behalf of such person pursuant to subdivision (g) of section 80-a of the retirement and social security law; and (2) immediately prior to such person's retirement as a member of such system,

was a city employee, or was an employee of the board of education employed under terms prescribing a work week regularly consisting of twenty or more hours during the fiscal year; and (3) had at the time of retirement, at least five years of credited service as a member of such retirement or pension system, except that (A) such requirement of credited service shall not apply in cases of retirement for accident disability, [and] (B) the requirement of credited service for vested retirement and service retirement shall be at least ten years for a person who was not an employee of the city or the board of education on or before the effective date of the local law that added this clause, and (C) notwithstanding the provisions of clause (B) of this subparagraph, the requirement of credited service for vested retirement and service retirement shall be at least fifteen years for a person who was not an employee of the city or the board of education on or before the effective date of the local law that added this clause, is receiving a retirement allowance from the New York city teachers' retirement system or the New York city board of education retirement system, and held a position represented by the recognized teacher organization for collective bargaining purposes on such person's last day of paid service.

§ 2. This local law shall take effect immediately.

JAMES SANDERS JR., Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, MELISSA MARK-VIVERITO, ERIC A. ULRICH, Committee on Civil Service and Labor, April 13, 2010.

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

Report of the Committee on Consumer Affairs

Report for Int. No. 35-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs and repealing section 17-333 of the administrative code.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 309), respectfully

REPORTS:

I. INTRODUCTION

On April 12, 2010, the Committee on Consumer Affairs, chaired by Council Member Karen Koslowitz, will vote on Proposed Introductory Bill No. 35-A ("Intro. 35-A"), a Local Law to amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs and repealing section 17-333 of the administrative code. The committee previously held a hearing on this legislation on March 12, 2010. Those who testified at this hearing included the New York City Department of Consumer Affairs (DCA), the New York City Department of Health and Mental Hygiene (DOHMH), representatives from the horse carriage industry, animal rights advocates and other interested parties.

II. BACKGROUND

To some, horse-drawn carriages are as iconic a part of New York City as the yellow taxi or the hot dog cart. Indeed, it would be difficult to walk through Central Park or certain parts of Midtown Manhattan and not run into this four-legged tourist attraction. According to a 2006 audit conducted by the Office of the New York City Comptroller there are approximately 221 licensed horses, 293 licensed drivers and 68 licensed carriages operating in New York City.¹

The horse carriage industry is regulated by DCA, which licenses the carriages and the drivers,² and DOHMH, which licenses all rental horse businesses and regulates horse health, working and living conditions.³ Licenses for the horse, the carriage and the driver are renewed on a regular basis, pending the approval of the appropriate department.⁴ The Departments mandate the times and locations carriage horses may work,⁵ oversee inspections of horses, drivers, carriages and stables, limit the total number of hours any horse may work per day, and identify environmental conditions which might preclude a horse from working.⁶ Both DCA and DOHMH may impose civil penalties on those who violate the code and/or suspend their licenses.⁷

for the Lower Ma_____

¹ Office of the New York City Comptroller, "Audit Report on the Licensing and Oversight of the Carriage-Horse Industry by the Departments of Health and Mental Hygiene and Consumer Affairs," June 27, 2007, at 4.

² NYC Admin Code §20-373, §20-381

³ NYC Admin Code §17-327, §17-330

⁴ *Id.*

⁵ NYC Admin Code §20-381.1

⁶ NYC Admin Code §17-330

⁷ NYC Admin Code §17-332, 20-383

In the late 1980s, the Council passed Local Law 89 of 1989 (“Local Law 89”), which first set regulations concerning the hours and locations permitted for horse-drawn carriage rides, the permissible temperatures in which a horse could work, the rate operators could charge passengers, and other industry standards regarding insurance, training and licensing.⁸ After Local Law 89 expired on December 31, 1993, the Council revisited its regulation of the horse-drawn carriage industry. On February 28, 1994, the Council passed Local Law 2 of 1994.⁹ The new law loosened the location restrictions and hours of operation for horse-drawn carriages, while also increasing penalties for abusing horses.¹⁰

In 2006, the New York City Office of the Comptroller conducted an audit of the industry and found that, in general, carriage drivers, horses, cabs, and stables comply with all applicable City regulations. However, the report did find the Departments’ oversight lacking in some areas and made several recommendations to improve the industry, including convening the Advisory committee required by the Administrative Code to promulgate more specific regulations pertaining to horse health and safety; specifying the frequency with which stables and horses should be evaluated; codifying monitoring roles of any outside organization, such as the ASPCA; and more closely monitoring the renewal process of licenses.¹¹ Several months after the report’s release, in early 2008, the Rental Horse Licensing and Protection Advisory Board met to discuss the report’s finding and submit recommendations of its own to DOHMH.¹² The board finalized its recommendations in January 2009 and delivered them to DOHMH the following month.

PROPOSED LEGISLATION

Proposed Intro. 35-A

Proposed Intro. 35-A would amend several sections of the Administrative code pertaining to rental horses and the horse carriage industry. It would require that tethered horses be secured by rope attached to the halter as opposed to the bit or bridle. It would further require that horse bridles and halters be used on horse when operating a carriage. As an alternative to holding a horse in hand, the bill provides that horses may also be tethered.

To provide adequate comfort for carriage horses, standing stalls would be a minimum of sixty square feet, with a minimum width of seven feet. Based on testimony received at the first hearing, this provision would only apply to carriage horses, which tend to be larger than and have different daily routines and activities from riding horses. The area of the stall would be such that a carriage horse could turn around and safely lay down in the stall. The legislation would mandate that all horses be untied while in the stable. A halter would either be on the horse or be hung outside the stall.

Carriage horses would be required to receive at least five weeks of vacation or furlough at a horse stable facility equipped with a paddock or pasture turnout. Operators of carriage horses would be required to furnish proof of this benefit if requested by the department of health or the ASPCA.

In addition to maintaining records prescribed by the commissioner of health that would include a record of the horse’s daily movements, including, if applicable, the driver’s name and identification number, the rider’s name, the horse’s identification number, the vehicle license plate number and the time the horse left and returned to the stable, the owner of a horse rental business would also maintain written protocols for emergencies, including the primary and secondary emergency contact information for each horse owner and, if applicable, insurance company information. These records would all be kept on the premises of the stable and available for inspection by the commissioner.

To ensure proper health standards, veterinary examinations of licensed rental horses would increase from no more than once a year to no less than twice a year. Exams would be required prior to the horse’s license renewal and four to eight months following the renewal. Additionally, vets would be required to certify that the horse is current on a variety of vaccinations, including rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus. A health certificate signed by the veterinarian would be kept at the stable and posted on the outside of the horse’s individual stall.

To keep roads clear of horse excrement, all carriages would be required to include a manure-catching device, which at no time would be attached to the horse.

Only carriage horses between the ages of five and twenty-six years would be eligible to be licensed by DOH and owners would need signed proof of the horse’s age issued by a veterinarian, national registry, or another industry-approved entity.

Between November and April, every carriage would be equipped with a heavy winter horse blanket large enough to cover the horse from the crest of its neck to the top of its rump during cold weather. In the event of wet weather when the temperature is below 55 degrees, a waterproof horse blanket of a lighter material would be provided to cover the horse from the withers to the tail.

The amended version of the bill includes a requirement that all new applicants seeking to enter the DOH training program for horse drawn cab drivers hold a current and valid driver’s license, in order to ensure drivers are familiar with the

for the Lower Ma_____

⁸ Briefing paper on Proposed Int. No. 28-A

⁹ Hicks, J.P., “Council Vote Delays A Public Toilet Contract,” *N.Y. Times*, March 1, 1994, at B3.

¹⁰ McKinley Jr., J.C., “Council Committee Approves Bill to Ease Rules for Horse-Drawn Carriages,” *N.Y. Times*, February 8, 1994, at B3.

¹¹ Office of the Comptroller, Audit Report.

¹² *Minutes of the Rental Horse Licensing and Protection Advisory Board*, January 31, 2008. On file with Counsel for Committee.

rules of the road. This provision would not be applicable to those that currently hold horse drawn cab drivers licenses.

Rates for horse-drawn carriages would be increased from thirty-four to fifty dollars for the first twenty minutes and from ten to twenty dollars for each additional ten minute interval thereafter. These rates would be adjusted for inflation every three years based on the Consumer Price Index.

Any first time horse carriage driver license applicant would be issued a probationary license by DCA, which would be valid for six months and permit the holder to ride alongside a licensed driver at any time. Until he or she has accrued eighty hours operating a horse drawn cab, the holder would be limited to driving a carriage at staging areas immediately adjacent to Central Park or on roads wholly within a New York City park. After accruing eighty hours of driving time, the probationary license holder could also drive the carriage to and from a stable. The driver would be issued a horse drawn cab driver’s license at the end of this probationary period provided he or she did not violate any provisions regulating rental horses or horse drawn carriages during that time.

To create the safest environment possible, the commissioner of DCA would promulgate rules requiring that horse-drawn cabs would be equipped with sufficient lighting and reflective materials to be used at night or during periods of low visibility. Furthermore, each cab would also be equipped with an emergency break system that would be unaffected by rain or wet street conditions.

Restrictions on the operating hours of horse-drawn carriages would be expanded to prohibit the operation of horse-drawn carriages on any street in New York between 3:00 a.m. and 7:00 a.m., seven days a week.

Horse-drawn cabs would also be prohibited from driving or operating on or in any bridge or tunnel with New York City, or on any street below 34th Street in Manhattan.

(The following is from the text of the Fiscal Impact Statement for Int. No. 35-A:)

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: Introduced as Int. 35 by Council and referred to the Committee on Consumer Affairs on February 11, 2010. On March 12, 2010, the Committee held a hearing on Proposed Int. 35 and it was laid over. An amendment has been proposed, and the bill will be considered by Committee as Proposed Int. 35-A on April 12, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 35-A:)

Int. No. 35-A

By Council Members Gennaro, Crowley, Koslowitz, James, Koppell, White, Reyna, Comrie, Sanders and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs and repealing section 17-333 of the administrative code.

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c, g, l, n and p of section 17-330 of the administrative code of the city of New York are amended and two new subdivisions q and r are added to read as follows:

b. 1. Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. *When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.*

2. *Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.*

c. [Standing stalls in stables shall be of a size specified by regulation of the commissioner.] *Standing stalls for carriage horses shall be sixty square feet or larger, with a minimum width of seven feet, and shall be configured to permit a carriage horse to turn around and safely lay down within the stall. Horses shall be un-tied when stabled. A halter shall be on the horse or hung outside each stall at all times.*

g. 1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period. Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for carriage horses and riding horses shall be of such duration and at such intervals as the commissioner shall prescribe, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. *Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA.*

1. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number, if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. *An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable.* Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business, *at time of each license renewal, and thereafter at intervals of not [more than once year] less than four months and not greater than eight months.* The 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 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 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.* [A copy] *An original of said certificate shall be mailed by the examining veterinarian to the department [of health and mental hygiene].*

p. [In the event that any regulation requiring horse drawn carriages to be equipped] *Every carriage horse required to be licensed hereunder shall be equipped with a manure catching device. [is adopted by any city agency or agencies, such] Such devices shall be affixed or attached to the carriage and shall at no time be affixed or attached to the horse.*

q. *Carriage horses shall not be younger than five years at the time placed into service in any rental horse business and licensed. No carriage horse older than 26 years of age shall be licensed to work in a rental horse business. Acceptable proof of age shall include a signed letter from a licensed veterinarian stating the horse's age, a certificate from an officially recognized national registry of horses stating the horse's age, or another industry approved method of certifying age.*

r. *Owners shall insure that during the months of November through April every carriage is equipped with a heavy winter horse blanket large enough to cover the horse from crest of neck to top of rump. Such blankets shall be used to cover carriage horses in cold weather. Waterproof horse blankets of a lighter material shall be provided at all times to cover the horse from withers to tail during periods of wet weather when the air temperature is 55 degrees or below.*

§2. Section 17-333 of the code is REPEALED.

§3. Section 17-334.1 of the code is amended by adding a new subsection d to read as follows:

d. *The training program shall be available only to persons holding a currently valid driver's license.*

§4. Section 20-380 of the code is amended to read as follows:

§20-380. Rates of horse drawn cabs. The amount to be charged and collected for the use of a horse drawn cab by one or more passengers shall be the total of the following items: [thirty-four] *fifty* dollars for the first [half-hour] *twenty minutes* or fraction thereof[, the fraction of the half-hour shall be at the passenger's option,] and [ten] *twenty* dollars for each additional [fifteen] *ten* minutes thereafter. *Such rates shall be indexed for inflation based on the Consumer Price Index every three years.*

§5. Section 20-381 of the code is amended by adding a new subsection f to read as follows:

f. *An applicant who has not previously held a license under this section shall be issued a probationary license upon approval of his or her application. A holder of a probationary license may ride alongside a licensed driver at any time. A probationary license shall be valid from the date of issuance until six months after the date of issuance and may be revoked for any violation of the rules and regulations pertaining to rental horses and horse drawn cabs. Until he or she accrues eighty hours time spent operating a horse drawn cab, a holder of a probationary license shall only be permitted to operate a horse drawn cab at staging areas immediately adjacent to Central Park and on roadways or paths wholly within a New York City park. Following the accrual of eighty hours of time spent operating a horse drawn cab, a holder of a probationary license shall be permitted to operate a horse drawn cab to or from a stable at any time. For the purposes of this subsection a person shall be considered to be operating a horse drawn cab if he or she is holding the reins of a horse attached to a horse drawn cab and directing such horse's movements while the cab is in motion. At the conclusion of six months, if the probationary licensee has accrued no violations under subchapter 3 of title 17 or this subchapter, the licensee shall be issued a horse drawn cab driver's license under the terms of this subchapter.*

§6. Subsections a and b of section 20-381.1 of the code are amended to read as follows:

a. 1. It shall be unlawful for a driver of a horse drawn cab to operate such cab at any time when and where such operation is prohibited.

2. *In addition to the time restrictions on the operation of horse drawn cabs as set forth in this section, no horse drawn cab may operate on any street in New York between the hours of 3:00 a.m. and 7:00 a.m., seven days a week.*

b. (1) Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the hours of 7:00 a.m. and 10:00 a.m. on Monday through Friday. Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the hours of 10:00 a.m. and 9:00 p.m. on Monday through Friday except for that area inside or immediately adjacent to Central Park.

(2) Between the hours of 9:00 p.m. and 11:30 p.m. on Monday through Friday, between the hours of 12:30 p.m. and 11:30 p.m. on Saturday, and between the hours of 1:30 p.m. and 7:00 p.m. on Sunday, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Seventh Avenue, on the south by West Forty-second Street and on the west by Ninth Avenue; and on the north by West Sixty-fifth Street, on the east by Columbus Avenue, on the south by West Fifty-seventh Street and on the west by Amsterdam Avenue.

(3) On Saturday between the hours of 10:00 a.m. and 8:00 p.m. throughout the year and on Sunday between the hours of 10:00 a.m. and 7:00 p.m. during the period commencing with the Sunday preceding Thanksgiving until the sixth day of January immediately thereafter, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the area bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Fifth Avenue, on the south by West Forty-second Street and on the west by Avenue of the Americas.

(4) On New Year's Day, Thanksgiving Day and Christmas Day, the restrictions set forth in paragraphs one, two and three of this subdivision shall not apply. On the aforementioned days between the hours of 10:00 a.m. and 11:30 p.m., horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Seventh Avenue, on the south by West Forty-second Street and on the west by Ninth Avenue; and on the north by West Sixty-fifth Street, on the east by Columbus Avenue, on the south by West Fifty-seventh Street and on the west by Amsterdam Avenue.

(5) At no time shall any horse drawn cab be driven or operated on or in any bridge or tunnel within the city of New York.

(6) *At no time shall any horse drawn cab be driven or operated on any street below 34th Street in the borough of Manhattan.*

§7. Subchapter 21 of Title 20 of the code is amended by adding a new section 20-381.2 to read as follows:

§ 20-381.2 *Lighting and safety equipment for horse drawn cabs. a. The commissioner shall promulgate rules requiring that sufficient lighting and reflective materials be provided on horse drawn cabs including sufficient lighting on the rear axle of all horse drawn cabs at the location where licenses are affixed. Such rules shall be enforced in the same manner as the enforcement of rules promulgated pursuant to section 20-384 of the code.*

b. *Every horse drawn cab licensed pursuant to this subchapter of the code must be equipped with an emergency brake system, unaffected by rain or wet street conditions.*

§8. This local law shall take effect immediately, except that section 17-330 (c) shall take effect one hundred eighty days after the local law that added this section became effective and except that the commissioners of the department of health and/or consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

KAREN KOSLOWITZ, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE JR., JAMES F. GENNARO, G. OLIVER KOPPELL, JULISSA FERRERAS, Committee on Consumer Affairs, April 12, 2010.

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

Reports of the Committee on Finance

Report for Int. No. 128

Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand eleven.

The Committee on Finance, to which the annexed proposed local law was referred on March 25 (Minutes, page 1030), respectfully

REPORTS:

ANALYSIS:

Int. 128 would extend the dates for various actions relating to the budget process for Fiscal 2011, including the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Council must conclude its hearings on the executive budget, the date by which the Mayor must submit its revenue estimate, the date for budget adoption, as well as other dates for related actions in the budget process.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions relating to certain steps of the budget adoption process would be extended, 10 days on average, as follows:

	<u>Charter Date</u>	<u>Extended Date For FY 2011</u>
Mayor's submission of proposed executive budget and budget message	not later than April 26	not later than May 6
Borough Presidents' recommendations in response to Mayor's executive budget	not later than May 6	not later than May 14
Report of the Independent Budget Office on the Mayor's executive budget	not later than May 15	not later than May 24
City Council's public hearings on the Mayor's executive budget	shall conclude by May 25	shall conclude by June 10
Date by which if new expense budget is not adopted, the current expense budget and tax rate is deemed extended until such adoption	by June 5	by June 18
Date by which if new capital budget and program are not adopted, unutilized portion of capital appropriations are deemed reappropriated	by June 5	by June 18
Mayor's submission of revenue estimate	not later than June 5	not later than June 18

Submission of alternative estimate of revenues	prior to May 15	prior to May 24
Date subsequent to which if Council has not fixed tax rates, DOF may complete rolls and collect property tax at estimated rates	June 5	June 18

The Charter also contains provisions relating to actions which the Department of Finance (DOF) may take to complete the assessment rolls and bills for the property taxes if the ensuing fiscal year's property tax rates are not fixed by June 5th (§1515 of the Charter requires the Council to fix the property tax rates for the ensuing fiscal year immediately upon budget adoption). The proposed legislation extends the date for DOF to complete the assessment rolls to June 18th, and specifically states that DOF will still be authorized to complete the assessment rolls using estimated rates (*i.e.* the tax rates for the current fiscal year), and to bill for those amounts, if the Council has not fixed new property tax rates by the extended date of June 18th.

Further, this legislation provides that if the Council changes the property tax rates from those in place during the current fiscal year at some point after June 18, 2010, real estate taxes shall be payable at the estimated rates sent out by the DOF (if DOF exercises its authority to use estimated rates) and DOF shall, in those circumstances comply with Charter §1516-a which requires that it revise the assessment rolls prior to January 1st and send out amended bills reflecting the changed property tax rates.

The legislation leaves intact the five days which the Mayor has to veto any increases or additions to the budget or any unit of appropriation or any change in any term and condition as adopted by the Council, as well as the ten day period which the Council has under law to override any such veto.

This legislation would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 128:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: 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

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel
City Council Finance Division

HISTORY: To be considered by Committee on April 14, 2010

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 128:)

Int. No. 128
By Council Members Recchia and Comrie (by request of the Mayor).

A Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by

which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand eleven.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2010 and in relation to the 2011 fiscal year:

1. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 6, 2010.

2. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 14, 2010.

3. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 24, 2010.

4. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described which shall conclude by June 10, 2010.

5. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 18, 2010 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

6. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 18, 2010 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

7. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 18, 2010.

8. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 24, 2010.

9. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 18, 2010, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

10. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 18, 2010, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, April 14, 2010.

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

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

Report for M-83

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various units of appropriation within the Department of Education's expense budget in fiscal year 2010. (MN -3)

The Committee on Finance, to which the annexed communication was referred on April 14, 2010, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on April 14, 2010, the Committee on Finance received a communication, dated April 5, 2010, from the Office of Management and Budget of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation within the budget of the Department of Education ("DOE") in the Fiscal 2010 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 (the "Fiscal 2010 Expense Budget"). This Modification represents the approval to transfer funds totaling \$380,000,000, between various units of appropriation within the budget of the Department of Education (DOE) in Fiscal Year 2010 to reflect actual DOE spending. The net effect of this Modification is zero.

Funding in the amount of \$380,000,000 will be transferred from DOE's Special Education Instruction and School Leadership PS unit of appropriation to DOE's PS and OTPS General Education Instruction and School Leadership unit of appropriations. Specifically, \$320,000,000 will be transferred to the General Education Instruction and School Leadership unit of appropriation for personal services, and \$60,000,000 will be transferred to the General Education Instruction and School Leadership unit of appropriation for other than personal services

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

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

Accordingly, this Committee recommends its adoption.

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

TO: Honorable Christine Quinn

Speaker

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

FROM: Preston Niblack
Director, Finance Division

DATE: April 14, 2010

SUBJECT: A budget modification (MN-3) for Fiscal Year 2010 to realign appropriations within the budget of the Department of Education.

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various units of appropriation within the Department of Education's expense budget in fiscal year 2010.

This modification (MN-3) will implement a realignment of appropriations within the Department of Education to reflect spending as projected in the Department's Financial Status Report (FSR) for February. These changes were also reflected in the City's January Financial Plan modification.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

INITIATION: By letter dated April 5, 2010, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds totaling \$380,000,000, between various units of appropriation within the budget of the Department of Education ("DOE") in Fiscal Year 2010.

BACKGROUND: MN-3 represents the realignment of appropriations within the budget of DOE to reflect actual DOE spending.

FISCAL IMPACT: The net effect of this modification is zero.

Fiscal Year 2010 Budget Modification

-MN 3-

From

040	Department of Education	
	403 SE Instr. & School Leadership	-380,000,000
		-380,000,000

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

Res. No. 170

Resolution approving the modification (MN-3) of units of appropriation within the budget of the department of education proposed by the Mayor pursuant to Section 107(b) of the Charter of the City of New York

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on April 14, 2010, the Committee on Finance received a communication, dated April 5, 2010 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$380,000,000 between various units of appropriation within the budget of the Department of Education in the Fiscal Year 2010 expense budget as adopted by the Council on June 19, 2009, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

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

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

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

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

ATTACHMENT:

April 5, 2010

TO THE CITY COUNCIL

Dear Council Members:

Fiscal Year 2010 Budget Modification

-MN 3-

To

040 Department of Education		
401 GE Instr. & School Leadership	320,000,000	
402 GE Instr. & School Leadership	60,000,000	
	380,000,000	
		0

Appendix A

From

040 Department of Education		
403 SE Instr. & School Leadership		
Realignment - Schools		-380,000,000
Unit of Appropriation Total	-380,000,000	
		-380,000,000

Appendix A

To

040 Department of Education		
401 GE Instr. & School Leadership		
Realignment - Schools		320,000,000
Unit of Appropriation Total	320,000,000	
402 GE Instr. & School Leadership		
Realignment - Schools		60,000,000
Unit of Appropriation Total	60,000,000	
	380,000,000	
		0

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, April 14, 2010.

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

Reports of the Committee on Land Use

Report for L.U. No. 40

Report of the Committee on Land Use in favor of approving Application no. 20105364 HAK, an Urban Development Action Area Project located at 917 Gates Avenue, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 3, 2010 (Minutes, page 743), 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>
917 Gates Avenue	1632/66	20105364	40	Asset Control Area
Brooklyn		HAK		

INTENT

HPD requests that the Council:

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

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: April 7, 2010

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

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

Res. No. 171

Resolution approving an Urban Development Action Area Project located at 917 Gates Avenue (Block 1632/Lot 66), 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. 40; 20105364 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 2, 2010 its request dated January 11, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 917 Gates Avenue (Block 1632/Lot 66), Community District 3, 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 April 7, 2010;

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

RESOLVED:

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

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

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

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

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

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

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

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

ATTACHMENT:

20105364 HAK
Page 1 of 1
L.U. No. 40

PROJECT SUMMARY

1. PROGRAM: ACA PROGRAM
2. PROJECT: Site 4
3. LOCATION:
 - a. BOROUGH: Brooklyn
 - b. COMMUNITY DISTRICT: 3
 - c. COUNCIL DISTRICT: 41
 - d. DISPOSITION AREA:

BLOCK	LOT	ADDRESS
1632	66	917 Gates Avenue
4. BASIS OF DISPOSITION PRICE: Not Applicable
5. TYPE OF PROJECT: Moderate to Substantial Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS: 1
7. APPROXIMATE NUMBER OF UNITS: 3
8. HOUSING TYPE: 1-4 Family Homes.
9. ESTIMATE OF INITIAL PRICE: Affordable to individuals and families whose income does not exceed 115% of the area median income (AMI) for New York City (\$88,335). Purchasers must also repay any HUD and/or HPD subsidy attributable to their homes by delivering cash and/or notes and appropriate security instruments to HUD, and/or HPD. A portion of the HPD subsidy may be forgiven or unsecured based on the home's post-rehabilitation appraised value.
10. INCOME TARGETS: Up to 115% of AMI
11. PROPOSED FACILITIES: None
12. PROPOSED CODES/ORDINANCES: None
13. ENVIRONMENTAL STATUS: Type II
14. PROPOSED TIME SCHEDULE: Approximately 18 months from closing to completion of construction

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 50

Report of the Committee on Land Use in favor of approving Application no. 20105189 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Basket Inc. d/b/a Le Basket, to establish maintain and operate an unenclosed sidewalk café located at 683 Broadway, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1039), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105189 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Le Basket Inc., d/b/a Le Basket, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 683 Broadway, Borough of Manhattan.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 8, 2010

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

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

Res. No. 172

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 683 Broadway, Borough of Manhattan (20105189 TCM; L.U. No. 50).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 5, 2010 its approval dated March 5, 2010 of the petition of Le Basket Inc., d/b/a Le Basket, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 683 Broadway, 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 of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 7, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 51

Report of the Committee on Land Use in favor of approving Application no. C 080339 ZMK submitted by Rose Plaza on River LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 12d, changing from an M3-1 District to an R7-3 District and establishing within the proposed R7-3 District a C2-4 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1040), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 1****C 080339 ZMK**

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

INTENT

To facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1 and p/o 150), in R7-3 and R7-3/C2-4 Districts.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** April 14, 2010

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

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

Res. No. 173

Resolution approving the decision of the City Planning Commission on ULURP No. C 080339 ZMK, a Zoning Map amendment (L.U. No. 51).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2010 its decision dated March 8, 2010 (the "Decision"), on the application submitted by Rose Plaza on the River, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone Block 2134, Lots 1, 150 and a portion of Lot 126 from an M3-1 district to an R7-3 district with a C2-4 overlay along Kent and Division Avenues in the Williamsburg area of Brooklyn, Community District 1 (ULURP No. C 080339 ZMK) (the "Application");

WHEREAS, the Application is related to Application Numbers C 080340 ZSK (L.U. No. 52), a special permit pursuant to Section 62-73 6 for bulk modifications on a waterfront block; and N 100056 ZRK (L.U. No. 53), a zoning text amendment to Appendix F to apply the inclusionary housing program to the proposed R7-3 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on March 8, 2010 (CEQR No. 08DCP056K);

RESOLVED:

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

The Conditional Negative Declaration included several restrictive declarations to avoid any potential impacts associated with historic resources, hazardous materials, traffic, air quality and noise. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as specified pursuant to the instructions set forth in CPC Report C 080340 ZSK.

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 080339 ZMK, incorporated by reference herein, the Council approves the Decision.

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

1. changing from an M3-1 District to an R7-3 District property bounded by a line 850 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, Division Avenue, a U.S. Pierhead and Bulkhead Line, and a U.S. Pierhead Line; and
2. establishing within the proposed R7-3 District a C2-4 District bounded by a line 850 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, Division Avenue, a U.S. Pierhead and Bulkhead Line, a line 100 feet northeasterly of Division Avenue, and a line 100 feet westerly of Kent Avenue;

as shown on a diagram (for illustrative purposes only), dated November 2, 2009, Community District 1, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 52

Report of the Committee on Land Use in favor of approving Application no. C 080340 ZSK submitted by Rose Plaza on the River LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 62-736 of the Zoning Resolution to modify the requirements of former Section 62-34 to facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1040), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 1****C 080340 ZSK**

City Planning Commission decision approving an application submitted by Rose Plaza on the River LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution to modify the requirements of former Section 62-34 (Height and Setback Regulations on Waterfront Blocks) to facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1, and p/o 150), in R7-3 and R7-3/C2-4 Districts.

INTENT

To facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1 and p/o 150), in R7-3 and R7-3/C2-4 Districts.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 14, 2010

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

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

Res. No. 174

Resolution approving the decision of the City Planning Commission on ULURP No. C 080340 ZSK (L.U. No. 52), for the grant of a special permit pursuant to Section 62- 736 of the Zoning Resolution of the City of New York to modify the requirements of former Section 62-34 (Height and Setback Regulations on Waterfront Blocks) to facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1 and p/o 150), in R7-3 and R7-3/C2-4 districts, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2010 its decision dated March 8, 2010 (the "Decision"), on the application submitted by Rose Plaza on the River, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution of the City of New York to modify the requirements of former Section 62-34 (Height and Setback Regulations on Waterfront Blocks) to facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1 and p/o 150), in R7-3 and R7-3/C2-4 districts, (ULURP No. C 080340 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application Numbers C 080339 ZMK (L.U. No. 51), a zoning map amendment to change an M3-1 district to an R7-3 district with a C2-4 overlay; and N 100056 ZRK (L.U. No. 53), a zoning text amendment to Appendix F to apply the inclusionary housing program to the proposed R7-3 district;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-736 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 April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on March 8, 2010 (CEQR No. 08DCP056K);

RESOLVED:

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

The Conditional Negative Declaration included several restrictive declarations to avoid any potential impacts associated with historic resources, hazardous materials, traffic, air quality and noise. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified pursuant to the instructions set forth in CPC Report C 080340 ZSK.

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 080340 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 53

Report of the Committee on Land Use in favor of approving Application no. N 100056 ZRK submitted by Rose Plaza on the River LLC 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 Appendix F, relating to the extension of the Inclusionary Housing Program to proposed R7-3 districts, Borough of Brooklyn, Community District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1040), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

N 100056 ZRK

City Planning Commission decision approving an application submitted by Rose Plaza on the River LLC, 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 Appendix F (INCLUSIONARY HOUSING DESIGNATED AREAS), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7-3 districts.

INTENT

To facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue (Block 2134, Lots 1 and p/o 150), in R7-3 and R7-3/C2-4 Districts.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 14, 2010

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

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

Res. No. 175

Resolution approving the decision of the City Planning Commission on Application No. N 100056 ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Appendix F (INCLUSIONARY HOUSING DESIGNATED AREAS), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7-3 districts in Community District 1, Borough of Brooklyn (L.U. No. 53).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 8, 2010 its decision dated March 8, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Rose Plaza on the River, LLC, for an amendment of the Zoning Resolution of the City of New York to allow the Inclusionary Housing program to be applied to the proposed R7-3 district mapped on the west side of Kent Avenue between a line 850 feet south of Broadway and Division Avenue in Community District 1 (Application No. N 100056 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application Numbers C 080339 ZMK (L.U. No. 51), a zoning map amendment to change an M3-1 district to an R7-3 district with a C2-4 overlay; and C 080340 ZSK (L.U. No. 52), a special permit pursuant to Section 62-73 6 for bulk modifications on a waterfront block

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 April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on March 8, 2010 (CEQR No. 08DCP056K);

RESOLVED:

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

The Conditional Negative Declaration included several restrictive declarations to avoid any potential impacts associated with historic resources, hazardous materials, traffic, air quality and noise. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as specified pursuant to the instructions set forth in CPC Report C 080340 ZSK.

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 100056 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;
- * * * indicates where unchanged text appears in the Zoning Resolution

**APPENDIX F (2/24/2010)
INCLUSIONARY HOUSING DESIGNATED AREAS**

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

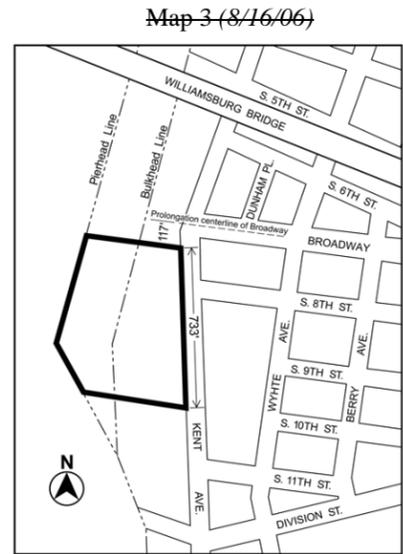
Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

* * *

Brooklyn, Community District 1

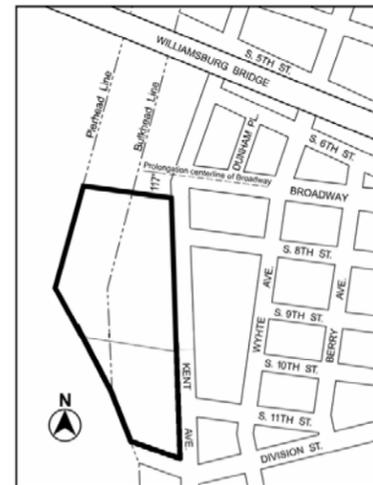
In Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B, R7A and R7-3 Districts within the areas shown on the following Maps 1, 2 and 3:

* * *



Portion of Community District 1, Brooklyn
EXISTING

Map 3 (2/24/20 10)



Portion of Community District 1, Brooklyn
PROPOSED

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 54

Report of the Committee on Land Use in favor of approving Application no. N 100124 ZRK submitted by Skanska USA Civil Northeast Inc., pursuant to

Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Special Purpose Districts, Chapter 6 (Special College Point District) relating to Section 126-233 (b), Borough of Queens, Community District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1041), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

N 100124 ZRQ

City Planning Commission decision approving an application submitted by Skanska USA Civil Northeast Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Special Purpose Districts, Chapter 6 (Special College Point District), relating to Section 126-233 (b) (Special provisions along district boundaries).

INTENT

Follow up corrective action for the Special College Point District.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 8, 2010

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

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

Res. No. 176

Resolution approving the decision of the City Planning Commission on Application No. N 100124 ZRQ, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Special Purpose Districts, Chapter 6 (Special College Point District), relating to Section 126-233 (b) (Special provisions along district boundaries), Borough of Queens (L.U. No. 54).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 26, 2010 its decision dated February 24, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Skanska USA Civil Northeast Inc., for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Special Purpose Districts, Chapter 6 (Special College Point District), relating to Section 126-233 (b) (Special provisions along district boundaries), to modify the requirements of the Special College Point District for planted areas along the boundaries of the special district (Application No. N 100124 ZRQ), Borough of Queens (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 April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Revised Negative Declaration, issued on September 30, 2009 (CEQR No. 09DME007Q);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100124 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

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

Article XII - Special Purpose Districts

Chapter 6

Special College Point District

* * *

126-20

SPECIAL BULK REGULATIONS

* * *

126-23

Modification of Yard Regulations

* * *

126-233

Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an RI, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
(b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# shall be provided within the #Manufacturing District# as follows:
(1) and at least 60 feet wide, or where such open buffer area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided #within the Manufacturing District#.
(2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the

restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All such open areas shall not be used for accessory off-street parking, accessory off-street loading, or for storage or processing of any kind.

- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the building and except for access driveways to accessory parking and loading areas. In addition, except within front yards, there shall be a planting strip at least four feet wide, along the portion of the lot line adjoining the Residence District, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 55

Report of the Committee on Land Use in favor of approving Application no. C 100120 ZMR submitted by Clove Lakes Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section no. 21b.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1041), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1

C 100120 ZMR

City Planning Commission decision approving an application submitted by Clove Lakes Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21b.

INTENT

To rezone a portion of the Grymes Hill/Sunnyside section of Staten Island.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 8, 2010

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

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

Res. No. 177

Resolution approving the decision of the City Planning Commission on ULURP No. C 100120 ZMR, a Zoning Map amendment (L.U. No. 55).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 26, 2010 its decision dated February 24, 2010 (the "Decision"), on the application submitted by Clove Lakes Civic Association, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone an approximately 20 block area from R3X and R3-1 districts to an R2 district, to rezone an R3X to an R3-2 district, and expand the Special Hillside District in the Sunnyside section of Staten Island, Community District 1 (ULURP No. C 100120 ZMR) (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 April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 30, 2009 (CEQR No. 10DCP009R);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100120 ZMR, 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. 21b:

1. changing from an R3-1 District to an R2 District property bounded by:
 - a. Waldron Avenue, a line 150 feet northeasterly of Clove Road, Victory Boulevard, and Clove Road; and
 - b. a line 140 feet southeasterly of Victory Boulevard, a line 100 feet northeasterly of Clove Road, a line midway between Victory Boulevard and Glenwood Avenue, a line 150 feet northeasterly of Clove Road, Dudley Avenue, and Clove Road;
2. changing from an R3X District to an R2 District property bounded by a southeasterly boundary line of Silver Lake Park and its southwesterly prolongation, a line 230 feet northeasterly of Melrose Avenue and its northwesterly prolongation, Waldron Avenue, a line 270 feet northeasterly of Melrose Avenue, a line midway between Victory Boulevard and Waldron Avenue, Cheshire Place, Victory Boulevard, a line 420 feet northeasterly of Grand Avenue, a line midway between Victory Boulevard and Glenwood Avenue, Highland Avenue, Arlo Road, a line 100 feet easterly of Highland Avenue, Howard Avenue, Highland Avenue, a line 95 feet northwesterly of Sunnyside Terrace and its northeasterly prolongation, a line 95 feet northeasterly of Clove Road, a line 60 feet southeasterly of Van Courtlandt Avenue, Clove Road, Dudley Avenue, a line 150 feet northeasterly of Clove Road, a line midway between Victory Boulevard and Glenwood Avenue, a line 100 feet southwesterly of Grand Avenue, Glenwood Avenue, Grand Avenue, Victory Boulevard, a line 150 feet northeasterly of Clove Road, Waldron Avenue, Clove Road, a line perpendicular to the northeasterly street line of Clove Road distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clove Road and the northwesterly street line of Beverly Avenue, a line 400 feet northeasterly of Clove Road, a line 75 feet southeasterly of Cheshire Place, a line 145 feet northeasterly of Clove Road, Cheshire Place, and Clove Road;
3. changing from an R3X District to an R3-2 District property bounded by Cheshire Place, a line 145 feet northeasterly of Clove

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 16, 2009 (CEQR No. 10DCP0135Y);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100139 ZRY, 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 strikethrough is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article 1
GENERAL PROVISIONS

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10 DEFINITIONS

* * *

Publicly accessible open area

* * *

Quality Housing building

A "Quality Housing building" is a #building developed, enlarged, extended# or converted pursuant to the Quality Housing Program.

Quality Housing building segment

A "Quality Housing building segment" is a #building segment developed, enlarged, extended# or converted pursuant to the Quality Housing Program.

* * *

Chapter 3
Comprehensive Off-Street Parking Regulations in Community Districts 1 through 8 in Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens

* * *

13-50
SPECIAL PERMITS AND AUTHORIZATIONS

* * *

13-55
Authorizations

* * *

13-551

Accessory off-street parking spaces

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) the #building# does not have #accessory# off-street parking spaces;
(b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#. For the purposes of this finding (b), need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;
(c) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement;
(d) the parking spaces will not adversely affect pedestrian movement; and
(e) parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including uses# within the #building#; and
(f) the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.

* * *

13-553
Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street# provided the Commission finds that a curb cut at such location:

- (a) is not hazardous to traffic safety;
(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular and pedestrian movement; and
(c) will not adversely affect pedestrian movement;
(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities.; and
(e) will not be inconsistent with the character of the existing streetscape.

* * *

Article 2
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-011
Quality Housing Program

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# #building# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or #conversion# any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).
(b) In other R6, R7, R8, R9 or R10 Districts, the #bulk# regulations applicable to #Quality Housing #developments# buildings# may, as an alternative, be applied if the #zoning lot# is #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #developments# #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:

- (1) the existing #buildings# are non-#residential# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to ~~Quality Housing #developments#~~ Quality Housing buildings#; or
 - (2) the existing #buildings# are #residential#, and such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-633 or Section 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, #lot coverage#, and density standards applicable to ~~Quality Housing #developments# or #enlargements#~~ Quality Housing buildings#.
- (c) The optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section shall not apply to:

* * *

- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# or #enlargement# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

* * *

In the Borough of Brooklyn:

Midwood Area

The area bounded by Avenue M, Coney Island Avenue, ~~Avenue P, Ocean Avenue, Quentin Road Avenue O,~~ and a line midway between East 10th Street and Coney Island Avenue.

* * *

In the Borough of Queens:

Elmhurst/Corona Area

The area bounded by ~~Junction Boulevard,~~ Roosevelt Avenue, 114th Street, 34th Avenue, ~~405th Street~~ and ~~35th Avenue~~ 112 Street.

Bell Boulevard Area

~~The area bounded by 2 13th Street, the southerly prolongation of the center line of 213th Street, 213th Street, Northern Boulevard, 211th Street, 45th Road, 215th Street, 43rd Road, 214th Place, the northerly prolongation of the center line of 214th Place, 214th Place, 40th Avenue, Corporal Stone Street and 38th Avenue.~~

Forest Hills Area

The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.

Area A

~~The area bounded by Hillside Avenue, 181st Street, Jamaica Avenue and 168th Street.~~

Area B

~~The area bounded by Sutphin Boulevard, Jamaica Avenue, 138th Street and Hillside Avenue.~~

* * *

**23-10
OPEN SPACE AND FLOOR AREA REGULATIONS**

* * *

**23-12
Permitted Obstructions in Open Space**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following ~~shall not be considered~~ obstructions shall be permitted ~~when located~~ in any #open space# required on a #zoning lot#, or, in R2X, R3A, R3X, R4A, R4-1 and R5A Districts, and for #Quality Housing buildings# or #Quality Housing Building segments#, open area provided #open space# required on a #zoning lot#, ~~except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is #open space# needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:~~

(a) Balconies, unenclosed, subject to the provisions of Section 23-13;

(b) Breezeways;

(c) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percent of the total open area or required #open space# on the #zoning lot#, as follows, set forth in Section 25-64 (Restrictions on Use of Open Space for Parking):

(1) 50 percent in R1, R2, R3, R6, R7, R8, R9 or R10 Districts; and

(2) 66 percent in R4 or R5 Districts;

(d) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;

(e) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;

(f) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;

(g) Terraces, unenclosed, fire escapes, planting boxes or air conditioning units, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# or open area, or portion thereof, that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.

* * *

**23-22
Maximum Number of Dwelling Units or Rooming Units**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

*** for #buildings# subject to the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) ~~25-633 (Prohibition of curb cuts in certain districts)~~

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

* * *

Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #residential #building# containing #residences# where provided that:

- (1) in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;
(2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts) and the screening requirements of Section 25-66.

However, no such parking spaces shall be permitted in any #front yard# within a R1, R2 other than R2X, R4B, R5B or R5D District, and no such required spaces shall be permitted in any #front yard# within any R1, R2, R3, R4A or R4-1 District within a #lower density growth management area#.

- (1) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-62 1 (Location of parking spaces in certain districts);
(2) in R3-2, R4 other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-62 1 (Location of parking spaces in certain districts);
(3) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached building# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached building# or a #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

* * *

- (b) In any #rear yard# or #rear yard equivalent#:

* * *

Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

- (1) the height of a #building# used for such purposes, if #accessory# to a #single-# or #two-family residence#, shall not exceed one #story# and, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;
(2) if #accessory# to any other kind of #residential building#, the height of such #accessory building#, including the apex of a pitched roof, shall not exceed six ten feet above adjoining grade in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts;

* * *

23-451

Planting requirement

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted, which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls. Any planted area within a driveway or parking space shall not qualify towards meeting the minimum planting requirements of this Section.

For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front yard#.

For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be determined by the #street# frontage of each #building segment# and applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

Where multiple #buildings# on a single #zoning lot# front upon the same #street#, the planting requirements of this Section shall be determined by the #street# frontage allocated to the area occupied by each such #building# and applied separately to the entire area between the #street line# and the #street wall# of each #building# and its prolongation. The allocation of planting requirements to open areas between #buildings# shall be determined by dividing such open area evenly, with an equal portion attributed to each #building# on both sides of such open area.

Any #zoning lot# occupied by a #building# constructed after April 30, 2008 shall provide planted areas in accordance with the provisions of this Section. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

Table with 2 columns: #Street# frontage of #zoning lot#, #street wall# width of #building segment#, or #street# frontage allocated to each of multiple #buildings# on a single lot#, as applicable. Minimum percentage of #front yard# to be planted. Rows: Less than 20 feet (20), 20 to 34 feet (25), 35 to 59 feet (30), 60 feet or greater (50).

* * *

23-80

COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

* * *

23-89

Open Area Requirements for Residences in R1 through R5 Districts

23-891

In R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# containing #residences# or #building segments#. All such #buildings# or #building segments# shall provide open areas as follows:

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. Only those obstructions set forth in Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

23-892
In R6 through R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (a) In the districts indicated, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#.

* * *

Chapter 5
Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-00
GENERAL PURPOSES AND DEFINITIONS

* * *

25-02
Applicability

* * *

25-025
Applicability of regulations to Quality Housing

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9X, R9A, R9X, R10A or R10X Districts or their commercial equivalents, and on any #zoning lot# in other districts containing #residential uses developed#, #enlarged# or converted pursuant to the ~~Quality Housing Program~~, a #Quality Housing building#, all #accessory# off- street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING).

* * *

25-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

25-21
General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all ~~new #residences# constructed~~ #dwelling units# or #rooming units# created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #residences# #dwelling unit# or #rooming unit#.

Section 25-22	(Requirements Where Individual Parking Facilities Are Provided)
Section 25-23	(Requirements Where Group Parking Facilities Are Provided)
Section 25-24	(Modification of Requirements for Small Zoning Lots)
Section 25-25	(Modification of Requirements for Public Housing or Housing for Elderly)
Section 25-28	(Special Provisions for Zoning Lots Divided by District Boundaries)

~~After December 15, 1961, for all #enlargements# which increase the number of #dwelling units# or #rooming units# in a #building#, the same requirements shall apply to the additional #dwelling units# or #rooming units# created by such #enlargements#.~~

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

For the purposes of calculating the number of required parking spaces for any ~~#residential development#~~ #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

In the event that the number of #accessory# off-street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences) the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

25-211
Application of requirements to conversions and certain enlargements

R3 R4

- (a) In the districts indicated, except for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, wherever additional #dwelling units# are created by conversions or #enlargements# of #residential buildings#, there shall be one off-street parking space provided on the #zoning lot# for each such additional #dwelling unit#. Such off-street parking spaces shall be in addition to any existing off-street parking spaces on the #zoning lot# and shall not be located in any common easement driveways or within a #front yard#. The provisions of Section 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden) shall not apply to such #zoning lots#. Furthermore, such additional #dwelling units# shall be permitted only if the #zoning lot# complies with the provisions of Section 25-64 (Restrictions on Use of Open Space for Parking).

R4R5

(b) In R5 Districts, and for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, the requirements of Section 25-2 1 (General Provisions) shall not apply to additional #dwelling units# created by conversions of #residential buildings# on #zoning lots# with less than 5,000 square feet of #lot area#, provided such #buildings# were constructed prior to (effective date of amendment) and not subsequently #enlarged#.

R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

(c) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# or #rooming units# created by conversions of non-#residential uses# to #residential uses# on #zoning lots# with less than 5,000 or more square feet of #lot area#.

R7-2 R8 R9 R10

(d) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# created by conversions of any kind.

* * *

25-261
For new developments or enlargements

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, for all new #developments# or #enlargements#, For #developments# in R4B and R5B Districts, and for #developments# and #dwelling units# within #enlarged# portions of #buildings# in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of #accessory# off-street parking spaces for which requirements are waived is as set forth in the following table:

Table with 2 columns: Maximum number of spaces waived, District. Rows: 1 (R4B R5B R5D), 5 (R6 R7-1 R7B), 15 (R7-2 R7A R7D R7X R8 R9 R10)

25-262
For conversions

R6 R7-1 R7A R7B R7D R7X

In the districts indicated, for conversions of any kind in #buildings#, or portions thereof, which result in the creation of additional #dwelling units# or #rooming units#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces; provided that However, the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* No accessory off-street parking is required for additional dwelling units created by conversions in R7 2, R8, R9 or R10 Districts. See Section 25 211 (Application of requirements to conversions).

* * *

25-27
Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Section 25-21 (General Provisions) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Traffic for report and may base his determination on such report.

* * *

25-62
Size and Location of Spaces

* * *

25-621
Location of parking spaces in certain districts

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

(a) For #zoning lots# with #residential buildings# where no more than two accessory# parking spaces are required:

R2X R3 R4 R5

(1) In the districts indicated, except R4B or R5B Districts, #accessory# off street parking spaces shall be permitted only in the #side lot ribbon#, within a #building# or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# or prolongation thereof of the #building#. Access to the #accessory# spaces through a front setback area or required #front yard# shall be only through the #side lot ribbon#. However, for #zoning lots# that have a minimum of 35 feet of #street# frontage along one #street#, are occupied by a #single # or #two family detached residence#, and maintain a minimum of 1 8 feet of uninterrupted curbside space along the #street# frontage, access to #accessory# spaces need not be through a #side lot ribbon# provided that, on a #zoning lot# with less than 50 feet of frontage along a #street#, no more than one enclosed #accessory# parking space is provided within the #residential building#.

R6 R7 R8

(2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, #accessory# off street parking spaces shall be located in accordance with the provisions of paragraph (a)(1) of this Section.

R4B R5B R5D R6B R7B R8B

(3) In the districts indicated, #access or y# off street parking spaces shall be located only within a #building#, or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# of the #building# or its prolongation. Access to such parking spaces shall be provided only through the #side lot ribbon# or through the #rear yard#.

(4) R1 R2

(4) In the districts indicated, required #accessory# off street parking spaces shall be permitted only within a #building#, or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation.

(b) For #zoning lots# with #residential buildings# where more than two # access or y# parking spaces are required:

R2X R3 R4 R5

(1) In the districts indicated, except R4B or R5B Districts, #accessory# off street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# of the #building# or its prolongation, unless:

(i) no more than two such unenclosed spaces are accessed from a single curb cut, and the parking area for these spaces is not more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or

(ii) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25 66 (Screening), paragraphs (a) or (b).

R6 R7 R8

~~(2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, #accessory# off street parking spaces shall be located in accordance with the provisions of paragraph (b)(1) of this Section.~~

R4B R5B R5D R6B R7B R8B

~~In the districts indicated, #access or y# off street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Access to such parking spaces shall be provided only through the #side lot ribbon# or through the #rear yard#.~~

R1 R2 R3A R3X R3-1 R4A R4-1 R5A

(a) In the districts indicated, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

- (1) a #semi-detached building# in an R3-1 or R4-1 district, or
- (2) a #detached building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached building# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached building# or #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

R3-2 R4 R5

(b) In the districts indicated, other than R4A, R4B, R4-1, R5A, R5B and R5D Districts, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:

- (1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or
- (2) a #group parking facility with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b).

R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X

(c) In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.

R6 R7 R8

(d) In the districts indicated without a letter suffix, the following provisions shall apply:

(1) for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;

(2) for #zoning lots# containing #Quality Housing #buildings# or #Quality Housing building segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.

* * *

25-622

Location of parking spaces in lower density growth management areas

The provisions of this Section shall apply to all #residential developments# #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

* * *

25-631

Location and width of curb cuts in certain districts

All curb cuts shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply.

(a) ~~For #zoning lots# with #residential buildings# where not more than two #accessory# parking spaces are required:~~

R2A

(1) ~~In R2A Districts, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.~~

R2X R3 R4 R5

(2) ~~In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633 (Prohibition of curb cuts in certain districts), curb cuts shall comply with the following provisions:~~

(i) ~~for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted;~~

(ii) ~~for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 15 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;~~

(iii) ~~where access to #accessory# parking spaces is only through a #side lot ribbon#, all curb cuts shall be a continuation of the #side lot ribbon#;~~

~~(iv) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 15 feet, including splays, shall serve both #side lot ribbons#; and~~

~~(v) new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989, provided that this requirement may be waived if the Commissioner of Buildings certifies that, due to the location of curb cuts on adjacent #zoning lots#, there is no way to locate the curb cut in compliance with this requirement and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.~~

~~R6 R7 R8~~

~~(3) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (a)(2), inclusive, of this Section.~~

~~R4B R5B R6B R7B R8B~~

~~(4) In the districts indicated, for #attached residential buildings# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, new #residential developments# shall provide a minimum distance of 34 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.~~

~~(b) For #zoning lots# with #residential buildings# where more than two #accessory# parking spaces are required:~~

~~R2X R3 R4 R5~~

~~(1) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633, curb cuts shall comply with the following provisions:~~

~~(i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;~~

~~(ii) new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts on the same or adjoining #zoning lots developed# after June 30, 1989;~~

~~(iii) the maximum width of a curb cut serving a #group parking facility# shall be as set forth in the following table:~~

Size of Facility (in number of spaces)	Maximum Width of Curb Cuts (in feet)
up to 4	15
5 to 24	22
25 and over	30

~~(iv) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet.~~

~~However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width than listed in this chart, such curb cuts may be increased to the minimum width acceptable to the Fire Department.~~

R6 R7 R8

~~(2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (b)(1) of this Section.~~

R4B R5B R6B R7B R8B

~~(3) In the districts indicated, for #attached residential developments# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, a minimum distance of 34 feet between curb cuts shall be maintained. In addition, the maximum width of curb cuts serving a #group parking facility# shall be as set forth in the table in paragraph (b)(1) of this Section.~~

~~Modification of curb cut location requirements:~~

~~R2X R3 R4 R5 R6 R7 R8~~

~~(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such report.~~

R6 R7 R8

~~(2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:~~

~~(i) the proposed modification does not adversely affect the character of the surrounding area; and~~

~~(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #development#.~~

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 districts) shall apply.

R2A

(a) In R2A Districts, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

(b) In the districts indicated, except R4B and R5B Districts, curb cuts shall comply with the following provisions:

(1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are required:

(i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted. Access to parking spaces through a front setback area or required #front yard# shall only be through a #side lot ribbon#, and all curb cuts shall be a continuation of the #side lot ribbon#;

(ii) for #zoning lots# with at least 50 feet of frontage along a

#street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

(iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and

(iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989 and (effective date of amendment) that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

(2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are required:

(i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;

(ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and (effective date of amendment) that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot# along the #street#;

(iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet;

(iv) except for paired driveways as set forth in paragraph (iii) above, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

(c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989 and (the effective date of amendment) that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps, curb cuts shall be prohibited.

R6 R7 R8

(d) In the districts indicated without a letter suffix, for #zoning lots# containing non- #Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in

accordance with the provisions of paragraph (b)(2), inclusive, of this Section.

R6 R7 R8

(e) In the districts indicated, except as provided in paragraph (d) of this Section, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after (the effective date of amendment), curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph (e).

These curb cut provisions shall apply as follows:

(1) In R6, R7 and R8 Districts without a letter suffix, to non-#Quality Housing buildings# or non-#Quality Housing building segments#, any of which contain four or more #dwelling units#;

(2) In R6, R7 and R8 Districts without a letter suffix, to #Quality Housing buildings# or #Quality Housing building segments#;

(3) In R6A, R7A, R7D, R7X, R8A, R8X Districts, to all #buildings#; and

(4) In R6B, R7B and R8B Districts, to #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width, or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide. On all other #zoning lots# in R6B, R7B and R8B Districts, curb cuts shall be prohibited.

¶ Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8

(2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:

(i) the proposed modification does not adversely affect the character of the surrounding area; and

(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #zoning lot#.

25-632

Driveway and curb cut regulations in lower density growth management areas

The provisions of this Section shall apply to all #residential developments# #zoning lots# with buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60 feet of frontage along two #streets#.

* * *

(e) All residential developments zoning lots with buildings containing residences shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

* * *

25-633

Prohibition of curb cuts in certain districts

Curb cut restrictions for certain buildings in R1 through R5 Districts

R4B

R5B R6B R7B R8B R1 R2 R3A R3X R3-1 R4A R4-1 R5A

In the districts indicated, curb cuts are prohibited for residential developments on zoning lots having a width of less than 40 feet along a street and existing on the effective date of establishing such district on the zoning maps.

(a) In the districts indicated, curb cuts are prohibited for attached buildings. Furthermore, for a semi-detached building that abuts an attached building, a curb cut shall only be permitted along that portion of the street frontage of the zoning lot directly in front of a side yard that is at least eight feet wide and accesses a parking space located beyond the street wall or prolongation thereof.

R1 R2 R3A R3X R4A R5A

(b) In the districts indicated, for semi-detached buildings, a curb cut shall only be permitted along that portion of the street frontage of the zoning lot directly in front of a side yard that is at least eight feet wide and accesses a parking space located beyond the street wall or prolongation thereof.

* * *

25-64

Restrictions on Use of Open Space for Parking

Restrictions on the use of open space for parking and driveways are set forth in this Section, in accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space). For zoning lots in lower density growth management areas, the provisions of paragraph (b) of this Section shall apply.

(a) In accordance with the provisions of Section 23-1-2 (Permitted Obstructions in Open Space), driveways, private streets, open accessory off-street parking spaces, or open accessory off-street loading berths may not use more of the required open space on any zoning lot than the percent set forth in the following table:

Percent	District
50	R1 R2 R3 R6 R7 R8 R9 R10
66	R4 R5

(b) In lower density growth management areas, the following regulations shall apply:

(1) Driveways, private roads and open accessory off-street parking spaces may occupy no more than 50 percent of the lot area not covered by residential buildings in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the lot area not covered by residential buildings in R4 and R5 Districts; and

(2) The area within 30 feet and perpendicular to the rear wall line of any building or building segment that does not front upon two streets in its entirety shall not be occupied by driveways or off-street parking spaces, except that this provision shall not apply to any zoning lot occupied by only one single or two family detached or semi-detached residence.

(a) In R1, R2, R3, R4A, R4-1 and R4B Districts, driveways, private roads, open accessory off-street parking spaces, unenclosed accessory bicycle parking spaces or open accessory off-street loading berths may

occupy no more than 50 percent of the lot area not covered by buildings containing residences;

(b) In R4 Districts except for R4A, R4-1 and R4B Districts, and in R5 Districts, driveways, private roads, open accessory off-street parking spaces, unenclosed accessory bicycle parking spaces or open accessory off-street loading berths may occupy no more than 66 percent of the lot area not covered by buildings containing residences;

(c) In R6, R7, R8, R9 and R10 Districts without a letter suffix, driveways, private streets, open accessory off-street parking spaces, unenclosed accessory bicycle parking spaces or open accessory off-street loading berths may not use more than 50 percent of the required open space on any zoning lot. The provisions of this paragraph (c) shall not apply to Quality Housing buildings.

* * *

Chapter 8 The Quality Housing Program

28-00 GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multi family housing that:

- (a) is compatible with existing neighborhood scale and character;
- (b) provides on-site recreation space to meet the needs of its occupants; and
- (c) is designed to promote the security and safety of the residents.

28-01 Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for buildings containing residences. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent Commercial Districts listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the development, enlargement, extension of, or conversion to any residential use other than single or two family residences. All such buildings shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent Commercial Districts listed in Sections 34-111 and 34-112, residential developments, or residential enlargements where permitted, electing to use the optional Quality Housing bulk regulations in Article II, Chapter 3, shall comply with the mandatory Quality Housing Program standards and requirements set forth in this Chapter.

* * *

28-33 Planting Areas

The area of the zoning lot between the street line and the street wall of the building shall be planted pursuant to the provisions of Section 23-892 (In R6 through R10 Districts), except at the entrances to and exits from the building, or adjacent to commercial uses fronting on the street.

* * *

28-50 PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, accessory off-street parking for Quality Housing developments, enlargements or conversions shall be provided as set forth in Article II, Chapter 5, and Article III, Chapter 6 the applicable underlying district regulations.

* * *

28-52

Special Regulations for Off-Site Accessory Parking

Off-site ~~#accessory#~~ off-street parking spaces ~~for Quality Housing #development#, #enlargement# or conversion~~ may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

28-53

Location of Accessory Parking

On-site ~~#accessory #~~ off-street parking ~~for Quality Housing #developments#, #enlargements# or conversions~~ shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.

However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, accessory# off-street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.

* * *

ARTICLE III

Chapter 6

Accessory Off-Street Parking and Loading Regulations

36-00

GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

* * *

36-026

Applicability of regulations to Quality Housing

On any #zoning lot# containing ~~#residential uses developed#, #enlarged# or converted pursuant to the Quality Housing Program, a #Quality Housing building#~~, all #accessory# off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING) ~~, to 28-52 inclusive~~.

* * *

36-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

* * *

36-12

Maximum Size of Accessory Group Parking Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces or, in the case of a ~~Quality Housing #development# or #enlargement#, #Quality Housing building#~~, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 3 6-57 (Accessory Off- Street Parking Spaces in Public Parking Garages).

* * *

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-31

General Provisions

C1 C2 C3 C4 C5 C6

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all ~~new #residences# constructed #dwelling units# or #rooming unit#~~ created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such ~~#residences# #dwelling unit# or #rooming unit#~~:

Section 3 6-32 (Requirements Where Individual Parking Facilities Are Provided)

Section 36-33 (Requirements Where Group Parking Facilities Are Provided)

Section 3 6-34 (Modification of Requirements for Small Zoning Lots)

Section 36-35 (Modification of Requirements for Public Housing or Non-profit Residences for Elderly)

Section 36-37 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)

~~After December 15, 1961, for all #enlargements# which increase the number of #dwelling units# or #rooming units# in a #building#, the same requirements shall apply to the additional #dwelling units# or #rooming units# created by such #enlargements#.~~

~~For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.~~

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

36-311

Application of requirements to conversions in C1 or C2 Districts

C1 C2

~~(a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6, ~~R7B or R7-1~~ or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# with less than 5,000 or more square feet of #lot area#, ~~except as otherwise provided in Sections 36 363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) and 73 46 (Waiver of Requirements for Conversions).~~~~

~~(b) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# of any size.~~

36-312

Application of requirements to conversion in C3 or C4 Districts

C3 C4-1 C4-2 C4-3

In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# with less than 5,000 or more square feet of #lot area#, ~~except as otherwise provided in Sections 36 364 (For conversions in C4 Districts) and 73 46 (Waiver of Requirements for Conversions).~~

* * *

**36-32
Requirements Where Individual Parking Facilities Are Provided**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 C3 C4-1 C4-2 C4-3

In the districts indicated, where #group parking facilities# are not provided, the requirements for #accessory# off-street parking spaces are as set forth in this Section.

**36-321
In C1 or C2 Districts governed by surrounding Residence District bulk regulations**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R1, R2, R3, (b) R4, ~~or~~ R5, ~~R6 or R7-1~~ Districts, and where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#. ~~The provisions of this Section shall not apply to these districts when mapped within R6A, R6B, R7A, R7B or R7X Districts or to #residential buildings developed# or #enlarged# pursuant to the Quality Housing Program #Quality Housing buildings# in R6 or R7 Districts without a letter suffix.~~

* * *

**36-33
Requirements Where Group Parking Facilities Are Provided**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for ~~new~~ #residences developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in this Section.

* * *

**36-50
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED
ACCESSORY OFF-STREET PARKING SPACES**

* * *

**36-52
Size and Location of Spaces**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

~~(a) Size of spaces~~

**36-521
Size of spaces**

C1 C2 C3 C4 C5 C6 C7 C8

* * *

~~(b) — Location of parking spaces in certain districts~~

**36-522
Location of parking spaces in certain districts**

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in C1, C2, C4, C5 and C6 Districts without a letter suffix, all #accessory# off-street parking spaces shall comply with the provisions of this Section.

(a) #Buildings other than #mixed buildings#

~~#accessory# off street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire block front. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire block front, this provision need not apply along more than one #street line#.~~

For any block front that is entirely within a #Commercial District#, #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Where a #zoning lot# is bounded by more than one such #street line#, this provision shall apply along only one #street line#.

#Mixed buildings#

For #mixed buildings#, all #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation.

**36-53
Width of Curb Cuts and Location of Access to the Street**

C1 C2 C3 C4 C5 C6 C7 C8

* * *

**36-531
Location of curb cuts in C1 or C2 Districts mapped in R5D Districts**

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after June 29, 2006. Furthermore, no curb cuts shall be permitted on the #wide street# frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

**36-532
Location and width of curb cuts accessing residential parking spaces in certain districts**

The provisions of this Section 3 6-532 shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #commercial districts# where, as set forth in the Tables in Section 34- 112 or 35-23, as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

- (a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #residence district#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;
- (b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on (the effective date of amendment) with access to a #narrow street#; and
- (c) Where a commercial district with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on (effective date of amendment) has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of the short end of such #block#.

* * *

**73-46
Waiver of Requirements for Conversions**

In R6 or R7-1 Districts, in C1 or C2 Districts mapped within R6 or R7-1 Districts, or in C4-2 or C4-3 Districts, where the number of #accessory# off-street parking spaces required for additional #dwelling units# created by conversions of any kind exceeds the number of spaces which may be waived as of right under the provisions of Sections 25-262 (For conversions), 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) or 36-364 (For conversions in C4 Districts), the Board of

Standards and Appeals may waive all or part of the required spaces, provided that the Board finds that there is neither a practical possibility of providing such spaces:

- (a) on the same #zoning lot# because of insufficient #open space# and the prohibitive cost of structural changes necessary to provide the required spaces within the #building#; nor
- (b) on a site located within 1,200 feet of the nearest boundary of the #zoning lot# because all sites within such radius are occupied by substantial improvements.

* * *

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

* * *

117-64

Special Parking Regulations

* * *

- (b) #Residential uses#

* * *

- Ø Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) 25-633 (Prohibition of curb cuts in certain districts) shall not apply.

* * *

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

* * *

123-70

PARKING AND LOADING

* * *

123-72

Residential and Community Facility Uses

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and ~~in #mixed-use buildings#, the provisions of Section 25-60 shall not apply. In lieu thereof, the provisions of Section 44-40 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#.~~ for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and Section 44-48 (Parking Lot Landscaping) shall apply.

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 59

Report of the Committee on Land Use in favor of approving Application no. 20105350 HKM (N 100223 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2343) by the Landmarks Preservation Commission of the 311 Broadway Building located at 311 Broadway, as a historic landmark, Council District no. 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1042), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

20105350 HKM (N 100223 HKM)

Designation by the Landmarks Preservation Commission (List No. 425/LP No. 2343), pursuant to Section 3020 of the New York City Charter, regarding the landmark designation of the 311 Broadway Building, located at 311 Broadway (Block 151, Lot 31), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 7, 2010

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

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

Res. No. 179

Resolution affirming the designation by the Landmarks Preservation Commission of the 311 Broadway Building, located at 311 Broadway (Tax Map Block 151, Lot 31), Borough of Manhattan, Designation List No. 425, LP-2343 (L.U. No. 59; 20105350 HKM (N 100223 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 21, 2010 a copy of its designation dated January 12, 2010 (the "Designation"), of the 311 Broadway Building, located at 311 Broadway, Community District 1, Borough of Manhattan, as a landmark and Tax Map Block 151, Lot 31, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on March 12, 2010 its report on the Designation dated March 10, 2010 (the "Report");

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

Res. No. 181

Resolution affirming the designation by the Landmarks Preservation Commission of Public School 66 (P.S. 66Q) (The Jacqueline Kennedy Onassis School), located at 85-11 102nd Street (Tax Map Block 9183, Lot 1), Borough of Queens, Designation List No. 425, LP-2317 (L.U. No. 62; 20105351 HKQ (N 100221 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 21, 2010 a copy of its designation dated January 12, 2010 (the "Designation"), of Public School 66 (P.S. 66Q), (formerly the Brooklyn Hills School, later the Oxford School, now The Jacqueline Kennedy Onassis School), located at 85-11 102nd Street (a.k.a. 85-01 to 85-19 102nd Street; 102-01 85th Road; 102-02 85th Avenue), Community District 9, Borough of Queens as a landmark, and Tax Map Block 9183, Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on March 12, 2010 its report on the Designation dated March 10, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on April 7, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 63

Report of the Committee on Land Use in favor of approving Application no. 20105353 HKR (N 100225 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2367) by the Landmarks Preservation Commission of Mary and David Burgher House located at 63 William Street, as a historic landmark, Council District no. 49.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1044), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1 20105353 HKR (N 100225 HKR)

Designation by the Landmarks Preservation Commission (List No. 425/LP No. 2367), pursuant to Section 3020 of the New York City Charter, regarding the

landmark designation of Mary and David Burgher House located at 63 William Street (Tax Map Block 514, Lot 30), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 7, 2010

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

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

Res. No. 182

Resolution affirming the designation by the Landmarks Preservation Commission of the Mary and David Burgher House, located at 63 William Street (Tax Map Block 514, Lot 30), Borough of Staten Island, Designation List No. 425, LP-2367 (L.U. No. 63; 20105353 HKR (N 100225 HKR).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 21, 2010 a copy of its designation dated January 12, 2010 (the "Designation"), of the Mary and David Burgher House, located at 63 William Street, Community District 1, Borough of Staten Island, as a landmark and Tax Map Block 514, Lot 30, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on March 12, 2010 its report on the Designation dated March 10, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on April 7, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Report for L.U. No. 66

Report of the Committee on Land Use in favor of approving Application no. 20105424 HAM, an Urban Development Action Area Designation and Project, located at 98-108 East 118th Street, Borough of Manhattan, Council District no. 8. This matter is subject to Council Review and action pursuant to 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 March 25, 2010 (Minutes, page 1045), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

20105424 HAM

Application submitted by the New York City Department of Housing Preservation and Development for an Urban Development Action Area Designation and Project located at 98 - 108 East 118th Street a.k.a. 1673 Park Avenue (Block 1645, Lot 70) and 1671 Park Avenue (Block 1645, Lot 71), Council District 8.

INTENT

To provide housing for low income and formerly homeless persons.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: April 7, 2010

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

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

Res. No. 183

Resolution approving an Urban Development Action Area Project located at 98 - 108 East 118th Street a.k.a. 1673 Park Avenue (Block 1645, Lot 70) and 1671 Park Avenue (Block 1645, Lot 71), Borough of Manhattan, and approving the urban development action area designation pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 66; Non-ULURP No. 20105424 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") re-submitted to the Council on March 23, 2010 its request dated October 19, 2009 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 98 - 108 East 118th Street a.k.a. 1673 Park Avenue (Block 1645, Lot 70) and 1671 Park Avenue (Block 1645, Lot 71), Community District 11, Borough of Manhattan:

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

WHEREAS, the Project is related to C 090504 HAM;

WHEREAS, upon due notice, the Council held a public hearing on the Project on April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on June 23, 2009 (CEQR No. 09HPD010M).

RESOLVED:

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

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 under Section 693 of the General Municipal Law pursuant to said Section.

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

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

ATTACHMENT:PROJECT SUMMARY

20105424 HAM
Page 1 of 1
L.U. No. 66

1. PROGRAM: Supportive Housing Loan Program
2. PROJECT: East Harlem Veterans Initiative
3. LOCATION:
 - a. BOROUGH: Manhattan
 - b. COMMUNITY DISTRICT: 11
 - c. COUNCIL DISTRICT: 8
 - d. DISPOSITION AREA:

BLOCKS	LOTS	ADDRESSES
1645	70	1673 Park Avenue
1645	71	1671 Park Avenue
4. BASIS OF DISPOSITION PRICE: Nominal. The sponsor will pay one dollar per tax lot in cash and will deliver an enforcement note and mortgage for the remainder of the appraised value.
5. TYPE OF PROJECT: New Construction
6. APPROXIMATE NUMBER OF BUILDINGS: One Multiple Dwelling/Not-For-Profit Institution with Sleeping Accommodations
7. APPROXIMATE NUMBER OF UNITS: 86 plus one unit for a superintendent
8. HOUSING TYPE: Rental
9. ESTIMATE OF INITIAL RENTS AND INCOME TARGETS: ("I")

RENTS	INCOMES
Up to \$806	Up to \$32,256

Rents and/or income ranges may vary due to family size and may increase if area median income rises.
10. PROPOSED FACILITIES: Community Room, Administrative Offices, Social Service Offices, Security Desk
11. PROPOSED CODES/ORDINANCES: None
12. ENVIRONMENTAL STATUS: Negative Declaration
13. PROPOSED TIME SCHEDULE: Approximately six months from authorization to sale.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

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

Report for L.U. No. 70

Report of the Committee on Land Use in favor of approving Application no. 20105425 HAM, a request for approval of the dissolution of a

redevelopment company and the termination of a tax exemption for a project located at Block 1076/Lot 15 and Block 1058/Lot 16, Borough of Manhattan, Council District no. 3. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.

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

REPORTS:

SUBJECT

MANHATTAN CB - 4

20105425 HAM

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for approval to the termination of Prior Exemption and consent to the voluntary dissolution of a redevelopment company for property located at Block 1076/Lot 15 and Block 1058/Lot 16, in Council District 3.

INTENT

To facilitate the rehabilitation of the building systems, common areas and dwelling units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 7, 2010

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

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

Res. No. 184

Resolution approving the termination of a tax exemption and a voluntary dissolution for a Project located at Block 1076, Lot 15 and Block 1058, Lot 16, Borough of Manhattan, pursuant to the Private Housing Finance Law (Preconsidered L.U. No. 70; 20105425 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 17, 2010 its request dated March 10, 2010 that the Council take the following actions regarding the following project (the "Project") located at Block 1076, Lot 15 and Block 1058, Lot 16, Community District 4, Borough of Manhattan (the "Exemption Area"):

1. Approve, pursuant to Section 125 of the PHFL, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on May 28, 1981 (Cal. No. 10), as subsequently amended by the Board of Estimate on June 11, 1982 (Cal. N. 225) ("Old Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
2. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
3. 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 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 interrupted.

WHEREAS, upon due notice, the Council held a public hearing on the Project on April 7, 2010;

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

RESOLVED:

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

- (a) "Current Owner" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1076, Lot 15 and Block 1058, Lot 16 on the Tax Map of the City of New York.
- (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1076, Lot 15 and Block 1058, Lot 16 on the Tax Map of the City of New York.
- (c) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (d) "New Owner" shall mean, Clinton Housing Preservation, L.P.
- (e) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on May 28, 1981 (Cal. No. 10), as subsequently amended by the Board of Estimate on June 11, 1982 (Cal. N. 225).
- (f) "PHFL" shall mean the Private Housing Finance Law.

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 consent 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 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 interrupted.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 8, 2010.

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

Reports of the Committee on Rules, Privileges and Elections

Report for M-30

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Matthew S. Daus as a Commissioner of the New York City Civil Service Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 25, 2010 (Minutes, page xxxx), respectfully

REPORTS:

Topic I: New York City Civil Service Commission – (Candidate for appointment upon advice and consent review by the Council)

• **Matthew W. Daus [M-30]**

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

CSC consists of five members, not more than three of whom may be members of the same political party.³ The members of CSC are appointed by the Mayor from a list of nominations provided by a six member Screening Committee,⁴ of whom four members are appointed by the Mayor and two by the Municipal Labor Committee. The Screening Committee submits the list of nominees upon the occurrence of a vacancy on CSC, or at least three months prior to the expiration of the term of an incumbent member. *Charter* § 813(b).

Members of CSC are appointed to six-year terms, and may be removed from office in the manner provided for the members of a municipal Civil Service Commission outlined in the *New York State Civil Service Law*. The Mayor designates a member of CSC as Chair and Vice Chair, respectively, for one-year terms. Members are reimbursed on a per-diem basis for attendance at regularly scheduled meetings and hearings of CSC. *Charter* § 813 (a). According to the New York City Payroll Management System, the Chair receives \$ 418.77 per-diem, while the Vice Chair and the remaining members each receive \$ 384.50 per-diem.

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

Mr. Daus is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, April 14, 2010. If appointed, Mr. Daus, a resident of Brooklyn, and a registered member of the Democratic Party, will be eligible to complete the remainder of a six-year term, which expires on March 21, 2013. Mr. Daus will fill a vacancy formerly held by Nicholas LaPorte. A copy of Mr. Daus’ résumé and report/resolution is annexed to this Briefing paper.

Topic II: New York City Landmarks Preservation Commission—(Candidates for re-appointment upon advice and consent review by the Council)

- **Diana Chapin [M-32]**
- **Elizabeth Ryan [M-33]**
- **Pablo Vengoechea [M-34]**

Pursuant to *New York City Charter* (“*Charter*”) § 3020, the New York City Landmarks Preservation Commission (“LPC”), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC’s membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine Arts Federation of New York or any other similar organizations. By statute, LPC’s membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The

Chair’s salary is currently \$192,198.00. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.⁵ Notices of proposed designation must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report with its recommendations to the City Council. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [Administrative Code § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant’s request. [Administrative Code § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel’s review is applicable only to tax exempt properties.

Ms. Chapin is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on April 14, 2010. If re-appointed by the Mayor upon receiving the advice and consent of the Council, Ms. Chapin, a resident of Queens, will be eligible to serve for the remainder of a three-year term that will expire on June 28, 2012. A copy of Ms. Chapin’s résumé and report/resolution is annexed to this Briefing paper.

Ms. Ryan is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on April 14, 2010. If re-appointed by the Mayor upon receiving the advice and consent of the Council, Ms. Ryan, a resident of Brooklyn, and a licensed realtor, will be eligible to serve for the remainder of a three-year term that will expire on June 28, 2011. A copy of Ms. Ryan’s résumé and report/resolution is annexed to this Briefing paper.

Mr. Vengoechea is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on April 14, 2010. If re-appointed by the Mayor upon receiving the advice and consent of the Council, Mr. Vengoechea, a resident of Staten Island, will be eligible to serve for the remainder of a three-year term that will expire on June 28, 2012. Mr. Vengoechea is a registered architect. A copy of Mr. Vengoechea’s résumé and report/resolution is annexed to this Briefing paper.

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

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

³ CSC currently constitutes the following: Simon Gourdine, Chair (Democrat), Nancy Chaffetz, (Republican), Rudy Washington (Republican), and Jose Maldonado (Democrat). There is one vacancy.

⁴ The “list of nominees shall include persons with knowledge or experience of the civil service system, or personnel management, or compensation practices, from which the Mayor shall make appointments to the Civil Service Commission.” Charter § 813 (b).

⁵ According to LPC’s website, “Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.” [http://www.nyc.gov/html/lpc/html/faqs/faq_about.shtml]

Pursuant to §§ 31 and 813 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Matthew W. Daus as a Commissioner of the New York City Civil Service Commission to serve for the remainder of a six-year term expiring on March 21, 2013.

The matter was referred to the Committee on March 25, 2010

Accordingly, this Committee recommends its adoption.

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

Res. No. 185

Resolution approving the appointment by the Mayor of Matthew W. Daus, as a commissioner of the New York City Civil Service Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 813 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Matthew W. Daus as a Commissioner of the New York City Civil Service Commission for the remainder of a six-year term expiring on March 21, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 14, 2010.

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

Report for M-32

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Diana Chapin as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 25, 2010 (Minutes, page xxxx), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on M-30 Report printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Diana Chapin as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2012.

Accordingly, this Committee recommends its adoption.

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

Res. No. 186

Resolution approving the re-appointment by the Mayor of Diana Chapin as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Diana Chapin as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 14, 2010.

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

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

Report for M-33

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 14, 2010, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on M-30 Report printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2011.

Accordingly, this Committee recommends its adoption.

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

Res. No. 187

Resolution approving the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2011.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 14, 2010.

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

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

Report for M-34

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Pablo Vengoechea as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 14, 2010, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on M-30 Report printed in these Minutes)

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Pablo Vengoechea as a member of the New York City Landmarks Preservation Commission to serve for a term expiring on June 28, 2012.

Accordingly, this Committee recommends its adoption.

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

Res. No. 188

Resolution approving the re-appointment by the Mayor Of Pablo Vengoechea as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Pablo Vengoechea as a member of the New York City Landmarks Preservation Commission for a term expiring on June 28, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 14, 2010.

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

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

Report for Res. No. 189

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving Membership Changes to Certain Standing Committees.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 14, 2010, respectfully

REPORTS:

RESOLUTION NO. 189

SUBJECT: Resolution approving Membership Changes to Certain Standing Committees, a Subcommittee and a Chair.

ANALYSIS: Before the Committee for its consideration are proposed changes to the memberships of certain standing committees chairs and allowances. See the Resolution for each of the specific changes.

(The following is the text of Res. No. 189:)

Res. No. 189

Resolution approving Membership Changes to Certain Standing Committees.

By Council Member Rivera:

RESOLVED, that pursuant to Rules 7.00 and 7.20 of the Council and Sections 26(b) and 46 of the New York City Charter, the Council does hereby consent to the following Membership Changes to Certain Standing Committees.

STANDING COMMITTEES

AGING
Greenfield

EDUCATION

Greenfield
[Recchia]

FIRE AND CRIMINAL JUSTICE SERVICES
Mendez

MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES
Greenfield

PUBLIC SAFETY
Greenfield

RULES, PRIVILEGES AND ELECTIONS
Crowley
Gentile

VETERANS
Greenfield

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 14, 2010.

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

Special Supplement to the Reports of the Committee on Rules, Privileges and Elections section:

**STANDING COMMITTEES OF THE COUNCIL
April 14, 2010**

AGING	CIVIL RIGHTS	CIVIL SERVICE & LABOR	COMMUNITY DEVELOPMENT
LAPPIN, CHAIR Arroyo Brewer Foster Gentile Mark-Viverito Vacca Chin Koslowitz Rose Koo Greenfield	ROSE, CHAIR Ferrerias Chin Seabrook Van Bramer	SANDERS, CHAIR Gennaro Mark-Viverito Nelson Recchia Seabrook Ulrich	VANN, CHAIR Foster Gentile Koppell Mark-Viverito Reyna Sanders
CONSUMER AFFAIRS	CONTRACTS	CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS	ECONOMIC DEVELOPMENT
KOSLOWITZ, CHAIR Barron Comrie Gennaro Koppell Nelson Ferrerias	MEALY, CHAIR Jackson James Mark-Viverito Nelson	VAN CHAIR BRAMER, Comrie Dickens Lappin Recchia White Dromm	WHITE, CHAIR Eugene Ferrerias James Reyna Vann Lander Levin Weprin

EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & CRIMINAL JUSTICE SERVICES
JACKSON, CHAIR Barron Fidler Foster Garodnick	GENNARO, CHAIR Crowley Koppell Vallone White	RECCHIA, CHAIR Brewer Comrie Fidler	CROWLEY, CHAIR Eugene Gentile Vallone Rodriguez

Koppell Lappin Vacca Vann Cabrera Chin Dromm Koslowitz Levin Rose Weprin Ignizio Ulrich Greenfield	Lander Levin	Foster Jackson Koppell Mealy Reyna Rivera Vann Cabrera Ferrerias Koslowitz Van Bramer Ignizio Oddo	Halloran Mendez
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
PALMA, CHAIR Arroyo Brewer Foster White Lander Levin Rodriguez Van Bramer	BREWER, CHAIR Dickens Dilan Recchia Vallone	ARROYO, CHAIR Dickens Eugene Ferrerias Foster Mendez Rivera Vallone Vann Rose Van Bramer	RODRIGUEZ, CHAIR Brewer Seabrook Vacca Cabrera Rose Williams

HOUSING & BUILDINGS	IMMIGRATION	JUVENILE JUSTICE	LAND USE
DILAN, CHAIR Brewer Comrie Crowley Fidler Jackson James Lander Mark-Viverito Mendez Rivera White Williams Ulrich Oddo	DROMM, CHAIR Barron Eugene Rodriguez Williams	GONZALEZ, CHAIR Arroyo Sanders Dromm	COMRIE, CHAIR Arroyo Barron Dickens Garodnick Gonzalez Jackson Lappin Mendez Palma Reyna Rivera Sanders Seabrook Vacca Vann Lander Levin Weprin Williams Halloran Ignizio Koo

LOWER MANHATTAN REDEVELOPMENT	MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	OVERSIGHT & INVESTIGATIONS	PARKS & RECREATION
CHIN, CHAIR Mendez Cabrera Levin Van Bramer	KOPPELL, CHAIR Brewer Cabrera Halloran Greenfield	WILLIAMS, CHAIR Nelson Rose Weprin Koo	MARK-VIVERITO, CHAIR Crowley Ferrerias Gentile Vacca Dromm Van Bramer
PUBLIC HOUSING	PUBLIC SAFETY	RULES, PRIVILEGES & ELECTIONS	SANITATION & SOLID WASTE MANAGEMENT
MENDEZ, CHAIR Arroyo Dilan Mark-Viverito Chin Halloran Van Bramer	VALLONE, CHAIR Dilan Foster Garodnick Gennaro Gentile Halloran Ulrich	RIVERA, CHAIR Comrie Dickens Dilan Fidler Jackson Vacca Vann	JAMES, CHAIR Arroyo Gennaro Jackson Nelson

	Greenfield	Koslowitz Oddo Quinn Crowley Gentile	
SMALL BUSINESS	STANDARDS & ETHICS	STATE & FEDERAL LEGISLATION	TECHNOLOGY
REYNA, Chair Eugene James Chin Koo	DICKENS, CHAIR Jackson Palma Rivera Koslowitz Ignizio Oddo	FOSTER, CHAIR Dilan Fidler Recchia Rivera Seabrook Crowley	GARODNICK, CHAIR Brewer James Koppell Weprin

TRANSPORTATION	VETERANS	WATERFRONTS	WOMEN'S ISSUES
VACCA, CHAIR Brewer Garodnick Koppell Lappin Mealy Nelson Rodriguez Rose Van Bramer Ignizio Koo Ulrich	EUGENE, CHAIR Sanders Fidler Gentile Cabrera Dromm Greenfield	NELSON, CHAIR Brewer Vallone Lander Ulrich	FERRERAS, CHAIR Barron Crowley Chin
YOUTH SERVICES			
FIDLER, CHAIR Gonzalez Mark-Viverito Mealy Palma Cabrera Rodriguez Williams Koo			

LAND USE SUBCOMMITTEES

LANDMARKS, PUBLIC SITING & MARITIME USES	PLANNING, DISPOSITION & CONCESSIONS	ZONING & FRANCHISES
LANDER, CHAIR Arroyo Halloran Mendez Palma Sanders Williams	LEVIN, CHAIR Barron Dickens Gonzalez Koo	WEPRIN, CHAIR Comrie Garodnick Jackson Lappin Reyna Rivera Seabrook Vacca Vann Ignizio

SUBCOMMITTEES

DRUG ABUSE (Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services)	SENIOR CENTERS (Aging)
CARRERA, CHAIR	VACANT, CHAIR

SELECT COMMITTEES

LIBRARIES
GENTILE, CHAIR

GENERAL ORDER CALENDAR

Report for L.U. No. 56 & Res. No. 190

Report of the Committee on Land Use in favor of approving Application no. N 100119 ZRM submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page XXX), and originally reported to the Council on April 14, 2010 (Minutes, page xxx), respectfully

REPORTS:

SUBJECT

MANHATTAN CB's - 4 and 5 N 100119 ZRM

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

INTENT

To amend the parking regulations of the Special Hudson Yards District.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: April 8, 2010

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

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

Res. No. 190

Resolution approving with modification the decision of the City Planning Commission on Application No. N 100119 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Borough of Manhattan (L.U. No. 56).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 9, 2010 its decision dated February 24, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, which would take into account changing conditions in the affected area and would continue to meet the parking needs of new development as well as support the parking needs of Midtown Manhattan and the Convention Center area in Community Districts 4 and 5 (Application No. N 100119 ZRM), Borough of Manhattan (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 April 7, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on October 19, 2009 (CEQR No. 10DCP008M);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100119 ZRM, incorporated by reference herein, the Council approves the Decision with the following modification.

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 underlined is new, to be added;

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

Matter in ~~strikeout~~ is old, to be deleted;

* * * indicates where unchanged text appears in the Zoning Resolution;

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

Article IX - Special Purpose Districts**Chapter 3****Special Hudson Yards District****93-00****GENERAL PURPOSES**

The "Special Hudson Yards District" 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:

* * *

(n) to limit the amount of off-street parking based on regulations which address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit and pedestrian-oriented neighborhood character.

* * *

93-03**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Hudson Yards District plan#.

The District Plan includes the following ~~nine-ten~~ maps:

- Map 1 - Special Hudson Yards District, Subdistricts and Subareas
- Map 2 - Mandatory Ground Floor Retail
- Map 3 - Mandatory Street Wall Requirements
- Map 4 - Mandatory Sidewalk Widening
- Map 5 - Transit Easements and Subway Entrances
- Map 6 - Sites for which Special Parking Regulations Apply
- Map ~~6~~7 - Subdistrict F Site Plan
- Map ~~7~~8 - Subdistrict F Public Access Area Plan
- Map ~~8~~9 - Subdistrict F Mandatory Ground Floor Requirements
- Map ~~9~~10 - Subdistrict F Mandatory Street Wall Requirements

93-052**Applicability of Article I, Chapter 3**

#Public parking lots# authorized pursuant to Section 13-552 (~~Public parking lots~~) prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted pursuant to Section 13-561 prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistrict F. Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80 (inclusive).

93-054

Applicability of ~~Chapter 4 of Article VII, Chapter 4~~

- (b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# of any capacity and to #public parking garages#, granted prior to (date of enactment) or portions thereof, located above grade, subject to the findings of Section 93-821 (Authorization for above grade parking). However, the findings of Section 93-821 shall not apply to any public parking facility in existence prior to January 19, 2005, that is the subject of a renewal or new special permit.

93-14

Ground Floor Level Requirements

- (b) Retail continuity along designated streets in Subdistrict F

Map 8 2 (Subdistrict F Mandatory Ground Floor Requirements) in Appendix A specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the building's #street# frontage, as indicated for each location on Map 8 2.

- (1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

- (2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial use# from Use Group 6B shall be permitted on the ground floor level of a #building# or within five feet of #curb level# for frontages along designated #streets#, as shown on Map 8 2, other than Eleventh Avenue.

93-16

Public Parking Facilities

In C2-5, C2-8 and C6 Districts, the provisions of Sections 32-17 (Use Group 8) and 32-21 (Use

Group 12) with respect to #public parking garages# and #public parking lots# are modified to require a special permit pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) for #public parking lots# of any capacity, and in C2-8 and C6 Districts, to allow, as of right, #public parking garages#, provided such garages are entirely below grade and contain not more than 0.30 parking spaces for each 1,000 square feet of #floor area# on the #zoning lot#. However, no #public parking garages# shall be permitted within the #Phase 2 Hudson Boulevard and Park#, as shown on Map 1 in Appendix A of this Chapter inapplicable and are superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

93-17

Modification of Sign Regulations

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71.

- (b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 6 7 (Subdistrict F Site Plan) in Appendix A shall be considered a separate #zoning lot#.

93-56

Special Height and Setback Regulations in Subdistrict F

The height and setback regulations set forth in this Section, inclusive, shall apply to specific sites identified as Sites 1 through 6 on Map 6 7 (Subdistrict F Site Plan) in Appendix A. All #developments# or #enlargements# of a #building# or other structure# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open

Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High

Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-

75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 7 8) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

93-561

General rules for Subdistrict F

The following regulations shall apply to all #buildings# or other structures# within Sites 1 through

6:

- (a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 7 8 (Subdistrict F Public Access Area Plan), the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 7 8. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building#, to the sky, except as permitted:

* * *

93-562

Street wall regulations for certain streets

The locations of all #street walls# identified in this Section are shown on Map 9 10 (Subdistrict F Mandatory Street Wall Requirements) in Appendix A.

* * *

93-565

Site 3

* * *

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

* * *

93-566

Site 4

* * *

(c) Towers

* * *

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

* * *

93-567

Site 5

All #stories# of a #development# or #enlargement# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building or other structure# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

* * *

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building or other structure# is #developed# with portions on both sides of the #High

Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction maybe increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

* * *

93-568

Site 6

* * *

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 6 7 (Subdistrict F Site Plan), may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

* * *

93-75

Publicly Accessible Open Spaces in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A identifies the location of publicly accessible open spaces.

* * *

93-751

General requirements for the Western Open Space

* * *

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

* * *

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph, (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One

such pedestrian access shall link the West 32nd Street Extension’s Allee, as defined in paragraph (c)(2) of Section 93- 761 and shown on Map 7 8, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

93-752

General requirements for the Central Open Space

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 7-8 (Subdistrict F Public Access Area Plan) in Appendix A.

93-753

General requirements for the Southwest Open Space

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

93-754

General requirements for the Northeast Plaza

A publicly accessible open space, (henceforth referred to as the “Northeast Plaza”), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be #developed# in accordance with the standards of a #public plaza#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

93-755

General requirements for the Midblock Connection

A pedestrian way, (henceforth referred to as the “Midblock Connection”), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 7 8 (Subdistrict F Public Access Area Plan), in Appendix A.

93-76

Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

93-761

General requirements for the West 32nd Street Extension

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

- (1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other highdensity, mixed-use districts;
- (3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A; and
- (4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and Dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 7 8, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a building entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core Elements

The West 32nd Street Extension shall provide the following core elements:

- (2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 7 8. No #development# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

93-762

General requirements for the West 31st Street Extension

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th

Street #street line#, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a building entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-754 (General requirements for the ~~Northeast Plaza~~ Central Open Space), as applicable.

* * *

93-763

General requirements for the West 30th Street Corridor

* * *

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

* * *

93-764

General requirements for the Connector

* * *

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

* * *

93-78

Site and Landscape Plans for Public Access Areas in Subdistrict F

* * *

- (e) Where a phase of #development# results in all building sites in Subdistrict F, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved pursuant to paragraph (c) of this Section at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

* * *

93-80

OFF-STREET PARKING REGULATIONS

In Subdistricts A, B, C, D and E, the regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistrict F, the regulations of Article 1, Chapter 3 shall apply.

93-81

Definitions

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Area P2 of the #Special Garment Center District#.

Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

- (a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before (date of enactment), to the extent that such spaces satisfy the ratios of Section 93-821;
- (b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before (date of enactment);
- (c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and
- (d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21, to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter VI) shall be counted towards the #Hudson Yards development parking supply#.

For purposes of this definition, “constructed” shall include any off-#street# parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on (date of enactment); under construction on such date with the right to continue construction pursuant to Section 11-331; or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of (date of enactment).

Public parking

“Public parking” shall be off-street parking that is open to the public during the business day for

hourly, daily or other time-defined rental of parking spaces, for which a fee is charged;

Reservoir deficit

The “reservoir deficit” shall be the amount by which the #reservoir surplus# is less than zero;

Reservoir parking supply

The “reservoir parking supply” shall be the sum of:

- (a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and
- (b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before (date of enactment).

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, “constructed” shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either

completed on (date of enactment) or under construction on such date with the right to continue construction pursuant to Section 11-331.

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The "reservoir surplus" shall be increased by:

- (a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before the (date of enactment);
- (b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Sections 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and
- (c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to this Section 93-80 et. seq., except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

- (a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:
 - (1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or
 - (2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or
- (b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

"Substantial construction" shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

93-81

93-82

Required and Permitted Parking

All #Developments# or #enlargements# on #zoning lots# greater than 15,000 square feet in the #Hudson Yards parking regulations applicability area# may shall provide #accessory# parking spaces in accordance with the provisions of this Section. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section. The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) ~~Except in the Eastern Rail Yards Subarea A1, for #residences#, #accessory# off-street parking spaces shall may be provided for at least not more than 33 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911 of this Resolution government assisted, pursuant to paragraph (e) of Section 25-25, #accessory# off-street parking spaces shall may be provided for at least 25 not more than eight percent of the total number of such #dwelling units#. In all areas, the total number of off street parking spaces #accessory# to #residences# shall not exceed 40 percent of the total number of #dwelling units#. However, if the total number of #accessory# off street parking spaces required for such #use# on the #zoning lot# is less than 15, no such spaces shall be required.~~

(b) ~~Except in the Eastern Rail Yards Subarea A1, for #commercial# and #community facility uses#, a minimum of 0.30 #accessory# off street parking spaces shall be provided for each 1,000 square feet of #floor area#, and not more than 0.325 off street parking spaces shall be provided for every 1,000 square feet of #floor area#. However, if the total number of #accessory# off street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.~~

(e) ~~Except in the Eastern Rail Yards Subarea A1, the required and permitted amounts of #accessory# off street parking spaces shall be determined separately for #residential#, #commercial# and #community facility uses#.~~

(b) ~~For Use Group 5 #transient hotels#, the provisions of Section 13-131 shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.~~

(c) ~~For Use Group 6B offices not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.~~

(d) ~~In the Eastern Rail Yard Subarea A1, no #accessory# off street parking shall be required paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d).~~

(1) ~~For #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#.~~

(2) ~~For #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces.~~

(3) ~~In no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.~~

(e) ~~The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted or required #accessory# off street parking spaces.~~

The Department of Buildings shall not issue a building permit for any #accessory# offstreet parking pursuant to paragraphs (a) through (c) of this Section unless the Chairperson has certified that:

(1) The sum of the following is less than or equal to 5,084 spaces:

- (i) the #reservoir surplus# or zero;
- (ii) the #Hudson Yards development parking supply#; and
- (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) The sum of the following is less than or equal to 5,905 spaces:

- (i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that

have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81 ;

- (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
 - (iii) the #Hudson Yards Development Parking Supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e) (1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yards Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# offstreet parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yards Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e) (1) and (2), respectively.
- (4) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building# which includes the subject #accessory# off-street parking spaces has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1:

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131;
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b);
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that
 - (1) a #reservoir deficit# exists;
 - (2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821 proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - (3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in subparagraphs (i), (ii) and (iii) of paragraph (e)(2) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e) (2) has been adjusted pursuant to the provisions of paragraph (e) (3) of Section 93-821.
- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building# which includes the subject #accessory# off-street parking spaces has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any

prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-823

Parking permitted by special permit

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, in accordance with the provisions of Section 13-561, except that finding (a) of Section 13-561 shall not apply. In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in subparagraphs (i), (ii) and (iii) of paragraph (e)(2) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e) (2) has been adjusted pursuant to the provisions of paragraph (e) (3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-824

Publication of data

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in Section 93-821(e)(2)(i) and (ii), and #reservoir surplus# or #reservoir deficit#, as applicable.

93-82

93-83

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, aAll #accessory# off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility. However, such regulations are modified in the following areas:
 - (1) ~~in C1-7A Districts and in C2-5 Districts mapped within R8A Districts, all #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development#, #enlargement# or conversion. Where a parking facility is located partially within a C2-5 District mapped within an R8A District and partially within another district, all such #accessory# off-street parking spaces may be made available for public use provided more than half of the floor space of the parking facility is located outside the C2-5 District mapped within an R8A District; or~~
 - (2) ~~in the Eastern Rail Yards Subarea A1, any #accessory# parking spaces shall be exclusively for #uses# located in the Subarea.~~
- (b) All #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided:
 - (1) ~~such parking facilities are located within a C2-8 or C6-4 District within the #Special Hudson Yards District#, or within the 42nd Street Perimeter Area of the #Special Clinton District# or within Area P-2 of the #Special Garment Center District#;~~
 - (2) ~~the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and~~
 - (3) ~~the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each #zoning lot# using such facility, less the number of any spaces provided on such~~

~~#zoning lots#~~. The provisions of Section 13-141 (Location of accessory off-street parking spaces), inclusive, shall apply.

- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (2) located, at every level above-grade, behind commercial, community facility or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-8231

Authorization for above-grade parking

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (c) of Section 93-823 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) the materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area# so as to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;
- (f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and
- (g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

93-83 93-84

Curb Cut Restrictions

93-831 93-841

Curb cut restrictions in the Large-Scale Plan Subdistrict A

93-832 93-842

Curb cut restrictions in the Farley Corridor Subdistrict B

93-84 93-85

Authorization for Additional Curb Cuts

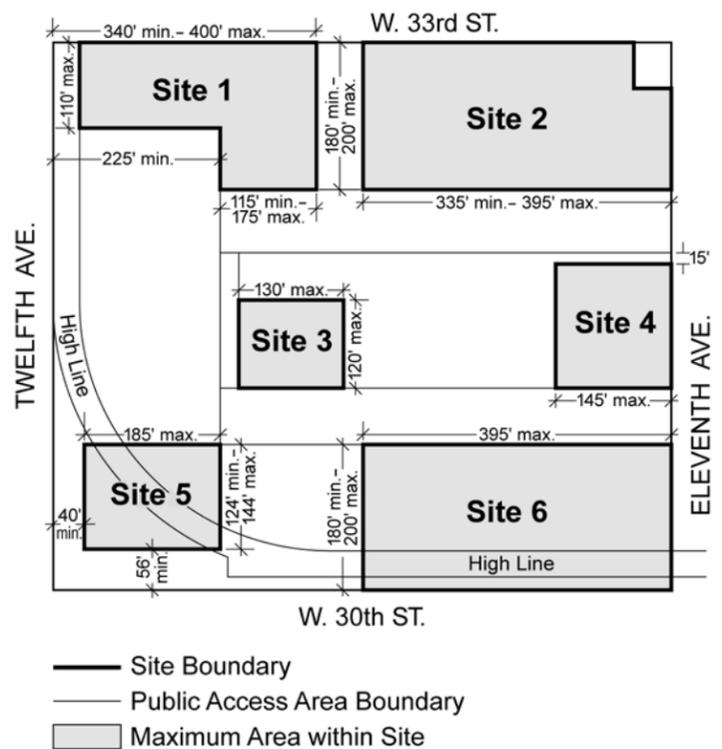
Appendix A

Special Hudson Yards District

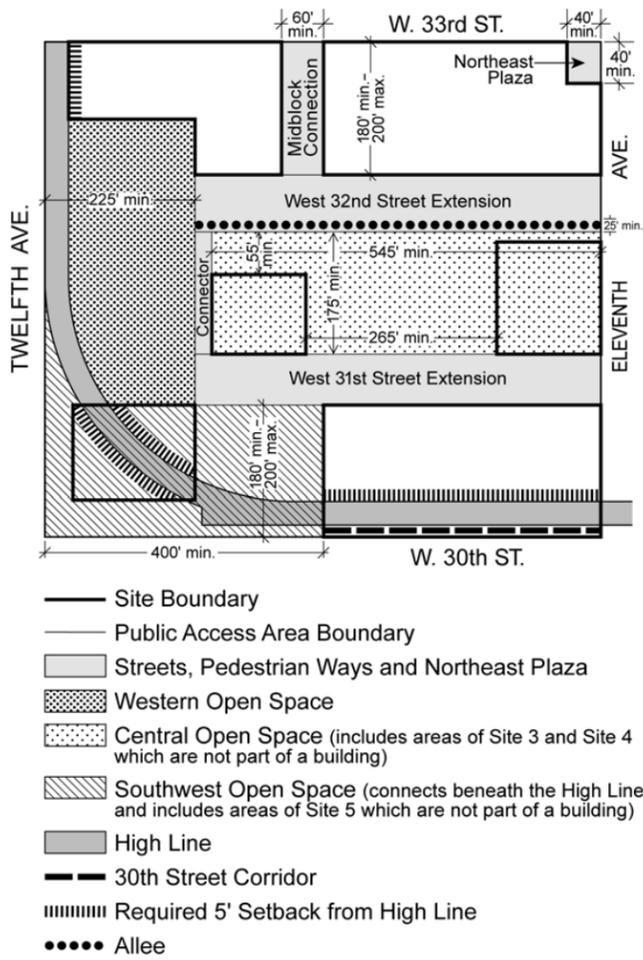
Map 6 – Sites for which Special Parking Regulations Apply



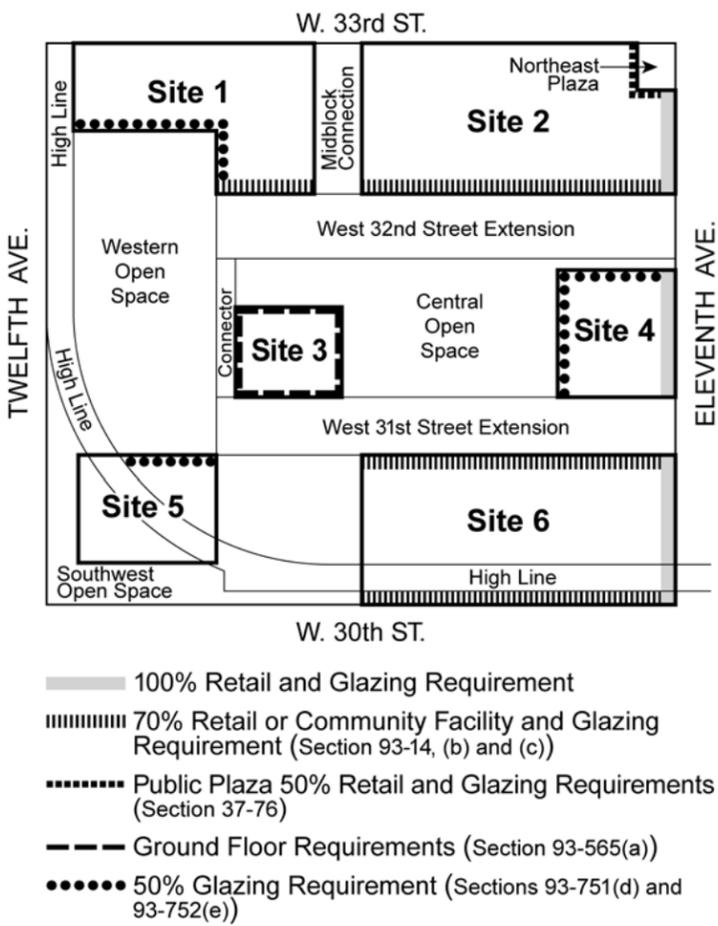
Map 7 – Subdistrict F Site Plan



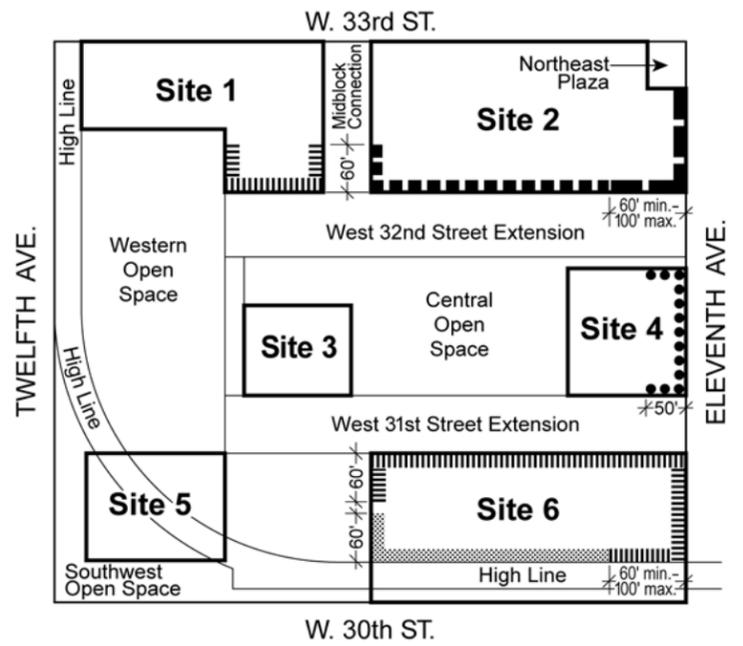
Map 7 8 – Subdistrict F Public Access Area Plan



Map 8 9 – Subdistrict F Mandatory Ground Floor Requirements



Map 9 10 – Subdistrict F Mandatory Street Wall Requirements



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
	50*	60*	100%	20%	30%
	60'	90'	100%	20%	30%
	90'	120'	100%	20%	50%
	90'	120'	100%	20%	30%
	120'	150'	100%	20%	30%

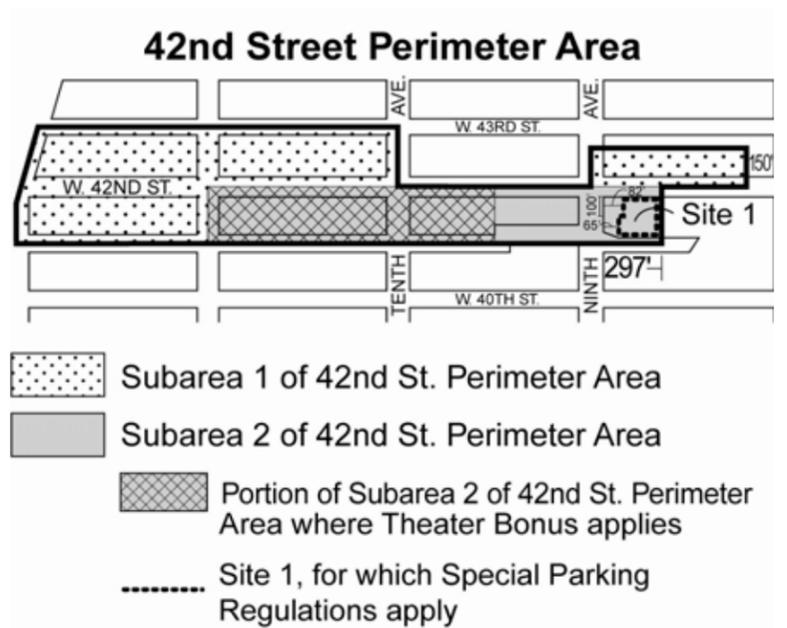
*As measured above the High Line bed

Article IX - Special Purpose Districts

Chapter 6
Special Clinton District

Appendix A

Special Clinton District Map



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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Shawn Adams	100-54 Francis Lewis Blvd Queens, NY 11429	27
Linda E. Andersen	725 4th Avenue #N1 Brooklyn, NY 11232	38
Willie J. Armstrong	822 St. Johns Place Brooklyn, NY 11216	35
Willermine Bonica	1587 Carroll Street #611 Brooklyn, NY 11213	41
Latasha Clanton	102-00 ShoreFront Pkwy #9B Queens, NY 11694	32
Nicole Freeman	113 East 13th Street #10F New York, NY 10003	2
Jose V. Mendez	370 Ft. Washington Avenue #304 New York, NY 10033	10
Nichole Richards	521 East 82nd Street #2A New York, NY 10028	5
Rhomanio Rose	1272 Flatbush Avenue Brooklyn, NY 11226	45
Inessa Segal	31-16 28th Road #4F Astoria, NY 11102	22
Suzette Urieola	400 Chamber Street #8Y New York, NY 10282	1
Gail Y. Williams	201 West 117th Street #3D New York, NY 10026	9

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Theresa Ariola	86-10 164th Avenue Queens, NY 11414	32
Rosemary J. Cristano	160-23 96th Street Howard Beach, NY 11414	32
Ginet Reyes	85-10 Forest Parkway Woodhaven, NY 11421	32
Janice Balderas	39-50 60th Street #B30 Woodside, NY 11377	26
Carolyn O'Connell	35-07 32nd Street Queens, NY 11106	26
Maria Batista	294 Audubon Avenue #1 New York, NY 10033	10
Ernest Bauer	1624 Webster Avenue Bronx, NY 10457	14
Joel Bobadilla	9009 104th Street Richmond Hill, NY 11418	30
Gail A. Zaroni	94-16 Park Lane South Woodhaven, NY 11421	30
Carol L. Bouknight	97-07 Horace Harding Expressway #15B Rego Park, NY 11368	25
Consuelo Roque	86-11 Whitney Avenue Queens, NY 11373	25
John Boyne	4-21 27th Avenue #10 Astoria, NY 11102	22
Ralph Branson	32-20 101st Street Queens, NY 11369	21
Ruth Brown-McGill	567 West 149th Street #27 New York, NY 10031	7
Martha Chevalier	654 West 161th Street	7

Catherine Carbonaro	New York, NY 10032 99 East Macon Avenue Staten Island, NY 10308	51
Gail Montellese	663 Lamoka Avenue Staten Island, NY 10312	51
Joseph T. Yacca	128 Tanglewood Drive Staten Island, NY 10308	51
James Carriel III	365 Jay Street #4A Brooklyn, NY 11201	33
Philip Chapman	2504 Olinville Avenue #1B Bronx, NY 10461	13
Michael Stephens	560 Balcom Avenue #7M Bronx, NY 10465	13
Rosemarie Coles	454 15th Street #4R Brooklyn, NY 11215	39
Lydia E. Cruz	3244 Third Avenue #A Bronx, NY 10451	17
Annie Dunn	621 Lefferts Avenue #C17 Brooklyn, NY 11203	35
Magali Figueroa	140 Debs Place #25F Bronx, NY 10475	12
Shirley J. Saunders	120-20 Benchley Place Bronx, NY 10475	12
David Finkelshteyn	444 Neptune Avenue #5L Brooklyn, NY 11224	47
Sharon Fox	2610 Ocean Parkway #4A Brooklyn, NY 11235	47
Louis J. Salmonese	1829 West 10th Street Brooklyn, NY 11223	47
Raul Fong	48-50 187 Street Queens, NY 11365	20
Sophina Go	974 54th Street Brooklyn, NY 11219	38
Nelida Jimenez	435 Bleecker Street Brooklyn, NY 11237	37
Vivian A. Johnson	763 Lincoln Avenue Brooklyn, NY 11208	42
Jin Ho Lee	36-22A Francis Lewis Blvd #201 Flushing, NY 11358	19
Laiyin L. Li	73-12 15th Avenue 1st Fl Brooklyn, NY 11228	43
Kathie Lorenzo	12 West 119th Street #3 New York, NY 10026	9
Rachel Rawlings	16 East 116 Street #5B New York, NY 10029	9
Jacob S. Moseson	769 Empire Avenue Queens, NY 11691	31
Aron Moseson	769 Empire Avenue Queens, NY 11691	31
Jose A. Oliveras	13 McKibbin Court Brooklyn, NY 11206	34
Marie-Jose Richard	118-30 234th Street Queens, NY 11411	27
Catherine V. Thompson	932 St. Marks Avenue #2E Brooklyn, NY 11213	36
Stanley Tischler	108-53 62nd Drive #11K Queens, NY 11375	24
Benjamin Ari Wilbur	2014 New York Avenue Brooklyn, NY 11210	46
Martin M. Williamson	2508 Broadway #2A New York, NY 10025	6

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **M 30 & Res 185 --** Matthew W. Daus - as a Commissioner of the New York City Civil Service Commission.
- (2) **M 32 & Res 186 --** Diana Chapin - as a member of the New York City Landmarks Preservation Commission.
- (3) **M 33 & Res 187 --** Elizabeth Ryan - as a member of the New York City Landmarks Preservation Commission.
- (4) **M 34 & Res 188 --** Pablo Vengoechea - as a member of the New York City Landmarks Preservation Commission.
- (5) **M 83 & Res 170 --** Transfer City funds between various units of appropriation within the Department of Education's expense budget in fiscal year 2010. (MN -3)
- (6) **Int 24-A --** Health insurance coverage for certain persons retired from employment by the board of education.
- (7) **Int 35-A --** Regulation of horse drawn cabs and repealing section 17-333 of the administrative code.
- (8) **Int 128 --** Date of submission by the Mayor of the proposed executive budget and budget message.
- (9) **Res 189 --** Resolution approving Membership Changes to Certain Standing Committees.
- (10) **L.U. 40 & Res 171 --** App. **20105364 HAK**, an UDAAP, 917 Gates Avenue, Council District no. 41, Borough of Brooklyn.
- (11) **L.U. 50 & Res 172 --** App. **20105189 TCM**, Le Basket Inc, unenclosed sidewalk café located at 683 Broadway, Manhattan, Council District no. 1.
- (12) **L.U. 51 & Res 173 --** App. **C 080339 ZMK** Rose Plaza on the River LLC an amendment of the Zoning Map, Section 12d.
- (13) **L.U. 52 & Res 174 --** App. **C 080340 ZSK** Rose Plaza on the River LLC special permit construction of a mixed use development on property.
- (14) **L.U. 53 & Res 175 --** App. **N 100056 ZRK** Rose Plaza on the River LLC amendment of the Zoning Resolution of the City of New York.
- (15) **L.U. 54 & Res 176 --** App. **N 100124 ZRQ** (Special College Point District) relating to Section 126-233 (b), Borough of Queens, Community District 7.
- (16) **L.U. 55 & Res 177 --** App. **C 100120 ZMR** Clove Lakes Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section no. 21b.
- (17) **L.U. 56 & Res 190 --** App. **N 100119 ZRM** amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).
- (18) **L.U. 57 & Res 178 --** App. **N 100139 ZRY** concerning front yard planting, parking location and curb cut regulations for residential uses.
- (19) **L.U. 59 & Res 179 --** App. **20105350 HKM** 311 Broadway Building located at 311 Broadway, as a historic landmark, Council District no. 1.
- (20) **L.U. 61 & Res 180 --** App. **20105352 HKQ** Ridgewood Theater Building located at 55-27 Myrtle Avenue, as a historic landmark, Council District no. 34.
- (21) **L.U. 62 & Res 181 --** App. **20105351 HKQ (N 100221 HKQ)**, Public School 66 85-11 102nd Street, as a historic landmark, Council District no. 30.
- (22) **L.U. 63 & Res 182 --** App. **20105353 HKR (N 100225 HKR)**, Mary and David Burgher House, 63 William Street, as a historic landmark, CD 49.
- (23) **L.U. 66 & Res 183 --** App. **20105424 HAM**, UDAADP, 98-108 East 118th Street, Borough of Manhattan,

Council District no. 8.

- (24) **L.U. 70 & Res 184 --** App. **20105425 HAM**, approval of the dissolution of a redevelopment company and the termination of a tax exemption for a project.

- (25) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, 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. 35**:

Affirmative – Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **43**.

Negative – Dromm, Mark-Viverito, Mendez, and Palma – **4**.

Abstention – Brewer – **1**.

The following was the vote recorded for **LU No. 51 & Res No. 173; LU No. 52 & Res No. 174; LU No. 53 & Res No. 175**:

Affirmative – Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative – Barron – **1**.

The following was the vote recorded for **LU No. 57 & Res No. 178**:

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

Negative – Barron and Dilan – **2**.

Abstention – Mendez and Williams – **2**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 24-A, 35-A, and 128.

INTRODUCTION AND READING OF BILLS

Int. No. 131

By Council Members Brewer, Barron, Chin, Crowley, Dromm, Gonzalez, James, Koppell, Palma, Recchia, Rodriguez, Rose, Seabrook, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to student pedestrian safety near schools located in proximity to parking garages.

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-183 to read as follows:

§19-183 Installation of pedestrian warning systems and cautionary signs. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. "Parking garage" means a building, shed or enclosure or portion thereof which has the capacity to hold five or more motor vehicles and which is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration charged directly or indirectly.

2. "Exit" means a point of egress from a parking garage where a motor vehicle must cross a sidewalk.

3. "Pedestrian warning system" means a system approved by the department that includes visual and audible warning devices to alert pedestrians to the presence of incoming or exiting vehicles.

b. The department shall install at any city-owned parking garage located in what the department determines to be proximity to a school: (1) a pedestrian warning system at the exterior of the garage's exit; (2) a stop sign on the interior of the exit; and (3) a conspicuously placed, department approved sign on the interior alerting all exiting cars to the presence of students in the area.

§ 2. Subchapter seventeen of chapter two of title 20 of the administrative code of the city of New York is amended by adding a new section 20-332 to read as follows:

§20-332 Pedestrian warning systems. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. "Parking garage" means a building, shed or enclosure or portion thereof which has the capacity to hold five or more motor vehicles and which is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration charged directly or indirectly.

2. "Exit" means any point of egress from a parking garage where a motor vehicle must cross a sidewalk.

3. "Pedestrian warning system" means any system approved by the department of transportation that includes visual and audible warning devices to alert pedestrians to the presence of incoming or exiting vehicles.

b. Parking garage operators shall install at any parking garage located in what the department of transportation determines to be proximity to a school: (1) a pedestrian warning system at the exterior of the garage's exit; (2) a stop sign on the interior of the exit; and (3) a conspicuously-placed, department of transportation approved sign on the interior alerting all exiting cars to the presence of students in the area.

§3. This local law shall take effect one hundred and eighty days after enactment, provided, however, that the department of transportation in consultation with the department of consumer affairs shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 132

By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Seabrook, Van Bramer and Williams.

A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.

Be it enacted by the Council as follows:

Section 1. Section 1063 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. Each city agency, committee, commission and task force and the council shall record or cause to be recorded in digital video format its meetings and hearings, or portions thereof, that are subject to article seven of the public officers law. Such recordings shall be webcast live, where practicable, and shall be archived and made available to the public on the city's website or, in the case of the council, on the council's website, not more than seventy-two hours after adjournment of the meeting or hearing recorded.

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

Referred to the Committee on Technology.

Int. No. 133

By Council Members Brewer, Barron, Chin, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Nelson, Palma, Rodriguez, Rose, Williams, Levin and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to creating a bicycle safety taskforce.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. New York City is a unique urban environment and factors such as limited parking, traffic congestion and the availability of public transportation discourages car use. Consequently, many New Yorkers ride bicycles to work and other destinations. Bicyclists also ride for recreation and to improve health and fitness. Bicycling reduces road congestion and motor vehicle related pollution. The Council recognizes that increasing bicycling in New York City can create health and environmental benefits. The Council also recognizes that a safe environment for bicyclists can prevent injuries and fatalities. The Council finds that by establishing a mechanism for comprehensive review of bicycle use, including routes and pathways and bicycle safety, we will better understand how to improve the City's bicycle program and encourage safe bicycling practices. Accordingly, the Council finds that a taskforce dedicated to reviewing the trends and patterns of bicycle use, improving the City's bicycle program and creating ways to encourage safe bicycling practices in New York City, is needed.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-180 to read as follows:

§19-180 Bicycle safety taskforce. a. There shall be established a bicycle safety taskforce to examine the city's bicycle program. Such taskforce shall develop recommendations on how to make New York city more bicycle-friendly. Such recommendations shall include, but not be limited to, the best ways to use federal funding to improve the city's bicycle program; changes in rules and regulations regarding bicycle routes, infrastructure components for bicycle lanes and bicycle parking; and educational campaigns and other measures to promote bicycling while ensuring the safety of bicyclists and pedestrians.

b. Such taskforce shall consist of the commissioner of the department of transportation, or his or her designee; the commissioner of the department of city planning, or his or her designee; and the commissioner of the department of parks and recreation, or his or her designee. The mayor shall appoint two additional individuals, including one transportation expert and one person who advocates on bicycle use related issues; provided, however, that such individuals shall not hold any other public office, employment or trust. The speaker of the city council shall appoint two additional individuals, including one transportation expert and one person who advocates on bicycle use related issues; provided, however, that such individuals shall not hold any other public office, employment or trust.

c. Such taskforce shall serve for a term of two years. Any vacancy shall be filled in the same manner as the original appointment.

d. All members of such taskforce shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

e. Such taskforce shall meet at least five times a year and shall hold a hearing in each of the five boroughs. The commissioner of the department of transportation shall serve as chairperson of such taskforce and shall convene the first meeting of such taskforce within ninety days after the effective date of the local law that added this section. Such taskforce shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months and twenty-four months after the effective date of the local law that added this section.

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

§4. This local law shall take effect immediately and shall be deemed repealed on May 31, 2012.

Referred to the Committee on Transportation.

Int. No. 134

By Council Members Brewer, Dickens, Dromm, Fidler, Gentile, James, Lander, Mark-Viverito, Palma, Seabrook, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to ensuring that handheld computers used to enforce parking laws, rules and regulations access information from the department of transportation's sign information system.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.3 to read as follows:

§14-118.3 *Handheld computers.* a. *Handheld computers used by the department to enforce laws, rules and regulations relating to parking shall access and utilize the sign information system created by the commissioner of transportation as required by section 19-175.1 of the code.*

b. *The handheld computers referred to in subdivision a of this section shall be programmed to ensure that no notice of violation of parking laws, rules or regulations is issued when the department of transportation's sign information system indicates that issuing such notice would be inconsistent with parking laws, rules and regulations applicable at that time.*

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

Referred to the Committee on Transportation.

Int. No. 135

By Council Members Brewer, Barron, Chin, Dromm, James, Lander, Mark-Viverito, Palma, Rodriguez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to reserving parking spaces in public parking facilities for car sharing programs.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 to read as follows:

§19-175.4 *Car sharing programs.* a. *For the purposes of this section, the following terms shall be defined as follows:*

1. *"Car sharing program" shall mean a membership program intended to offer an alternative to car ownership where persons or entities that are members are permitted to use vehicles from a fleet on an hourly basis.*

2. *"Public parking facility" shall mean city-owned and operated parking facilities that are available for public use and shall not include any parking facility operated by a city agency intended primarily for use by such agency's employees or by the public to conduct business with such agency.*

b. *The commissioner shall reserve ten percent or ten parking spaces, whichever is less, in every public parking facility for the use of car sharing programs. Such car sharing programs shall pay reasonable fees, to be determined by the commissioner, for the use of such reserved parking spaces.*

c. *If the demand for spaces reserved for car sharing programs in a public parking facility exceeds the number of such spaces, the commissioner shall develop and administer a lottery system to allocate the available spaces in such facility every two years.*

d. *If the demand for spaces reserved for car sharing programs in a public parking facility is less than the number of such spaces, the excess spaces shall be exempt from the provisions of this section of the code until a car sharing program requests the use of such excess spaces.*

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

Referred to the Committee on Transportation.

Int. No. 136

By Council Members Brewer, Barron, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Rodriguez, Sanders and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to green back generators for mobile food vending units.

Be it enacted by the Council as follows:

Section 1. Subchapter seven of chapter one of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.13 as follows:

§24-163.13 *Use of verified idle reduction technology or an auxiliary power unit in motorized mobile food vending units.* a. *For the purposes of this section, the following terms shall be defined as follows:*

(1) *"Auxiliary power unit" shall mean a device containing an engine certified by the United States environmental protection agency that supplies cooling, heating, and electrical power to trucks, and motorized mobile food vending units while the engine of such vehicle, if any, is not operating.*

(2) *"Generator" shall mean a machine or device that combusts fossil fuel to create electricity.*

(3) *"Verified idle reduction technology" shall mean technology including, but not limited to, an auxiliary power unit, that has been verified by the United States environmental protection agency and allows the engine of a vehicle to be turned off while still providing power to the vehicle or equipment, such as for the heating or cooling of the cabin, and which reduces tailpipe emissions from diesel-fuel powered vehicles.*

(4) *"Mobile food vending unit" shall mean a food service establishment as defined in Article 81 of the health code that is also a vehicle using gasoline or diesel fuel and shall not include a pushcart or self-propelled vehicle that uses propane used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such vehicle shall be deemed a mobile food vending unit whether operated on public, private or restricted space. A mobile food vending unit shall not mean a stand or a booth.*

b. *Any diesel-fuel powered generator that is used to provide electrical power for equipment used in a mobile food vending unit shall be equipped with an auxiliary power unit or verified idle reduction technology.*

c. *Any person who violates the provisions of subdivision b of this section shall be liable for a civil penalty in the amount of five hundred dollars for each day in which they are in violation of such subdivision.*

§2. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take all actions, including the promulgation of rules necessary to implement this local law prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 137

By Council Members Brewer, Barron, Comrie, Crowley, Dromm, Gonzalez, James, Koppell, Lander, Mark-Viverito, Palma, Williams, Foster and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to illumination of common areas in multiple-unit residential buildings to allow private, cooperatively owned buildings to utilize motion activated and/or timed light switches so as to conserve electricity.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that substantial amounts of electricity are consumed through unnecessary lighting of residential buildings after sunset, in empty fire stairs and fire towers, stairs and public halls and other common areas. The Council further finds that motion or lighting occupancy sensors can save up to thirty percent annually in energy consumption and pay for themselves in less than three years.

Therefore the Council finds that it is in the best interests of the City to permit the owners of multiple dwelling cooperatively owned residential buildings to install motion sensors in common areas.

§ 2. Subdivision b of section 27-2039 of the administrative code of the city of New York is amended to read as follows:

b. The owner of a multiple dwelling shall keep all required lights burning continuously (1) in every fire stair and fire tower; (2) in every stair and public hall where there is no window opening on a street, court, yard, space above a setback, or on a shaft; and (3) in every stair and public hall where there is a window which in the opinion of the department does not provide adequate natural light; *The owner of a cooperatively-owned multiple dwelling may elect to utilize motion sensors or occupancy-activated light control switches with manual override control switches in common areas,*

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 143

Resolution strongly urging the New York State Legislature to immediately pass the New York State Reproductive Health Act.

By Council Members Brewer, Barron, Chin, Comrie, Crowley, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Seabrook, Foster and Nelson.

Whereas, New York State was one of the first states in the nation to support the reproductive rights of women by pioneering legislation that decriminalized abortion in 1970; and

Whereas, This legislation was groundbreaking and crucial in ensuring the reproductive health and freedom of American women; and

Whereas, In 1973, the United States Supreme Court legalized abortion throughout the country with the Roe v. Wade decision; and

Whereas, Since 1973, many states have passed laws limiting women's ability to access the procedure; and

Whereas, A 2007 Supreme Court decision upheld an abortion restriction which did not include provisions for consideration of the risk to the health of pregnant women wishing to acquire a late-term abortion; and

Whereas, This decision threatens the medical safety of women and removes options for women and their doctors facing life and death situations; and

Whereas, Reproductive health is an important component of women's overall health, and reproductive freedom is equally important to women's safety and well-being; and

Whereas, The Reproductive Health Act was first introduced in the New York State Senate in 2007 as S. 6045A and then again on June 5, 2009 as S. 5808; and

Whereas, The Reproductive Health Act would protect the fundamental right of a woman and her doctor to make private medical decisions, including decisions relating to abortion; and

Whereas, Specifically, the Reproductive Health Act would protect the fundamental right to choose contraception, ensure the right of a female to determine the course of a pregnancy, authorize abortion prior to viability, and decriminalize certain abortions; and

Whereas, According to the New York Civil Liberties Union, New Yorkers overwhelmingly support a woman's right to choose and 75% of New Yorkers support the Reproductive Health Act; and

Whereas, In January 2010, the Reproductive Health Act was referred to the Senate's Health Committee, where it sits at this time; and

Whereas, Currently, a companion bill has not yet been introduced in the New York State Assembly; and

Whereas, The Reproductive Health Act would provide safeguards for New York's women in the face of federal protections that have eroded over the years and may continue to erode in the future; and

Whereas, By passing the Reproductive Health Act, New York State can once again take the lead in ensuring the health and freedom of women; now, therefore, be it

Resolved, That the Council of the City of New York strongly urges the New York State Legislature to immediately pass the New York State Reproductive Health Act.

Referred to the Committee on Women's Issues.

Res. No. 144

Resolution calling upon the New York State Legislature to adopt legislation permitting the installation of bus-mounted cameras to assist in the enforcement of bus lanes.

By Council Members Brewer, Comrie, Dromm, Fidler, Gentile, James, Lander, Mark-Viverito, Palma and Rodriguez.

Whereas, Technology can be utilized to enhance public safety, reduce and deter violations of the law, and discourage false complaints against the City of New York; and

Whereas, The City of New York has established bus lanes which are designated for the exclusive use of buses and which prohibit access and parking by other types of vehicles in an effort to improve travel time and reliability of mass transit bus rides; and

Whereas, Specifically, pursuant to Section 4-08 of Title 34 of the Rules of the City of New York, no person shall stop, stand, or park a vehicle in a bus lane unless otherwise indicated by posted signs, markings or other traffic control devices, or at the direction of a law enforcement officer; and

Whereas, Additionally, pursuant to Section 4-12 of Title 34 of the Rules of the City of New York, when signs are erected giving notice of bus lane restrictions,

motorists are prohibited from driving a vehicle other than a bus within a designated bus lane during the hours specified, except that a person may use the bus lane in order to make the first available right hand turn where permitted into a street, private road, private drive or an entrance to private property in a safe manner or when necessary to avoid conflict with other traffic or at the direction of a law enforcement officer; and

Whereas, However, the use of bus lanes by thoughtless, indifferent, or inconsiderate motorists creates the very congested conditions that the regulations regarding bus lanes are intended to prevent or, at the very least, prevents the advantages of bus lanes from being fully realized; and

Whereas, The use of bus-mounted cameras operating automatically is a potential solution to the problem of unauthorized use of bus lanes, because evidence of drivers violating the law would be captured on film and would enable the City of New York to hold motorists accountable in court; and

Whereas, A program using bus-mounted cameras has been implemented in London, which consists of two closed-circuit television cameras installed together in a secure and waterproof house adjacent to the rate and destination sign on the side of buses; and

Whereas, One camera is fitted with an angle lens to provide a general overview that allows enforcement personnel to assess the circumstances related to an alleged offense; and

Whereas, The second camera provides a detailed view of the bus lane, providing sufficient details to read the license plate of vehicles in the bus lane; and

Whereas, A "clock interface" generates a time and date display of the video image captured by the cameras, and the videotapes are collected approximately twice a week to be analyzed by control room personnel; and

Whereas, According to a 2007 study by Transport for London, London's local government body responsible for transportation issues, the number of violations recorded by bus mounted cameras dropped from 12 to 0.1 per hour of viewed footage between 2000 and 2005, bus speeds in bus lanes increased by 5 per cent between the end of 2004 and the end of 2005, and buses traveled 12.6 percent faster in bus lanes than between bus lanes since the implementation of the bus mounted camera program; and

Whereas, Assembly Member Kavanagh is the sponsor of legislation which would create a demonstration project for bus lane enforcement cameras in certain cities, as Assembly Bill A00417; and

Whereas, The bill would authorize the Metropolitan Transportation Authority and the New York City Department of Transportation to use automated bus-mounted and road-side cameras in issuing summonses to motorists illegally parked in bus stops or driving in bus lanes; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to adopt legislation permitting the installation of bus-mounted cameras to assist in the enforcement of bus lanes.

Referred to the Committee on Transportation.

Res. No. 145

Resolution calling upon the State Legislature to amend the State election law to permit electronic voter registration.

By Council Members Brewer, Chin, Ferreras, James, Lander, Mark-Viverito, Palma, Reyna, Seabrook and Williams.

Whereas, New York State's election law should be amended to allow residents to register to vote online; and

Whereas, The current voter registration system is outdated and should be modernized to keep pace with the technological advancements driving the nation; and

Whereas, Although the voter registration application is presently available online, an applicant must print and complete the application and mail it to a local Board of Elections or deliver it in person to a local Board of Elections in order for the registration to become effective; and

Whereas, Two states - Washington and Arizona - already allow online voter registration and many others are considering it; and

Whereas, In both states online registration has expedited the formerly protracted registration process and has also led to an increase in voter registration; and

Whereas, The Seattle Post-Intelligencer reported on January 14, 2008 that over 1,600 voter applications were filed electronically in the first three days that Washington State made online voter registration available; and

Whereas, In Arizona, more than six out of ten new voter registrations are filed online; and

Whereas, Since more Americans every year use the Internet to conduct their personal and professional business, it makes sense for the voter registration process to utilize these new technological developments; and

Whereas, Online voter registration is also less costly and more environmentally friendly than paper registrations; and

Whereas, Allowing New Yorkers to register to vote online would make the time-consuming process more convenient for certain voters who frequently have difficulty registering, including military personnel serving overseas, college students studying away from home, and people with disabilities; and

Whereas, Electronic voter registration has the potential to not only increase the number of New Yorkers who register to vote, but also the potential to increase voter turnout, thereby making the democratic process more inclusive; now therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to amend the State election law to permit electronic voter registration.

Referred to the Committee on Governmental Operations.

Res. No. 146

Resolution urging the New York State Legislature to amend the Constitution of the State of New York to allow same day voter registration.

By Council Members Brewer, Chin, Dickens, Dromm, James, Lander, Mark-Viverito, Nelson, Palma, Reyna, Rodriguez, Rose, Sanders, Seabrook, Williams and Foster.

Whereas, Article II section 5 of the Constitution of the State of New York states that in order to vote in an upcoming election, a resident is required to register to vote at least ten days before that election day; and

Whereas, This restriction disenfranchises certain residents, who, for example, may have recently moved to a new election district or students who are away at college; and

Whereas, To encourage more people to vote on Election Day and to make the democratic process more inclusive, New York State should allow voters to register on the same day as Election Day; and

Whereas, Same day registration, also known as "Election Day Registration," is currently practiced in Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming; and

Whereas, Requiring registration ten days before an election is an unnecessary barrier preventing citizens from participating in the democratic process; and

Whereas, Many unregistered but eligible voters often do not focus on election campaigns until the voter registration deadline has passed; and

Whereas, Allowing eligible voters to register to vote at any time up to and including Election Day is a sensible way to increase voter turnout; and

Whereas, According to a study conducted by the think tank Demos, "Voters Win With Election Day Registration: A Snapshot of Election 2006," states with Election Day Registration generally have an average voter turnout that is 10 to 12 percentage points higher than non-Election Day Registration states; and

Whereas, Election Day Registration must be implemented in a way that encourages greater participation in the democratic process while also maintaining efficient and secure elections; and

Whereas, Election Day Registration would likely increase the turnout of lower-income and younger voters, ensuring that elections are more inclusive and that election results are more representative of each community; now therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to amend the Constitution of the State of New York to allow same day voter registration.

Referred to the Committee on Governmental Operations.

Res. No. 147

Resolution calling upon the United States Federal Aviation Administration to institute an immediate moratorium preventing all sightseeing helicopters from flying over New York City until adequate safety measures governing these types of aircraft are implemented.

By Council Members Brewer, Chin, James, Palma, Rodriguez, Williams and Foster.

Whereas, On August 8, 2009, a helicopter operated by Liberty Helicopter Tours collided with a small private plane over the Hudson River; and

Whereas, This tragic accident resulted in the loss of all nine individuals, one of the deadliest helicopter accidents in New York City history; and

Whereas, Before this incident, there have been several other notable accidents over New York City's airspace; and

Whereas, In April 1997, a corporate helicopter taking off from a heliport on East 60th Street, crashed into the East River, killing one passenger and injuring three others; and

Whereas, Later that same year, a helicopter was forced to make an emergency landing after clipping a Manhattan building, resulting in damage to the helicopter's rotor; and

Whereas, A plane piloted by Yankee pitcher Cory Lidle crashed into a building in Manhattan in 2006, killing Mr. Lidle and his flight instructor; and

Whereas, In 2007, a tour helicopter had to make an emergency landing in the Hudson River on its emergency pontoons; and

Whereas, These accidents and the terrible catastrophe of August 8th are sobering reminders of the dangers associated with air traffic safety and has led some individuals to refer to the air space over New York City as the "wild, wild west" due to its lack of regulation; and

Whereas, The federal government has exclusive jurisdiction over regulating airspace and the United States Federal Aviation Administration (FAA) is the entity that is charged with developing airspace regulations; and

Whereas, Currently, aircraft flying over the Hudson River below 1,100 feet are subject to federal requirements including minimum air speeds, right of way and operating heights; and

Whereas, Yet, these aircraft are not required to communicate with a control tower but rather use visual flight rules and periodically broadcast their altitude on a common frequency; and

Whereas, Aside from the FAA regulations, other federal entities including the National Transportation Safety Board and the United States Department of Transportation (DOT) have put forward recommendations to improve commercial aviation safety; and

Whereas, Notably, the DOT Inspector General issued a report, nearly one month before the August 8th accident, that indicated that the national fatal accident rate of on-demand operators was fifty times higher than the rate for commercial operators; and

Whereas, The report also stated that on-demand operators are subject to significantly less safety requirements and oversight than commercial air carriers, and noted that on-demand pilots have less experience and safety training, and the equipment is less sophisticated than that used by their commercial pilot counterparts; and

Whereas, In an attempt to make the airspace over New York City safer, on September 2, 2009, the FAA announced new recommendations which would include new training programs for pilots, air-traffic controllers, and the tourist helicopter operators, set new mandatory speed limits for these vehicles and require all pilots to tune into the same radio channel; and

Whereas, Despite these proposed safety measures, United States Senator Charles Schumer felt the recommendations do not go far enough, as controllers would still not be required to monitor aircraft below 1,000 feet; and

Whereas, Congressman Jerold Nadler referred to the recommendations as inadequate because they do not require the installation of a cockpit device that would automatically alert the pilot that another aircraft is close; and

Whereas, Without necessary and proper safety regulations, the airspace above New York City remains dangerous for these types of vehicles; and

Whereas, According to the New York City Economic Development Corporation, more than 300,000 tourists took a helicopter trip in 2008 and all unscheduled air transportation, including tour helicopters and corporate charters, generate nearly \$290 million annually; and

Whereas, While this represents a significant economic interest, the overarching safety concern of passengers and members of the public are paramount; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Federal Aviation Administration to institute an immediate moratorium preventing all sightseeing helicopters from flying over New York City until adequate safety measures governing these types of aircraft are implemented.

Referred to the Committee on Public Safety.

Res. No. 148

Resolution calling upon the State Legislature to restore proposed cuts to CUNY LEADS, an initiative designed to improve vocational readiness, academic success, career development and employment opportunities for CUNY students with disabilities.

By Council Members Cabrera, Barron, Chin, Comrie, Dickens, Dromm, Ferreras, Fidler, James, Palma, Reyna, Rodriguez, Rose, Sanders Jr., Seabrook, Williams, Foster, Nelson and Koo.

Whereas, The Vocational and Educational Services for Individuals with Disabilities ("VESID") is the New York State agency that assists individuals with disabilities to obtain employment; and

Whereas, VESID helps such individuals to define a career goal and provides funding for tuition for those who qualify; and

Whereas, In an effort to reach out to students with disabilities at the university level, VESID partnered with CUNY to develop the CUNY LEADS (Linking Employment, Academics and Disability Services) program; and

Whereas, CUNY LEADS was designed to facilitate successful academic and career outcomes for students with disabilities who are enrolled in CUNY programs; and

Whereas, CUNY students with disabilities who are currently registered in degree or non-degree programs, Adult and Continuing Education programs and Allied programs may participate in CUNY LEADS; and

Whereas, CUNY LEADS provides eligible students with services including career counseling, job seeking skills, job placement assistance, free textbooks, internship assistance, and training regarding the Americans with Disabilities Act; and

Whereas, Each CUNY campus has a LEADS counselor assigned to partner with various agencies and businesses to provide the necessary assistance to students; and

Whereas, According to an article in the *Queens Chronicle*, the employment rate for CUNY LEADS participants is 72%, versus the 56% national employment rate for people with disabilities; and

Whereas, The *Queens Chronicle* also reports that the average starting hourly wage for CUNY LEADS participants is 35 percent higher than that of non-LEADS participants; and

Whereas, The State proposes to eliminate the annual \$2 million funding to the program in July 2010, which would impact crucial services, especially job placement services, to 1,600 CUNY students with disabilities; and

Whereas, CUNY LEADS has proven to be successful and the elimination of funding to this vital program would be devastating to a vulnerable population faced with many challenges and limited academic and career opportunities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to restore proposed cuts to CUNY LEADS, an initiative designed to improve vocational readiness, academic success, career development and employment opportunities for CUNY students with disabilities.

Referred to the Committee on Higher Education.

Res. No. 149

Resolution calling on President Barack Obama and the United States Department of Commerce to remove the classification term “Negro” from the entire United States Census.

By Council Members Dickens, Barron, Brewer, Comrie, Dromm, James, Mark-Viverito, Reyna, Rodriguez, Sanders Jr., Seabrook and Koslowitz.

Whereas, The Constitution of the United States requires that a nationwide census be taken every ten years in order to efficiently fund government programs, apportion seats in the U.S. House of Representatives, redistrict state legislatures, and correctly plan for community-based services; and

Whereas, The United States Census collects data on the number of individuals living in a particular residence as well as such demographic information as their age, gender, date of birth, race, marital status and property ownership status; and

Whereas, On the 2010 Census, the question pertaining to race lists the term “Negro” as an identifier alongside “Black” and “African Am.”; and

Whereas, “Negro” first appeared on the Census in 1950 at a time when the word was considered more conventional and accepted than it is today; and

Whereas, “Negro” took on a negative connotation during the civil rights movement, when it came to be associated with America’s history of segregation and racism; and

Whereas, The inclusion of the term “Negro” in the 2010 Census has been met with intense criticism from younger generations of color, who feel that the term is offensive and outdated; and

Whereas, The Census Bureau defended the inclusion of the term “Negro” in the 2010 Census by claiming that it wanted to accommodate older persons of African descent who continue to self-identify using that term; and

Whereas, In light of the uproar surrounding the term’s inclusion in the 2010 Census, the Census Bureau has said that it will research the effects of removing the term “Negro” from future surveys as well as from the 2020 Census; and

Whereas, On March 26, 2010, Census Bureau Director Robert Groves personally apologized for any offense caused by the use of the term; and

Whereas, The Census is no stranger to the use of archaic racial labels, having previously used such terms as “Mulatto,” “Quadroon” and “Octoroon;” and

Whereas, The term “Negro” is a shameful relic from our country’s history and should be left to fade into disuse; and

Whereas, If the Census Bureau is sincere in its efforts to increase participation among underrepresented communities, then it must avoid using terminology that has the potential to alienate whole groups of people; now, therefore, be it

Resolved, That the Council of the City of New York calls on President Barack Obama and the United States Department of Commerce to remove the classification term “Negro” from the entire United States Census.

Referred to the Committee on Civil Rights.

Int. No. 138

By Council Members Dromm, Barron, Brewer, Comrie, Crowley, Ferreras, James, Koppell, Lander, Nelson, Palma, Reyna, Rodriguez, Sanders Jr., Seabrook, Williams, Foster and Halloran.

A Local Law to amend to administrative code of the city of New York, in relation to requiring towed vehicle storage facilities to provide 24 hour access.

Be it enacted by the Council as follows:

Section 1. Chapter one of title fourteen of the administrative code of the city of New York is amended by adding a new section 14-140.1 to read as follows:

§14-140.1 All storage facilities for towed vehicles operated by the department shall provide twenty-four hour access for redemption of vehicles stored in such facilities.

§2. Section 20-508 of title 20 of the administrative code of the city of New York is amended to read as follows:

§20-508 Storage facilities. Every licensee which stores vehicles shall do so only on premises which *provide twenty-four hour access for redemption of such vehicles and* meet such specifications as the commissioner shall establish by regulation for safeguarding property.

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

Referred to the Committee on Transportation.

Int. No. 139

By Council Members Dromm, Barron, Comrie, James, Nelson, Williams, Foster and Halloran.

A Local Law to amend to administrative code of the city of New York, in relation to reducing the minimum distance at which a vehicle can park adjacent to a fire hydrant.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-165.1 to read as follows:

§19-165.1 Stopping, standing or parking near fire hydrants. Notwithstanding any laws to the contrary, no person shall stop, stand, or park a vehicle within ten feet of a fire hydrant except when such vehicle is attended by a licensed operator who is seated in the front seat and who can immediately move such vehicle in case of emergency.

§2. This local law shall take effect sixty days after its enactment into law, except that the commissioner of transportation shall take all actions necessary for its implementation prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 140

By Council Members Dromm, Comrie, Ferreras, Fidler, Gentile, James, Koslowitz, Mark-Viverito, Palma, Rodriguez, Sanders, Vann, Williams, Foster and Nelson.

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 allow individuals to request certain records through its website.

Be it enacted by the Council as follows:

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

§14-152. Records available on the world wide web. The department's website shall provide a manner in which individuals may submit an on-line request for certain records, including but not limited to (a) reports verifying a crime or listing lost property and (b) police accident reports.

§ 2. This local law shall take effect 180 days after its enactment into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules and regulations.

Referred to the Committee on Public Safety.

Int. No. 141

By Council Member Eugene, The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Crowley, Dickens, Dromm, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose and Nelson.

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

Be it enacted by the Council as follows:

Section 1. §16-306 of the administrative code of the city of New York is amended by amending subdivision b of such section and adding a new subdivision c to read as follows:

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city [trade waste commission] *business integrity commission* shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the [trade waste commission] *business integrity commission* pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.

c. *The department shall complete the first phase of its planned comprehensive study of commercial recycling in the city no later than July 1, 2011. The first phase of such study shall focus on the putrescible portion of the commercial waste stream, and shall include, but not be limited to, the following: (i) an integration of all data on commercial waste in the city collected and transported through transfer stations and recycling processors; (ii) estimates of waste composition and recycling diversion rates from research conducted with respect to other jurisdictions; (iii) a computer-based model to measure the amount and composition of waste generated by different business sectors; (iv) recommendations for ways to encourage prevention, reuse, recycling and composting for each of the business sectors studied; and (v) an assessment of the efficiency of the transportation of trash within the commercial system by, among other things, mapping and monitoring routes along which commercial trash and recycling trucks move, including collection and long-haul carriers within and outside the city. The department shall conduct and complete the second phase of such commercial recycling study concerning direct, field-based research on compliance with the city's commercial recycling laws and studying the city's commercial waste composition by July 1, 2013, and shall complete all subsequent studies concerning non-putrescible waste, and any remaining issues of study by July 1, 2015. In the event that the commissioner decides not to perform any additional phases of such a commercial recycling study beyond the first phase, the commissioner shall notify the council within thirty days of making such a decision and shall provide an explanation for why no further phases of the commercial recycling study are necessary.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 150

Resolution declaring the fourth Wednesday in May as "Stroke Awareness Day" in the City of New York.

By Council Members Eugene, Barron, Dickens, Dromm, Fidler, James, Koslowitz, Nelson, Reyna, Rodriguez, Rose, Seabrook, Vann, Foster and Halloran.

Whereas, The National Institute of Neurological Disorders and Stroke (NINDS) defines stroke, also known as a cerebrovascular accident, as an event that occurs when the blood supply to part of the brain is suddenly interrupted or when a blood vessel in the brain bursts, spilling blood into the spaces surrounding brain cells; and

Whereas, NINDS indicates that brain cells die when they no longer receive oxygen and nutrients from the blood or there is sudden bleeding into or around the brain; and

Whereas, Stroke is the third leading cause of death nationwide, killing 160,000 people each year, and the leading cause of adult disability; and

Whereas, Approximately 780,000 strokes occur annually of which 500,000 could be prevented; and

Whereas, Two million brain cells die every minute during a stroke, increasing the risk of permanent brain damage, disability or death; and

Whereas, Recognizing stroke symptoms and acting fast to get medical attention can save a life and limit any potential disabilities; and

Whereas, Almost every minute in the United States, a person experiences a stroke; and

Whereas, About 33 percent of people who have had a stroke and survived will have another stroke within five years; and

Whereas, The risk of having a stroke increases with age and 72 percent of all strokes occur in people over the age of 65, and

Whereas, Persons over age 55, males, African-Americans, persons with diabetes, and those with a family history of stroke are at a greater risk of having a stroke; and

Whereas, Few Americans know the symptoms of a stroke, however learning to recognize such symptoms and knowing what to do when they occur could save lives; and

Whereas, Prevention includes learning about lifestyle and medical risk factors that may contribute to stroke such as smoking, being overweight, drinking too much alcohol, high cholesterol, high blood pressure, heart disease, and carotid artery disease; and

Whereas, The month of May is National Stroke Awareness Month; now, therefore, be it

Resolved, That the Council of the City of New York declares the fourth Wednesday in May as "Stroke Awareness Day" in the City of New York.

Referred to the Committee on Health.

Int. No. 142

By Council Member Ferreras, The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Reyna, Seabrook, Van Bramer, Williams, Rose and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-303 of the administrative code of the city of New York is amended to read as follows:

a. ["Buy-back center" means a recycling center that purchases and may otherwise accept recyclable materials from the public for the purpose of recycling such materials] "Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or homeowner use, but does not include architectural coatings purchased for industrial or original equipment manufacturer use.

§2. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.1 to read as follows:

§ 16-310.1 Paint stewardship pilot program. a. Within one year of the effective date of this section, the commissioner shall establish a voluntary paint stewardship pilot program through which manufacturers of architectural paint, in cooperation with retail establishments that offer architectural paint for sale and which choose to participate, with the assistance of the department, may collect, transport and process post-consumer architectural paint for reuse, recycling or environmentally sound disposal.

b. The commissioner shall, with the assistance of participating architectural paint manufacturers and retail stores, develop and implement strategies to reduce the generation of post-consumer paint, promote the reuse of post-consumer paint, and disseminate information regarding options to recycle post-consumer paint.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 143

By Council Members Fidler, Dromm, Ferreras, Gentile, Gonzalez, James, Koppell, Nelson, Reyna, Rodriguez, Seabrook, Williams, Crowley and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to reporting response times for firefighting units and ambulances to fire and medical emergencies.

Be it enacted by the Council as follows:

Section 1. The Fire Department currently tracks and reports on the duration of time between when the Department receives an emergency call or electronic notification and when a firefighting unit or ambulance arrives at the street address of an incident. However, it is important to determine not only how long it takes a firefighting unit or ambulance to arrive at an incident once the Department is alerted to the emergency but also how long it takes for those vehicles to arrive once a 911 call is received by the City that requires an emergency response. The failure of the City to report the time between the receipt of an emergency call and the transmittal of that call to the appropriate first responders gives a false picture of the City's collective ability to respond to emergencies. In determining how to deploy limited resources it is imperative that the people making those decisions have the most accurate data available. The Council finds that requiring the Fire Department to include the 911 dispatch time in their response time data will permit the City to better plan for and respond to fires and medical emergencies.

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

§ 15-129 Reporting of Fire Department response times. a. The department shall track the duration of time between a report to a 911 operator to which fire units or ambulances are required to respond and the time when the first fire unit, which shall include ladders and engines only, or the first ambulance unit, arrives on scene in the following categories:

- (1) Average response time to structural fires;
- (2) Average response time to life threatening medical emergencies by ambulance units;
- (3) Average response time to life threatening medical emergencies by fire units;
- (4) Combined average response time to life threatening medical emergencies by ambulance and fire units;
- (5) Percentage of response time of less than 6 minutes and less than 10 minutes to Advanced Life Support medical emergencies by Advanced Life Support ambulances.

b. The department shall submit a monthly and yearly report to the council and to the mayor that it shall also post on its website, detailing the response times for each category required herein, disaggregated by community board, by borough and citywide.

§3. This local law shall take effect 90 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 144

By Council Members Fidler, Rivera, James, Koppell, Palma, Reyna, Rodriguez, Sanders, Vann and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring optional HIV/AIDS tests when anyone is released from a DJJ facility, a corrections facility, or a foster care facility.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-104.1 to read as follows:

§17-104.1 HIV/AIDS testing. a. For the purposes of this section, the following term shall be defined as follows:

“HIV/AIDS test” means any one of the six FDA-approved rapid HIV tests.

b. The department shall offer anyone released from a department of juvenile justice facility or a foster care facility the opportunity to have a free HIV/AIDS test. The department shall also offer an HIV/AIDS test to anyone released from a corrections facility after serving more than six months time. Anyone refusing such a test must sign a waiver acknowledging that they have chosen to opt-out of such test.

c. If the offer to test pursuant to subdivision b of this section is accepted the department must make every reasonable attempt to contact the individual with results and counseling as to any needed health care services.

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

Referred to the Committee on Health.

Int. No. 145

By Council Members Fidler, James and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of personal watercraft and specialty prop-craft.

Be it enacted by the Council as follows:

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

Subchapter 16. PERSONAL WATERCRAFT

§20-810. Definitions. a. “Personal watercraft” means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

b. “Specialty prop-craft” means a vessel which is powered by an outboard motor or a propeller driven motor and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

c. “Retailer” shall mean any person, firm, corporation or partnership that sells to the public personal watercraft or specialty prop-craft, or offers for sale to the public personal watercraft or specialty prop-craft.

§20-811. Regulations. a. No retailer shall sell a personal watercraft or a specialty prop-craft to any person unless such person is eighteen years of age or older.

b. The retailer shall include with the sale of such personal watercraft or specialty prop-craft a video demonstrating the operating procedures for such personal watercraft or specialty prop-craft and the use of such vessel's safety equipment;

c. No retailer shall sell a personal watercraft or a specialty prop-craft unless such vessel is equipped with:

1. an efficient sound producing mechanical appliance, other than a siren, capable of producing a blast of two seconds or more in duration and of such strength as to be heard plainly for a distance of at least one-half mile in still weather;

2. a fluorescent-orange distress flag which shall be a minimum of one foot square in size or other appropriate United States Coast Guard-approved visual distress signal; and

3. a notice permanently affixed to a clearly visible and indispensable part of the personal watercraft or specialty prop-craft in a clearly distinguishable font and color that shall include a warning that all riders must wear a Coast Guard approved personal flotation device.

§20-812. Penalties. Any retailer that violates section 20-811 of this subchapter shall be liable for a civil penalty of five hundred dollars per violation. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of hearing that shall be returnable before the administrative tribunal of the department.

§20-813. Police officers, and authorized employees of the department and any other agency designated by the mayor, shall have the authority to enforce the provisions of this section.

§2. This local law shall become effective sixty days after its enactment into law.

Referred to the Committee on Waterfronts.

Int. No. 146

By Council Members Fidler, Comrie, Ferreras and James.

A Local Law to amend the New York City charter, in relation to eliminating the Art Commission and repealing Chapter 37 and Section 224 of Chapter 9 of the New York City charter.

Be it enacted by the Council as follows:

Section 1. Chapter 37 of the New York City charter is REPEALED.

§2. Section 224 of chapter 9 of the New York City charter is REPEALED.

§3. Section 31 of chapter 2 of the New York City charter is amended to read as follows:

Section 31. Power of advice and consent. Appointment by the mayor of the commissioner of investigation and of the members of the [art commission,] board of health (other than the chair), board of standards and appeals, city planning commissioner (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§4. Subdivision a of section 1060 of chapter 47 of the New York City charter is hereby amended to read as follows:

a. Except as otherwise provided pursuant to subdivision b of the section, the public may attend all sessions or meetings of the following agencies whenever items on the calendar of such agency are to be considered and acted upon in a preliminary or final manner: [art commission,] conciliation and appeals board, environmental control board, board of health, landmarks preservation commission, city planning commission, board of standards and appeals, tax commission, youth board, and the council and its committees.

§5. Chapter 8 of the New York City charter is amended by adding a new section 206 to read as follows:

§206. *Advisory oversight of works of art and structures.* a. *The term "works of art" as used in this section shall apply to and include all sculptures, paintings, mural decorations, mosaics, stained glass, statues, carvings or castings in high or low relief, inscriptions, monuments, and fountains installed or erected or to be installed or erected upon or over land belonging to the city itself or of an institution, corporation or private individual, and whether intended for ornament, commemoration or actual use.*

b. *The term "structure" as used in this section shall apply to and include all buildings, walks, bridges and viaducts and their approaches, exterior walls, arches, docks, piers, gates, fences, steps, curbing, distinctive pavings, benches, lamps, posts, traffic signals and signage other than signage guiding, directing or otherwise regulating and controlling traffic erected pursuant to chapter seventy-one of the charter.*

c. *The city planning commission shall have general advisory oversight over all works of art and structures belonging to the city. It shall advise the agencies having jurisdiction over them as to methods and procedures for their proper maintenance, repair, alteration, removal or relocation.*

d. *If a city agency fails to expend funds allocated for the proper maintenance of works of art, or allows undue deterioration to occur which threatens the visual and structural integrity of any work of art under its jurisdiction, the commission shall be authorized to review the procedures governing the care of said work and may request the agency to relocate such work to a suitable location approved by the commission.*

e. *If a work of art or structure as defined in this section concerns a landmark, landmark site, landmark interior, an existing building with a scenic landmark, or an action within a historic district, and requires a report or determination by the landmarks preservation commission pursuant to chapter three of title twenty-five of the administrative code of the city of New York, then, in that event, the powers and duties of the city planning commission with respect to such works of art and structures pursuant to subdivisions c and d of this section shall instead be exercised by the landmarks preservation commission pursuant to its own rules and procedures. Any action taken by such commission pursuant to this subdivision shall be filed with the city planning commission.*

f. *If a work of art or structure as defined in this section is within the jurisdiction of the department of parks and recreation pursuant to section five hundred thirty-three of chapter twenty-one of the charter, then, in that event, the powers and duties of the city planning commission with respect to such works of art and structures pursuant to subdivisions c and d of this section shall instead be exercised by the department of parks and recreation pursuant to its own rules and procedures. Any action taken by such agency pursuant to this subdivision shall be filed with the city planning commission.*

g. *The city planning commission shall maintain and make available for inspection a register of (i) works of art in the city's collection which have been preserved and (ii) works of art in the city's collection which are available, as determined by either the agency or the commission, for a new use or relocation. Every agency shall maintain a list of works of art installed in or erected upon city property assigned for use by the agency and shall notify the commission whenever a work of art becomes available, in its judgment, for a new use or location.*

§6. Subdivision 11 of section 533 of the New York City charter is amended to read as follows:

11. to plan, plant and maintain trees and other plantings and to plan, acquire, design, construct, improve, alter, repair and maintain works of art, as defined in subdivision a of section [eight hundred fifty-four] *two hundred and six* of the city charter, on or over the streets, avenues, squares, parks, docks, piers or other public places belonging to the city, except as otherwise provided by law; and, subject to the approval of the mayor, undertake to enter into arrangements with other agencies of the city, state and federal government and recommend to the mayor such arrangements with private, voluntary or commercial agencies, to be entered into subject to the provisions of law, for the performance of functions relating to neighborhood beautification.

§7. Subdivision 11 of section 3020 of the New York City charter is hereby amended to read as follows:

11. In addition to the powers conferred by this chapter, the commission shall have the powers specifically conferred upon it by [chapter thirty-seven] *section 206* of the charter.

§8. This local law shall become effective 90 days after approval by the voters of the city at the next general election held after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 147

By Council Member Fidler, The Speaker (Council Member Quinn), and Council Members Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dromm, Ferreras, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to recycling education, outreach and enforcement.

Be it enacted by the Council as follows:

Section 1: Subdivisions b through g of section 16-305 of the administrative code of the city of New York are amended to read as follows:

[b] d. The commissioner shall, [within nine months of the effective date of this chapter,] adopt and implement [regulations] *rules* establishing procedures requiring the placement of the designated materials at the curbside, in specialized containers, or in any other manner the commissioner determines, to facilitate the collection of such materials in a manner that enables them to be recycled. Under such rules, no person shall be liable for incorrectly placing a non-designated rigid plastic container in the recycling stream.

[c. The commissioner may stagger the source separation and collection of the designated recyclable materials, with the exception of yard waste, provided that the recycling of the materials that are source separated and collected shall be sufficient to achieve the recycling levels required in this section, and that all the designated materials shall be source separated and collected within four and one-half years of the effective date of this chapter.

d. In establishing the schedule by which residential source separation shall commence, the commissioner may stagger the commencement dates for different recycling districts. Any such staggered schedule shall provide that at least one-third of all households shall be subject to source separation within one year of the effective date of this chapter; at least two-thirds of all households shall be subject to source separation within three years of the effective date of this chapter; and all households shall be subject to source separation within four and one-half years of the effective date of this chapter.

e. Within any recycling district, the commissioner may exempt residential generators from the source separation requirement of this section if the department employs alternative recycling methods, including but not limited to the use of buy-back centers, drop-off centers, or post-collection separation devices, provided that participation in any alternative methods is sufficient to achieve for the recycling district a percentage of the recycling requirement in this section at least equal to the percent of the citywide department-collected solid waste that is collected within the district. The commissioner shall not exempt residential generators from the source separation requirement of this section unless he or she determines that for the recycling district source separation cannot otherwise achieve the recycling levels required in this section.]

e. *Where the department provides solid waste collection services to a building containing at least four and no more than eight dwelling units, the commissioner shall adopt and implement rules requiring the owner, net lessee or person in charge of such building to:*

1. *Provide for the residents a designated area and, where appropriate, containers in which to accumulate the source separated or other designated recyclable materials to be collected by the department; and*

2. *Inform all residents of the requirements of this chapter and the rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area and distributing to each resident at the inception of a lease and at least once every two years thereafter, a department issued guide to recycling, which shall be made available to building owners by the department pursuant to section 16-315 of this chapter, or an alternative guide containing similar information to the guide required by section 16-315 of this chapter. If reasonably accessible storage space is not available in such building, and such space is available behind the building's property line, such space behind the property line may be designated for the pre-collection storage of designated recyclable materials. If no such space is available, the building owner shall post instructions on recycling source separation in or near a designated area that is visible to all residents in the building.*

f. *Where the department provides solid waste collection services to a building containing nine or more dwelling units, the commissioner shall, within nine months of the effective date of this chapter,] adopt and implement [regulations] rules requiring the owner, net lessee or person in charge of such building to:*

1. *provide for the residents a designated area and, where appropriate, containers in which to accumulate the source separated or other designated recyclable materials to be collected by the department;*

2. Inform all residents of the requirements of this chapter and the [regulations] rules promulgated pursuant thereto by, *at a minimum, posting instructions on source separation in or near the designated recycling area and distributing to each resident at the inception of a lease and at least once every two years thereafter, a department issued guide to recycling, which shall be made available to building owners by the department pursuant to section 16-315 of this chapter;* and

3. remove non-designated materials from the containers of designated source separated recyclable materials before such containers are placed at the curbside for collection and ensure that the designated materials are placed at the curbside in the manner prescribed by the department.

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner or a net lessee under this local law shall be limited to those set forth in this subdivision and subdivisions b and g of this section.

g. [Eighteen months from the enactment date of this chapter, the] *The commissioner shall adopt and implement [regulations] rules for any building containing [nine] four or more dwelling units in which the amount of designated materials placed out for collection is significantly less than what can reasonably be expected from such building. These [regulations] rules shall require residential generators, including tenants, owners, net lessees or persons in charge of such building to use transparent bags or such other means of disposal the commissioner deems appropriate to dispose of solid waste other than the designated recyclable materials. Upon request of the owner, net lessee or person in charge of such building, and if the commissioner determines that such owner, net lessee or person in charge has complied with this subdivision and subdivisions [f] d and e of this section and that the amount of designated materials placed out for collection remains significantly less than what can reasonably be expected from such building, the department shall develop a schedule to conduct random inspections to facilitate compliance with the provisions of this chapter by tenants of such building, provided that lawful inspections may occur at reasonable times without notice to ensure compliance by the tenants, owner, net lessee or person in charge of such building.*

§2. Section 16-311 of the administrative code of the city of New York is REPEALED and a new section 16-311 is added to read as follows:

§ 16-311 *Office of recycling outreach and education. a. In addition to the purpose and responsibilities identified in the city's 2006 solid waste management plan, the office of recycling outreach and education, working in conjunction with the department, shall provide instruction and materials for residential building owners, their employees, and residents, in order to improve compliance with the terms of this chapter.*

b. The commissioner shall work in cooperation with the office of recycling outreach and education to develop curricula and related materials, including an internet-based recycling tutorial, for the training and education programs required pursuant to subdivision b of section 16-324 of this chapter.

§3. Section 16-315 of the administrative code of the city of New York is amended to read as follows:

§16-315 Notice, education and research programs. a. In addition to the notice requirements of section one thousand forty-three of chapter forty-five of the charter, within thirty days of the effective date of any [regulations] rules promulgated pursuant to this chapter, and as frequently thereafter as the commissioner deems necessary, the department shall notify all community boards and persons occupying residential, commercial and industrial premises affected by the [regulations] rules, of the requirements of the [regulations] rules, by [placing advertisements in newspapers of citywide, borough-wide and community circulation,] posting notices containing recycling information in public places where such notices are customarily placed, and, in the commissioner's discretion, employing any other means of notification deemed necessary and appropriate.

b. The commissioner shall compile relevant recycling, reuse, and composting information, including material available on the department website, to create, distribute and make available a guide to the city's residential recycling program. Such guide shall, at a minimum, set out and explain the laws and rules governing curbside recycling, list the collection locations and collection dates for non-curbside collected recyclable materials such as household hazardous waste and textiles and detailed information and instructions on how to recycle materials not collected by the department such as electronic waste and film plastic. Such guide shall be made available to residential building owners, community boards, not-for-profit organizations, public schools, and other relevant entities, and shall also be made available on the department website. The commissioner shall update the recycling guide biannually, or as necessary based on changes to recycling laws, rules or other relevant information to be included therein.

[b. Within twelve months of the effective date of this chapter, the] *c. The department shall develop and implement an educational program, in conjunction with the [board] department of education, private schools, labor organizations, businesses, neighborhood organizations, community boards, and other interested and affected parties, and using flyers, print and electronic advertising, public events, promotional activities, public service announcements, and such other techniques as the commissioner determines to be useful, to assure the greatest possible level of compliance with the provisions of this chapter. The educational program shall encourage waste reduction, the reuse of materials, the purchase of recyclable products, and participation in city and private recycling activities.*

[c]d. The department shall perform such research and development activities, in cooperation with other city agencies, and public and private institutions, as the commissioner determines to be helpful in implementing the city's recycling program. Such research shall include, but not be limited to, investigation into the use of cooperative marketing programs, material recovery facilities, recycling as an

economic development tool, export promotion, tax credits and exemptions for market promotion.

§4. Sections 16-323 and 16-324 of the administrative code of the city of New York are amended to read as follows:

§ 16-323 [Regulations] *Rules submitted to council. [In addition to the requirements of section one thousand forty-three of chapter forty-five of the charter, no regulations promulgated by the commissioner pursuant to this chapter shall be effective until such regulations are submitted to the council and within thirty days of receipt thereof the council has not voted to disapprove such regulations. If the council votes to disapprove the regulations, it shall forward its reasons for such disapproval to the commissioner and the commissioner shall either amend the regulations or withdraw them from consideration. The amended regulations shall not be effective until the commissioner submits them to the council and within thirty days of receipt thereof the council has not voted to disapprove such amended regulations.] Rules adopted by the commissioner pursuant to this chapter shall become effective only after filing and publication as prescribed by chapter forty-five of the charter. In addition, notwithstanding the provisions of chapter forty-five of the charter, prior to adoption by the commissioner of a final rule pursuant to subdivision e of section one thousand forty-three of the charter, and after consideration of relevant comments presented pursuant to subdivision d of such section, the commissioner shall submit to the council the text of the final rule proposed to be published in the city record. The council shall have thirty days from the date of such submission to comment upon such text. The final rule may include revisions in response to comment from the council and shall not be published in the city record before the thirty-first day after such submission, unless the speaker of the council authorizes earlier publication.*

§16-324 Enforcement. a. [Any] *Subject to the provisions of subdivision b of this section, any person who violates any provision of this chapter, except subdivision h of section 16-308 or section 16-310 of this chapter, or any rules [or regulation] promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board as follows:*

1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, [fifty] seventy-five dollars for the second violation committed on a different collection day from the initial violation within a twelve-month period, and one hundred dollars for the third and each subsequent violation [, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause] committed on a different collection day from the previous violations within a twelve-month period. [A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation.] There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this paragraph accurately states the number of dwelling units in the residential building for which the violation was written.

2. For residential buildings of nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different collection day from the initial violation within a twelve-month period and, in addition to the recycling workshop required by paragraph 2 of subdivision b of this section, four hundred dollars for the third and each subsequent violation committed on a different collection day from the previous violations within a twelve-month period. The owner of any residential building of nine or more units with respect to which a fourth and any subsequent violation was committed within a period of six months, where all such violations occur on different collection days, shall be classified as a persistent violator. There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this paragraph accurately states the number of dwelling units in the residential building for which the violation was written.

3. For [a] persistent [violation] violators only, [except where such violation occurs at a building of less than six dwelling units,] each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the [regulations] rules promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any further notice of violations to a persistent violator after the fourth violation committed within a period of six months, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

b. Recycling education and enhancement program. 1. For residential buildings of fewer than nine dwelling units, the commissioner shall adopt and implement rules establishing a first-time ticketing program, with the assistance of the office of recycling outreach and education, through which any person who receives a notice of violation for failing to properly source separate designated recyclable material and who (i) resides in a residential building with fewer than nine dwelling units and (ii) has not previously violated the source separation requirements of this chapter or the rules promulgated pursuant thereto, shall have the option of completing a recycling instructional workshop for a fee of no more than fifteen dollars to discharge such person's liability for any such notice of violation. Such workshop may be completed in person or through an internet-based tutorial developed pursuant to subdivision b of section 16-311 of this chapter.

2. The commissioner shall adopt and implement rules establishing an education and training program for residential buildings of nine or more dwelling units for

which three notices of violation of this chapter were issued within a twelve-month period. Through such program, the building owner, if the owner is an individual, or a designated employee who is primarily responsible for oversight of waste disposal and/or janitorial services for such building, shall attend training conducted by the office of recycling outreach and education for a fee of no less than fifty dollars, which shall be due in addition to any civil penalty imposed pursuant to paragraph 2 of subdivision a of this section.

3. The commissioner shall adopt and implement rules establishing a program for owners of buildings with nine or more dwelling units, through which such building owners shall be exempt from receiving notices of violation for failing to properly source separate recyclable material for a period of no more than one year, in exchange for (i) providing a sufficient supply of transparent trash bags to all residents in such building, (ii) requiring residents to only use such transparent bags to dispose of both solid waste and designated recyclable materials, (iii) implementing a dwelling unit-specific waste identification system, such as tags or stickers, which will enable the department to identify the generator of the material in each bag and to issue notices of violation to such person(s), and (iv) distributing recycling guides and department issued literature explaining the program to the residents of every dwelling unit in such building. The department shall not issue notices of violation for a failure to properly source separate recyclable materials to residents of a participating building until ninety days after the date that a participating building's program commences. The civil penalties that may be imposed for a violation issued to a resident of a building participating in this program shall not exceed the civil penalties that may be imposed with respect to residential buildings of eight dwelling units or less.

c. Any person who violates subdivision g of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period [of twelve months from the first violation], and two thousand five hundred dollars for the third [or] and each subsequent violation committed within a twelve-month period [of twelve months from the first violation].

[b.] e. Any notice of violation or notice of hearing for a violation issued to the owner or agent of a premises at which a violation of this chapter or any [regulation] rule promulgated pursuant thereto is alleged to have occurred shall be served by delivering a copy of the notice to the owner or agent at the address maintained in the records of the department of buildings [and] , the department of housing preservation and development or the department of finance. The notice of violation or notice of hearing may be served by regular mail.

§5. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 148

By Council Member Fidler, The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Chin, Comrie, Dickens, Dromm, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Sanders, Seabrook, Vann, Rose, Eugene and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to the designation for recycling of rigid plastic containers.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-305 of the administrative code of the city of New York is amended by numbering the existing subdivisions as paragraph one and by adding new paragraphs two and three to read as follows:

2. Prior to or upon commencing delivery of department-managed recyclable materials to the sims group recycling processing facility at the south brooklyn marine terminal in accordance with any agreement between the sims group and the department, the commissioner shall designate all rigid plastic containers as recyclable and require source separation of such rigid plastic containers from department-managed solid waste. If at the time of implementing such designation of rigid plastic containers the commissioner, in his or her discretion, determines that the cost to the city of recycling one or more types of rigid plastic containers is not reasonable in comparison with the cost of collecting and delivering existing designated metal, glass and plastic, and that the market value for any such type of rigid plastic containers is not sufficient to justify its designation, the commissioner shall notify and provide documentation to the council of the factors that justified such determination and shall not be required to designate any such rigid plastic container at that time. The commissioner shall re-evaluate annually the cost of designating any type of rigid plastic materials for which he or she makes such a determination, including the then-current market value for any such material, and shall report such information to the council in the annual recycling report prepared pursuant to section 16-311.1 of this chapter.

3. Beginning six months prior to the effective date of any such designation, the department shall perform outreach and education in cooperation with the office of recycling outreach and education to inform residents of such new designation and to provide instruction on compliance with the requirements of this section and the rules promulgated pursuant thereto.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 151

Resolution calling upon the legislature of the State of New York to amend Article 22 of Title VI of the New York State Vehicle and Traffic Law to require all insurance companies to provide the New York City Department of Transportation with statistics and other information relating to all motor vehicle accidents occurring on streets and highways within the City of New York.

By Council Members Fidler, Barron, Comrie, Dromm, James, Lander, Palma, Recchia, Rodriguez, Seabrook, Williams and Nelson.

Whereas, The number, type and severity of accidents involving motor vehicles in the City of New York constitute critical data in the assessment and determination of where to appropriately place traffic control devices by the New York City Department of Transportation (Department); and

Whereas, The Department principally relies upon accident information conveyed by law enforcement personnel, primarily the New York City Police Department; and

Whereas, Whether required by law or simply as a business practice, insurance companies that issue automobile insurance policies to drivers of vehicles registered in New York State maintain statistics and other information on motor vehicle accidents involving drivers and automobiles that are covered by the policies that they issue; and

Whereas, Current New York State law does not require such private insurance companies to report motor vehicle accident statistics for incidents occurring within New York City to the Department; and

Whereas, Such motor vehicle accident information, considered in conjunction with relevant accident statistics furnished to the Department by law enforcement personnel, would allow the Department to more accurately and completely assess the prevalence and type of motor vehicle accidents transpiring or likely to transpire at a given location; and

Whereas, Mandating that more complete motor vehicle accident data be furnished to the Department will improve the efforts of the Department with regard to protecting pedestrians and roadway users from potential dangers at intersections by allowing the department to more prudently assess and place safety devices at such locations, including traffic control devices; now, therefore, be it

Resolved, that the Council of the City of New York calls upon the legislature of the State of New York to amend Article 22 of Title VI of the New York State Vehicle and Traffic Law to require all insurance companies to provide the New York City Department of Transportation with statistics and other information relating to all motor vehicle accidents occurring on streets and highways within the City of New York.

Referred to the Committee on Transportation.

Res. No. 152

Resolution calling upon the New York State Legislature to provide all "line of duty" benefits to the domestic partners of New York City police officers.

By Council Members Fidler, Brewer, Comrie, Dromm, Gonzalez, James, Koslowitz, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Seabrook, Van Bramer, Williams, Foster and Nelson.

Whereas, New York City police officers risk their lives each day to protect the residents of this City; and

Whereas, Recognizing the danger inherent in police work, New York State provides "line of duty" benefits to the spouses of police officers who make the ultimate sacrifice; and

Whereas, However, certain "line of duty" benefits available under state law are only available to the spouse or children of New York City police officers and not to domestic partners; and

Whereas, Under state law, the "line of duty" pension, the special accident death benefit, and the Increased Take Home Pay contribution are payable only to the spouse or children of the deceased police officer, and not to the domestic partner of the police officer; and

Whereas, New York City, on the other hand, recognizing that police officers who have domestic partners should not be discriminated against in the provision of "line of duty" benefits, ensures that domestic partners are entitled to an award if a police officer dies in the line of duty; and

Whereas, In fact, it is the City's policy that all benefits available to the spouses of City employees must also be available to domestic partners of City employees; and

Whereas, Unfortunately, the State does not have the same non-discriminatory policy, and therefore certain “line of duty” benefits would not be available to the domestic partner of a New York City police officer who is killed in the line of duty; and

Whereas, The time has long passed for a change to this state policy, and it is vital that the contributions of all police officers be recognized, regardless of sexual orientation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to provide all “line of duty” benefits to the domestic partners of New York City police officers.

Referred to the Committee on Civil Service and Labor.

Res. No. 153

Resolution calling upon the New York State Legislature, the Mayor of the City of New York, the New York City Department of Transportation and the New York City Bureau of Traffic Enforcement to significantly increase fines and step up enforcement efforts for all traffic violations within the central business district of Manhattan in order to deter violators and help to effectively relieve traffic congestion and reduce air pollution.

By Council Members Fidler, Chin, Comrie, Dromm, James, Palma and Williams.

Whereas, Congestion and pollution are undesirable consequences of automobiles in our City; and

Whereas, In order to effectively reduce congestion and pollution, a multi-faceted approach to the problem is necessary; and

Whereas, Congestion and pollution affect all areas of New York City, and any solutions should consider the spillover effects to the entire region; and

Whereas, Imposing additional traffic and institutional remedies targeted throughout the central business district of Manhattan and the surrounding region could help to address the problems of congestion and air pollution; and

Whereas, Violations of any proposed regulations would effectively negate any beneficial effects that could have otherwise been brought about by such lawful remedies; and

Whereas, Increased enforcement and fines would increase turnover in legal on-street parking spaces and reduce slightly the time drivers spend cruising for parking; and

Whereas, In addition to imposing new regulations, stricter enforcement of existing laws such as overstaying a meter, parking unlawfully in a taxi stand, bus stop, or loading zone, blocking the box or driving in a bus lane, would also help to improve traffic flow in the central business district and result in an improvement in air quality; and

Whereas, Significantly increasing fines for such violations if committed in the central business district would also serve as a deterrent; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature, the Mayor of the City of New York, the New York City Department of Transportation and the New York City Bureau of Traffic Enforcement to significantly increase fines and step up enforcement efforts for all traffic violations within the central business district of Manhattan in order to deter violators and help to effectively relieve traffic congestion and reduce air pollution.

Referred to the Committee on Transportation.

Res. No. 154

Resolution calling upon the United States Congress to fully explore adopting legislation and/or regulatory measures to immediately incentivize the use and marketing of hydrogen fuel cell vehicles, to develop the re-fueling infrastructure to support these vehicles and to consider making the manufacture and importation of gasoline combustion vehicles unlawful by a date certain; and calling upon the city of New York to take steps to advance the use of hydrogen fuel cell technology and to find ways to promote New York City as an economic center for hydrogen fuel cell technology.

By Council Members Fidler, Chin, Dickens, Dromm, James, Williams and Nelson.

Whereas, There is concern that air pollution caused by gasoline and diesel combustion engine emissions creates risks to our health, the health of our children, future generations and the welfare of our environment and ecological system; and

Whereas, Hydrogen fuel cell vehicles, which create electricity using a chemical reaction involving hydrogen and oxygen, are zero emissions vehicles; and

Whereas, The use of hydrogen fuel cell vehicles would help to wean the United States off dependence on expensive and dwindling foreign oil, which contributes to pollution; and,

Whereas, General Motors, Toyota Motor Company, Honda, and Chevrolet have all launched demonstration and test drive programs for hydrogen fuel cell vehicles, allowing members of the public to use these vehicles on a pilot basis; and

Whereas, Without widely available hydrogen refueling infrastructure, however, hydrogen fuel cell vehicles will remain impractical for the general public; and

Whereas, It is appropriate for government to take action to reduce barriers for a technology that would be popular and marketable given the right infrastructure; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to fully explore adopting legislation and/or regulatory measures to immediately incentivize the use and marketing of hydrogen fuel cell vehicles, to develop the re-fueling infrastructure to support these vehicles and to consider making the manufacture and importation of gasoline combustion vehicles unlawful by a date certain; and calling upon the city of New York to take steps to advance the use of hydrogen fuel cell technology and to find ways to promote New York City as an economic center for hydrogen fuel cell technology.

Referred to the Committee on Environmental Protection.

Int. No. 149

By Council Members Foster, Chin, Gonzalez, James, Koslowitz, Palma, Recchia, Rodriguez, Vann and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a pest control board.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is hereby amended by adding a new chapter 13 to read as follows:

**CHAPTER 13
PEST CONTROL BOARD**

§ 17-1301. Pest control board.

§ 17-1301 Pest control board. *a. There shall be a pest control board consisting of seven members. Five members of the board shall be appointed by the mayor, provided that at least two such members shall have experience in pest control; the mayor shall appoint one of such five members to serve as the chairperson. The commissioners of the department of health and mental hygiene and the department of sanitation, or such appointee of each such commissioner, shall serve ex officio.*

b. The service of each member other than a member serving in an ex officio capacity shall be for a term of two years to commence ninety days after the effective date of the local law that added this chapter. Any vacancy occurring other than by expiration of term shall be filled by in the same manner as the original position was filled. A person filling such a vacancy shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term.

c. Members of the board shall serve without compensation.

d. No person shall be ineligible for membership on the board because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

e. The board shall meet at least four times a year.

f. The board's work shall include, but not be limited to, implementing any system established for the control and/or eradication of rodents, vermin, insects and other pests, including the promulgation of rules and regulations and the imposition of any penalties related thereto, as required by local law.

g. The board may employ staff, including an executive director and a counsel, as is necessary for carrying out its duties, and to promote understanding of, and compliance with, the requirements of this chapter, and make necessary expenditures subject to appropriation.

h. The board may take such other actions as are necessary and proper to carry out the purposes of this chapter.

i. The board shall issue an annual report to the mayor and council. Such report shall include, but not be limited to, a study of the pest population in the city, describing changes in its demographics and any new or ongoing health concerns associated with such pest population, and the board's recommendations for combating such pest population and proposed legislation, as necessary, to accomplish such recommendations.

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

§3. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 150

By Council Members Gennaro, Barron, Brewer, Chin, Crowley, Gonzalez, James, Koppell, Koslowitz, Palma, Recchia, Rodriguez, Foster and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in vehicles where minors are present, and to repeal subdivision f of section 17-505.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 17-505 of the administrative code of the city of New York is REPEALED.

§2. Section 17-502 of the administrative code of the city of New York is amended to read as follows:

y. "Smoke" or "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or any form of lighted object or device which contains tobacco.

oo. "Child" shall mean any person under the age of eighteen.

pp. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

§3. Section 17-503 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. It shall be unlawful for the operator or any passenger in a vehicle to smoke when any child is present.

§4. Subdivision a of Section 17-507 is amended to read as follows:

a. The department shall enforce the provisions of this chapter. In addition, designated enforcement employees of the department of buildings, the department of consumer affairs, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this chapter, and the police department shall have the power to enforce subdivision e of section 17-503 of this chapter.

§5. Subdivision d of section 17-508 is amended to read as follows:

d. It shall be unlawful for any person to smoke in any area or vehicle where smoking is prohibited under section 17-503 and section 17-504.

§6. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 151

By Council Members Gennaro, Barron, Brewer, Comrie, Dickens, Fidler, Gentile, James, Lander, Nelson, Reyna, Vann, Williams, Foster and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Finance to post on its website in a user-friendly format the amount of water liens imposed upon real property.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that by Local Law 68 of 2007, water lien sales were reauthorized for properties with delinquent water and sewer charges provided the water and sewer charges were delinquent for at least one year and equaled or exceeded \$1,000. The legislation included new restrictions on the Commissioner's authority to sell certain tax liens - restrictions that apply both to real property tax liens (for certain senior citizen, disabled and low income homeowners in Class 1) and to water and sewer liens (for any single family property in class 1 and for certain senior citizen, disabled and low income homeowners owning two or three-family property in Class 1). To ensure fair treatment to property owners, the local law included notice requirements and requirements concerning the advertising of lien sales. The advertisements are required to include a description, by block and lot or by such other identification as the Commissioner of Finance may deem appropriate, of the property upon which the tax lien exists that is included in the sale.

The Council further finds that notwithstanding the efforts undertaken to assure that property owners get adequate notice, potential purchasers did not receive suitable notification and additional measures are needed to facilitate fair notice to all. Therefore the Council finds that it is in the best interests of the City residents to require that the Department of Finance also post notice on its website of the properties subject to water and sewer lien sales.

§2 Section 11-320 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

(c-1). Water and sewer liens to be posted on the website. a. In addition to any other notice provided to a property owner respecting the intention of the city of New

York to sell a water and sewer lien, where a water and sewer bill remains unpaid and exceeds one thousand dollars, subject to the restrictions on sales of tax liens, the department shall also post notice that a property is subject to a water and sewer lien on its website no later than thirty days after such lien is imposed.

§2. This local law shall take effect ninety days after it is enacted into law, except that the commissioner of finance shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 152

By Council Members Gennaro, James, Koppell, Palma and Vann.

A Local Law to amend the administrative code of the city of New York, in relation to licensing doorbuster sales.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-168, to read as follows:

§ 10-168 Doorbuster Sale. a. For purposes of this section, the term "doorbuster sale" shall mean a sale or an offer to sell to the public goods, wares, and merchandise of any kind at a substantially discounted price for a limited time where at least one of the following factors occurs:

(1) the sale features certain items at a further reduced price for a limited time on the day of the sale;

(2) the sale features a limited quantity of certain items at a further reduced price;

(3) the sale is held at any time between Thanksgiving and January second; and either

(i) language is used to promote the sale that entices the public to wait in line prior to the store's opening, including but not limited to "Black Friday," "doorbuster," and "first come first served" or (ii) the sale is advertised to start earlier than the retailer's normal business hours.

A doorbuster sale shall not include a "going out of business sale" as defined by section 20-308 of this code.

b. License required. It shall be unlawful for any person to publish notice pertaining to or conduct a doorbuster sale without first obtaining a license issued pursuant to this section.

c. Application. Each retailer applying for a license pursuant to this section shall file an application in such form and detail as the police commissioner may prescribe, at least sixty days prior to the date on which such sale is to commence, and shall pay the fee required by this subsection d of this section. In addition to any other information required, the police commissioner shall require, at a minimum, the following information:

1. The name and address of the applicant, whether the applicant is the true owner of the goods, wares or merchandise to be sold, and if the applicant be a partnership, the names and addresses of all partners, or if the applicant be a corporation or association, the date and place of incorporation or organization, the address of the principal office within the state, the names and addresses of all the officers of the applicant and whether a controlling interest in the corporation or association was transferred within six months prior to the date of the filing of the application.

2. The name and address of the person or persons who will be in charge and responsible for the conduct of such sale.

3. The exact address of the place at which the proposed sale is to be conducted and the length of time the applicant has been engaged in business at such location.

4. The date and time on which it is proposed to begin the sale and the duration of the sale.

5. The nature of the occupancy where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.

6. A statement of the descriptive name of the sale.

7. A valid and accurate floorplan of the location at which the proposed sale is to be conducted, with the doors to be used as entrances to and exits from the proposed sale clearly marked.

8. A detailed plan for crowd control, designed to ensure orderly and safe entrance into the store, including the following information:

i. the capacity of the location of the proposed sale;

ii. an estimate of the number of people anticipated to attend the sale;

iii. the number of personnel assigned to manage the entrance(s) to the store;

iv. the time at which customers will be permitted to stand in line prior to the opening of the store; and

v. the total number of personnel assigned to work for the duration of the proposed sale.

d. Fee. The fee for filing an application under this section shall be one hundred dollars.

e. Issuance of license. The police commissioner shall, upon the filing of such application, issue a license for the date of the proposed doorbuster sale, unless in his or her discretion it would pose a threat to public safety to do so.

f. Rules. The police commissioner may make and promulgate such rules and regulations as he or she may deem necessary for the proper implementation and enforcement of this section.

g. Violation. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year, a fine of not more than one thousand dollars, or both.

§3. This local law shall take effect ninety days after it shall have become a law, except that the Police Commissioner or his designee may take such steps as are necessary, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Public Safety.

Res. No. 155

Resolution in support of legislation pending in the New York State Legislature that seeks to combat the alarming increase in gang activity in schools by empowering local police departments and school officials.

By Council Members Gennaro, Nelson and Koo.

Whereas, In the past few years, many communities in Queens have been besieged by a spate of violent gang incidents occurring near high schools; for example, in October 2009, a stray bullet fired by gang members killed a Campus Magnet Humanities and the Arts High School freshman and another stray bullet injured another teenager; in January 2006, four Hillcrest High School students were hospitalized after a brawl between two rival gangs; in October 2005, three teenagers were beaten and stabbed by 30 suspected gang members near Newtown High School; and

Whereas, Reports from community groups and local press throughout New York State indicate a disturbingly visible rise in gang activity in similar neighborhoods throughout New York State; and

Whereas, In order to curtail gang activity in schools not only in Queens, but also in New York State, various members of the New York State Legislature have introduced several bills that would empower police and school authorities as they contend with the upswing of gang violence in communities throughout New York; and

Whereas, One bill (S2213-A/A265-A), sponsored by State Senator Ruben Diaz and Assemblymember José Peralta, seeks to define various criminal street gang activities as prosecutable crimes; this bill gives law enforcement officials new tools to fight the recruitment, retention and solicitation of gang members who are adults and minors; and

Whereas, This bill also establishes new crimes for coercion of a minor into a criminal street gang enterprise conspiracy and criminal street gang enterprise leadership; and

Whereas, In addition, this bill calls for the abatement of premises that have been used on more than two occasions, within a six month period of time for criminal street gang enterprise activity; and

Whereas, Assemblymember Bob Barra introduced a bill (A6262), which would authorize the superintendent of the New York State Police to establish and maintain a statewide gang database consisting of identification information pertaining to criminal street gang members; and

Whereas, This database will assist state and local law enforcement agencies in the apprehension and prosecution of those suspected of gang-related crimes and would create a repository of information accessible to state and local law enforcement agencies and state agencies (as deemed appropriate by the superintendent of the division of the state police) for investigative purposes; and

Whereas, A third bill (S2214/A304), sponsored by State Senator Diaz and Assemblymember Peralta, would allow school boards to establish policies prohibiting the wearing of gang-related apparel, markings or symbols; this same legislation may allow the school district superintendent to mandate counseling or community service or both in order to promote continue attendance in the school district; and

Whereas, State Senator John Sampson and Assemblymember Peralta sponsored a bill (S69-A/A267-A), which would provide that seventy-five percent of funds seized as forfeitures of the proceeds derived from criminal street gang enterprise activities be given to local schools where the convicted member resides; the confiscated assets would be used by the superintendent to develop, implement or maintain after-school sports or after-school academic programs designed to deter and prevent youths from associating with or joining criminal street gang enterprises; and

Whereas, A bill (A06580) sponsored by Assemblymember Joseph Lentol seeks to impose stricter laws against weapons at school; this legislation would provide for safer school environments by raising the level of certain criminal possession and criminal sale of weapons crimes if they are committed on school grounds; this bill also provides a definition of school grounds as it applies to firearm offenses; and

Whereas, These gang-related bills are necessary to address the troubling rise in gang activity in New York State localities, including New York City; now, therefore, be it

Resolved, That the Council of the City of New York supports legislation pending in the New York State Legislature that seeks to combat the alarming

increase in gang activity in schools by empowering local police departments and school officials.

Referred to the Committee on Public Safety.

Int. No. 153

By Council Members Gonzalez, Barron, Brewer, Chin, Dickens, Dromm, Fidler, Gentile, James, Koslowitz, Palma, Rodriguez, Sanders, Vann, Williams, Foster, Arroyo and Crowley.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of juvenile justice to regularly report data concerning the department's use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.

Be it enacted by the Council as follows:

Section 1. Title nine of the administrative code of the city of New York is amended by adding a new chapter to read as follows:

CHAPTER 2

DEPARTMENT OF JUVENILE JUSTICE

§9-201 Incident Reports.

9-201 a. Definitions. For purposes of this section, the following terms shall have the following meanings: 1. "Abused child" shall have the same meaning as NYSSL § 412-a, Special definitions relating to children in residential care;

2. "Department" shall mean the Department of Juvenile Justice;

3. "Mechanical restraint" shall mean the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint;

4. "Neglected child" shall have the same meaning as NYSSL § 412-a, Special definitions relating to children in residential care;

5. "Physical injury or impairment" shall have the same meaning as NYSSL §4-12-a, Special definitions relating to children in residential care;

6. "Physical restraint" shall mean the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation; and

7. "Room confinement" shall mean the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

b. Quarterly Incident Reports. Beginning no later than July 1st of the year of enactment of the local law that added this section and on the first day of each quarter thereafter, the department of juvenile justice shall post a report on the department website regarding the total number of the following incidents for the previous quarter:

1. use of physical restraint by department staff on children;

2. physical injuries or impairment to children as a result of the use of physical restraint;

3. use of mechanical restraint by staff on children;

4. physical injuries or impairment to children as a result of the use of mechanical restraint;

5. fights and altercations between children;

6. physical injuries or impairment to children as a result of fights with other children;

7. physical injuries or impairment to children resulting from any other means not previously mentioned;

8. the number of children ordered into room confinement;

9. for each child ordered into room confinement, the number of times ordered into room confinement and the length of stay for each instance;

10. allegations of an abused or neglected child in a department detention facility made during the reporting period;

11. allegations of an abused or neglected child in a department detention facility that were determined to be unsubstantiated during the reporting period; and

12. allegations of an abused or neglected child in a department detention facility that were determined to be substantiated during the reporting period. The report shall disaggregate the data by each detention facility respectively, including both secure and non-secure facilities.

c. Additional Report. For each allegation of an abused or neglected child in a department detention facility included in the quarterly report, the report shall include, on an annual basis, separate indicators, disaggregated by detention facility, for the total number of: (i) substantiated allegations of an abused or neglected child; (ii) unsubstantiated allegations of an abused or neglected child; and (iii) investigations of allegations of an abused or neglected child that are pending.

§2. This local law shall take effect on July 1, 2010.

Referred to the Committee on Juvenile Justice.

Int. No. 154

By Council Members Jackson, Chin, Crowley, Dromm, James, Lander, Palma, Rodriguez, Vann, Williams, Mealy, Ferreras, Dickens, Rose, Barron, Mark-Viverito and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to creating a small business lease program for establishing an environment for fair negotiations in the commercial lease renewal process in order to determine reasonable lease terms.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council hereby finds that the city's small business sector remains vulnerable at a time when New York City is more dependent than ever on small business for job growth and revenues. The New York City commercial rental market has been negatively influenced by speculators for such an extended period of time that the interest of small businesses and job creation, and the broader general economic interest of the City, are being harmed. An unacceptable number of established small businesses are being forced out of business solely as a result of the commercial lease renewal process. The present commercial rental market provides no means for tenants to mediate disputes between tenants and landlords to arrive at fair and reasonable lease renewal terms. The absence of legal protection for the interests of commercial tenants in the lease renewal process has unnecessarily accelerated the closing of small businesses and resulted in lost jobs, tax revenues and community instability. It is the intent of the City Council, through this legislation, to be known as the "Small Business Survival Act," to give small businesses some rights in the commercial lease renewal process, and therefore, a measure of predictability of future costs through a two-step procedure of mediation and, if necessary, arbitration for negotiating commercial lease renewals and rentals. This process would create a fair negotiating environment, which would result in more reasonable and fair lease terms to help small businesses survive and encourage job retention and growth in the City of New York.

§2. Title twenty-two of the administrative code of the city of New York is amended by adding a new chapter eight to read as follows:

CHAPTER 8

COMMERCIAL LEASE ARBITRATION AND MEDIATION

§22-801 *Scope.* This chapter shall apply only to all commercial lease renewals for a commercial premises. On any occasion wherein a landlord and tenant are required to negotiate the terms of a lease renewal for commercial uses the provisions of this chapter shall apply. The provisions of this chapter shall apply to any landlord and current tenant whose lease expired on or after July first, two thousand ten.

§22-802 *Definitions.* a. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.

b. "Arbitrator" shall mean the person chosen by the parties or by the American Arbitration Association, or any other recognized arbitration organization, to resolve a dispute between a landlord and a tenant concerning a commercial lease renewal or the rent to be charged for the commercial premises.

c. "Commercial premises" shall mean a building or space occupied for non-residential purposes including, but not limited to, manufacturing, retail, professional services, offices, assembling, processing, cultural and not-for-profit entities that are resident in the city of New York, who have a valid commercial lease.

d. "Landlord" shall mean any owner, lessor, sublessor or other person entitled to receive rent for the use or occupancy of any commercial premises, or an agent thereof.

e. "Mediator" shall mean any person, agreed upon by the parties to the dispute or chosen by the American Arbitration Association or any other recognized mediation or arbitration association, to act as an intermediary between the parties. The mediator shall not offer a binding decision concerning the matter in dispute.

f. "Negotiation" shall mean the process of conferring with one another through conferences, discussions and compromise, to arrive at a mutually agreeable settlement.

g. "Rent" shall mean any and all consideration, including but not limited to pass-alongs, received by the landlord in connection with the use or occupancy of any commercial premises.

h. "Services" shall mean those facilities which enhance the use of the commercial premises, including, but not limited to, repairs, maintenance, painting, heat, hot and cold water, utilities, elevator service, security devices and patrols, furnishings, storage, janitorial and landscaping services, refuse removal, insurance protection, parking spaces and facilities in common areas of the building or parcel in which the rental unit is located.

i. "Tenant" shall mean tenant, subtenant, lessee, sublessee, or any other persons lawfully entitled to use or occupancy of any commercial premises.

§22-803 *Manner of Service.* All papers and notices which, by the terms of this chapter are required to be served, shall be served by a process server, or shall be sent by first class mail and certified mail, return receipt requested or by any express mail service.

§22-804 *Rental Guidelines.* a. All leases of a commercial premises may be renewed at the option of a tenant who did not lose the right to renew a lease under the grounds described in subdivision (d) of this section. Such lease renewals shall be for a minimum term of ten years, provided however, that at the tenant's option, and with the written approval of the landlord, a lease of shorter or longer duration may be selected.

b. No period of lease extension required by this chapter shall extend beyond the landlord's lawful ability to rent the premises to the tenant, where such ability is limited by:

(1) the obligation to rent the premises to a third party pursuant to a bona fide lease entered into prior to the effective date of this chapter;

(2) the exercise by a third party of a bona fide option to rent the premises provided that such option was given prior to the effective date of this chapter; or

(3) any other lawful reason arising prior to such effective date.

c. Any landlord whose obligations under this chapter are limited by the provisions of this section shall not be required to negotiate or to arbitrate as otherwise provided for in this chapter but shall remain obligated to negotiate and to arbitrate a renewal lease for such period of time for which the landlord has a lawful ability to rent the commercial premises to the tenant. The landlord shall provide notice to the tenant one hundred twenty days before the termination of the lease of the basis on which the lease cannot be extended for a full ten-year term.

d. A tenant shall lose the right of renewal and a landlord may refuse to renew a lease only on the following grounds:

(1) The tenant has persistently delayed rent payments without cause. For the purpose of this subdivision, "cause" is defined as the withholding or rental payments by the tenant due to the alleged violations of the rental agreement by the landlord. In order for the landlord to be excused from renewal on this ground, the landlord must have served the tenant at least three prior notices during the term of the lease to the tenant for demand of payment within thirty days, and then show that the lessee has not paid within such thirty day period. The landlord shall not serve such notice unless the rent payment was in arrears for a minimum of fifteen days;

(2) The tenant uses the commercial premises in a manner substantially different from that described in the lease;

(3) The tenant conducts or permits any form of illegal activity on the premises;

(4) The tenant has substantially breached any substantive obligation under the current lease and has failed to cure such breach within thirty days following written notice to cure by the landlord;

(5) Upon the termination of the current tenancy, the landlord intends, in good faith, to demolish or substantially reconstruct the premises or a substantial part thereof, or to carry out substantial work or construction on the commercial premises or substantial part thereof which he or she could not reasonably do without obtaining possession of the commercial premises. The landlord shall notify the tenant of his decision to reoccupy the commercial premises at least one year prior to the termination of the lease. In the event that the lessor fraudulently invokes this justification for a refusal to renew a commercial lease, the defrauded tenant may collect treble damages for any loss suffered as a result of such action;

(6) The current tenancy was created by the subletting of the property, whereby the prime tenant did not notify the landlord by certified mail of the subtenant's existence and did not obtain the written consent of the landlord. This ground is void if the landlord and tenant had agreed in the lease to allow subleasing rights without the consent of the landlord and all obligations of the prime tenant on the issue, were in compliance;

(7) It has been determined by the administering agency or by a civil court of competent jurisdiction that the tenant is a gross and persistent violator of New York city tax laws, of any license obligations related to the use of the premises or of any laws of the city of New York;

(8) Upon the termination of the current tenancy, the landlord intends to occupy the retail premises in order to carry out its own business, which cannot be the same type of business that the current tenant is operating, unless the landlord compensates the tenant at fair market value as determined by an arbitrator as restitution for the loss of such tenant's business. The landlord shall notify the tenant of his decision to reoccupy the premises at least one hundred twenty days prior to the termination of the lease. In the event that the landlord fraudulently invokes this justification for a refusal to renew a commercial lease, the defrauded tenant may collect treble damages for any loss suffered as a result of such action.

e. *Procedure for lease renewals.* (1) Where the landlord agrees to renew the lease of the current tenant, such landlord shall notify the tenant at least one hundred eighty days prior to the expiration of the lease of his willingness to negotiate the renewal of the commercial lease agreement. If the landlord and tenant agree, they may at any time renegotiate a new lease, with any agreed to terms and conditions, not inconsistent with the provisions of this chapter. The tenant is to continue rent payments as set forth in the lease until the parties reach an agreement on a lease renewal or until a decision is otherwise rendered through the arbitration or mediation processes described in the provisions of this subdivision. The first ninety days of the one hundred eighty-day notice period is for the purpose of negotiations. Alternatively, either party may compel the other party to the dispute to use that ninety-day period, or any part thereof, for the purposes of mediation. If either the landlord or tenant chooses mediation, he or she shall notify the other party that a mediation session is requested. The parties shall choose a mediator who is

agreeable to both the landlord and tenant, or if no such person is agreeable, then the American Arbitration Association shall appoint a mediator. The mediator shall notify the landlord and tenant, no more than ten days after his or her appointment, of the date, time, place and rules of the hearing. The mediator shall follow his or her customary rules and may render an opinion concerning the dispute, which shall not be binding on the parties. If after ninety days of negotiation and any mediation sessions, the landlord and tenant do not reach an agreement on a new lease, then the tenant is to notify the American Arbitration Association, within fourteen days of the expiration of the first ninety day period, that an arbitration hearing is requested. Failure by the tenant to notify the American Arbitration Association within fourteen days of the expiration of the first ninety day period shall result in the forfeiture of the tenant's right of renewal.

(2) Where the landlord refuses to renew a lease with the current tenant, such landlord is to notify the tenant a minimum of one hundred eighty days before the expiration of the lease that such landlord is not going to renew the tenant's lease and state the reason or reasons for such denial in detail. Failure of the landlord to give such notice shall subject the parties to the provisions of paragraph (3) of this subdivision. The landlord is to furnish the tenant with all pertinent data supporting such reason or reasons. If the tenant still wishes to challenge the refusal to renew the lease and apply for a renewal of the lease, then the tenant must notify the landlord within thirty days after the receipt of the landlord's notice of his intent to challenge the refusal and seek arbitration on the issue of renewal. The tenant shall then notify the administrative agency and the American Arbitration Association or any other recognized arbitration organization within fourteen days after notification by the tenant to the landlord that a hearing is requested to determine whether the landlord's grounds for refusal are valid.

(3) If an arbitration hearing is requested pursuant to either paragraphs (1) or (2) of this subdivision:

(a) The landlord and tenant shall choose the arbitrator from a list of arbitrators provided by the American Arbitration Association. If they cannot agree on the selection of the arbitrator within thirty days of the tenant's notice to such association that a hearing is requested, the tenant shall notify within fourteen days such organization of the parties' failure to make a selection and such arbitration organization shall determine the arbitrator within five days of receipt of such notice from the tenant.

(b) The arbitrator shall notify both parties of the date, place, time and rules of the hearing within sixty days of receipt by the arbitration association of the request for a hearing. The hearing shall take place in the borough where the commercial premises are located unless otherwise agreed to by the landlord and tenant. The landlord and tenant shall furnish the arbitrator with all relevant documentation, and the arbitrator shall conduct a preliminary meeting prior to the hearing to review the data and familiarize himself or herself with the case. The matters the arbitrator shall determine during the preliminary meeting shall include, but not be limited to, the need to inspect the space and the need to hire expert consultants to certify the accuracy of data. The arbitrator may seek to conduct an inspection of the space after notifying both parties at least three days in advance of the inspection and informing them of their right to be present during the inspection.

(c) The hearing before the arbitrator shall be recorded by digital, tape or video device. Such recording shall be transcribed upon the request of any party who posts in advance the estimated cost of the transcription. Either party may provide, at their expense, a reporter to transcribe the hearing. The official record of the hearing shall include all documents and offers of proof presented to the arbitrator, the written decision of the arbitrator and any transcript of the hearing. The landlord and tenant will each be given no more than six hours to present testimony, witnesses, pictures, videos, documents, including charts, comparable rent data and any other relevant data. Each party shall be allowed to confront and cross-examine adverse witnesses. The arbitrator can choose to investigate any aspect of the case to help arrive at a decision.

(d) For a dispute brought before an arbitrator under paragraph (1) of this subdivision, such arbitrator shall render a written determination setting the rent to be paid during a renewal period of ten years, together with the basis for the determination of the rent, and shall notify the parties of such determination no later than thirty days after the hearing has been concluded. Failure to notify the parties within thirty days shall not affect the enforceability of such determination. Such determination shall be based on (i) the cost of maintenance and operation of the entire property including land and building improvements, including all service debt such as mortgages, (ii) the kind, quality and quantity of services furnished by the landlord, (iii) the condition of the space including capital improvements made by the tenant, (iv) current interest rates on bank deposits and United States government bonds, (v) the current fair market rates for comparable properties in the area in which the property is located, (vi) the lease history and any relevant sublease history, (vii) the longevity of the business, (viii) the location of the business, (ix) the extent to which the business is bound to its particular location, (x) the size of the space, (xi) the cost of leasing similar premises within a one mile radius of the property, (xii) the past five year rental market history within a one mile radius of the property, and (xiii) all other relevant factors. The arbitrator shall consider that each small business and landlord relationship should be dealt with on a case-by-case basis. Where the commercial premises is located in a mixed-use building with less than twenty-five residential units, the arbitrator shall give special consideration to the criteria listed in items (i) and (ii) of this subparagraph. Within thirty days of the hearing, the arbitrator shall send the decision as to the rent price to the parties involved by certified mail.

(e) For a dispute brought before an arbitrator under paragraph (2) of this subdivision, such arbitrator shall render a written determination stating the basis for such determination and notifying the parties of such determination no later than

thirty days after the hearing has been concluded. Failure to render a timely, written determination and to notify parties within thirty days shall not affect the enforceability of such determination. Such determination shall be based on (i) appropriate laws applicable to commercial spaces; (ii) the terms of the lease and compliance therewith; (iii) rental guidelines as set forth by the administering agency; and (iv) any other relevant and material factors that the arbitrator shall deem proper. If the arbitrator decides in favor of the landlord, then the tenant shall have until the end of the current lease to vacate. If the arbitrator decides in favor of the tenant, the parties shall have twenty days upon receipt of the arbitrator's decision to renegotiate the lease consistent with the arbitrator's decision. If the parties cannot agree on the rent to be charged for the commercial premises, they shall notify the arbitrator within ten days. The arbitrator shall then render a written determination setting the rent to be paid during the renewal period of the lease, together with the basis for the determination of the rent, and shall notify the parties of such determination no later than twenty days after receiving notice of the parties' inability to renegotiate the rent and send such decision to the parties involved by certified mail. Failure to notify the parties within twenty days shall not affect the enforceability of such determination. Such determination shall be based on (i) the cost of maintenance and operation of the entire property including land and building improvements, including all service debt such as mortgages, (ii) the kind, quality and quantity of services furnished by the landlord, (iii) the condition of the space including capital improvements made by the tenant, (iv) current interest rates on bank deposits and United States government bonds, (v) the current fair market rates for comparable properties in the area in which the property is located, (vi) the lease history and any relevant sublease history, (vii) the longevity of the business, (viii) the location of the business, (ix) the extent to which the business is bound to its particular location, (x) the size of the space, (xi) the cost of leasing similar premises within a one mile radius of the property, (xii) the past five year rental market history within a one mile radius of the property, (xiii) the rental guidelines as set forth by the administering agency; and (xiv) all other relevant factors. The arbitrator shall consider that each small business and landlord relationship should be dealt with on a case-by-case basis. Where the commercial premises is located in a mixed-use building with less than twenty-five residential units, the arbitrator shall give special consideration to the criteria listed in items (i) and (ii) of this subparagraph. The costs of arbitration shall be borne equally by the landlord and tenant.

(f) The arbitrator's decision setting the rent price shall be final and binding on both parties except as provided herein, and they shall enter into a lease incorporating such rent which lease does not diminish any services provided by the landlord pursuant to the existing lease. Such renewal lease shall be entered into by the termination date of the current lease and shall commence at the time of expiration of the existing lease. If, however, the tenant elects not to pay the rent set by the arbitrator, then the landlord and tenant shall not enter into a new lease agreement or renew the existing lease.

(g) If, pursuant to subparagraph 3(f) of this subdivision, the tenant elects to not pay the rent set by the arbitrator, the tenant will be allowed to remain in possession at a rent no greater than a ten percent increase of the average rent charged during the final twelve months of the last rental agreement between the landlord and tenant from the termination date of the existing lease until such date on which the tenant shall remove his or her property from the premises as provided herein. In the event the landlord receives a written bona fide offer from a prospective tenant to rent the premises, the landlord must first offer the current tenant the option of entering into a lease at the rent and other terms agreed to by the prospective tenant to the landlord. The landlord is to notify the tenant of such offer within three days of receipt of such written bona fide offer. If the tenant declines to pay the rent or fails to accept the offer within fourteen days of receipt of the landlord's notification to the tenant of such offer, then the tenant has thirty days, from the date such notice is received, to remove property from the commercial premises provided that the lease has expired. If the tenant accepts the option of first refusal, the landlord and tenant shall enter into a lease based upon the terms of the bona fide offer received by the landlord from the prospective tenant.

§22-805 Security deposits. Security deposits shall not exceed an amount equal to two months rent. All security deposits shall be placed in escrow in an interest-bearing account at a federally insured bank located in New York state. The tenant shall be notified in writing of the location of such escrow account. Interest paid on the account shall be paid in full to the tenant upon termination of the lease. The amount of interest paid to the tenant shall equal the interest paid by such federally insured bank less one percent for the landlord's administrative costs.

§22-806 Retaliation. No landlord shall in any way retaliate against any tenant for the tenant's assertion or exercise of any rights under this chapter. Any such retaliation may subject the landlord to a suit for actual and punitive damages, injunctive relief, and attorney's fees. Proof of retaliation by the landlord occurring prior to or during the arbitration proceeding shall be considered by the arbitrator in making a determination as to the rent to be paid.

§22-807 Waiver. No provision in any lease, rental agreement, or agreement made in connection therewith which waives or diminishes any right of tenant under this chapter is valid.

§22-808 Evaluation. At the end of each year, the administering agency shall report to the mayor and the council on the effectiveness of this chapter in carrying out the purposes set forth in the legislative findings. The recommendations should take into account the existing commercial rental market which includes among other factors the inflation and interest rates. This report shall also identify any other positive or negative effects of the law.

§22-809 Penalties. a. A landlord or tenant may seek injunctive relief mandating arbitration and/or appropriate damages against any landlord or tenant who fails to submit voluntarily to arbitration or otherwise fails to act in good faith.

b. Any and all legal expenses incurred by one party as a result of its attempt to compel the other party to comply with the provisions of this chapter may be awarded to the appropriate party by the arbitrator or a civil court of competent jurisdiction.

§22-810. Inconsistency with other laws. In the event of any inconsistency with any other laws of the city of New York, this law shall take precedence.

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

§4. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Small Business.

Int. No. 155

By Council Members Jackson, Barron, Chin, Comrie, Crowley, Dickens, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Nelson, Palma, Recchia, Rodriguez, Rose, Seabrook, Vann, Williams, Foster, Lappin, Vacca, Cabrera, Mendez, Mark-Viverito, Ulrich and Ignizio.

A Local Law to amend the New York city charter, in relation to requiring the chancellor of the city school district to submit to the council an annual report concerning school enrollment, capacity and utilization.

Be it enacted by the Council as follows:

Section 1. Section 522 of chapter 20 of the New York city charter is amended by amending subdivision f and by adding a new subdivision g to read as follows:

f. Dissemination of information. The reporting required by [subdivision] subdivisions c and g of this section shall, in addition to being provided to the city council, be placed on the department's website and may be distributed by such other means as the chancellor, in his or her discretion, determines to be a reasonable method of providing such information to the public.

g. Capacity and utilization reporting. Not later than the first day of November of the year two thousand ten and not later than the first day of November of every year thereafter, the chancellor of the city school district shall submit to the council a report on enrollment, capacity and utilization data for the prior school year, to be utilized for the current and future five-year capital plan. For the purposes of this subdivision, the term "school" shall include any elementary, middle or high school within the jurisdiction of the New York city department of education or any educational facility holding some combination thereof; and the term converted or repurposed shall reflect a period of fifteen years or less;

Such report shall, include but not be limited to, the following information regarding school capacity in New York city public schools:

1. The calculated capacity for each school building and each school within a building or structure that holds one or more schools, using the state mandated target class size for each respective grade level from kindergarten through twelfth, inclusive.

2. For each school building and each school within a building or structure that holds one or more schools, the number of cluster rooms and specialty rooms that have been converted or repurposed and are not or no longer used for any specialized instructional purposes for which the room was so intended and the former use or purpose of such rooms. For the purposes of this subdivision, the term "cluster room" shall mean support rooms required for the teaching of subjects including but not limited to art, music, science, computers, and shops; and the term "specialty room" shall mean instructional spaces used for the teaching of subjects including but not limited to art, music, science, and computers;

3. For each school building and each school within a building or structure that holds one or more schools, the total number of teachers' lounges and the number of such teachers' lounges that have been converted or repurposed and are not or no longer used for the purpose of recreational space for teachers and school staff for which the room was so intended. For the purposes of this subdivision, the term "teachers' lounge" shall mean any space designated for use by teachers and school staff for non-instructional duties.

4. For each school building and each school within a building or structure that holds one or more schools, the total number of student locker rooms and gym offices and the number of such student locker rooms and gym offices that have been converted or repurposed and are not or no longer used for the physical education purposes for which the room was so intended.

5. For each school building and each school within a building or structure that holds one or more schools, the total number of rooms intended for occupational or physical therapy and the number of such rooms that have been converted or repurposed and are not or no longer used for the purpose of providing occupational or physical therapy to students.

6. For each school building or each school within a building or structure that holds one or more schools, the total number of rooms intended for special education related services and the number of such rooms that have been converted or repurposed and are not or no longer used for the purpose of providing special

education related services to students. For the purposes of this subdivision, special education related services shall mean services for special education students including but not limited to academic tutoring,

7. For each school building and each school within a building or structure that holds one or more schools, the total number of full-sized cluster rooms or specialty rooms, used for the purpose of delivering specialized instruction in subject areas including but not limited to art, music, dance, science, and shop. For the purposes of this subdivision, "full-sized" shall mean any instructional space greater than four hundred ninety-nine square feet;

8. For each school building and each school within a building or structure that holds one or more schools, the percent of time each cluster room and each specialty room is used by each school or each program within a school and the purpose of such use;

9. For each school building and each school within a building or structure that holds one or more schools, the total number of gyms within the building, the capacity of each gym, the number of schools that utilize each such gym, and the percent of time each school uses each such gym;

10. For each school building and each school within a building or structure that holds one or more schools, the total number of libraries within the building, the capacity of each library, and the number of schools that utilize each such library;

11. For each school building and each school within a building or structure that holds one or more schools, the total number of lunchrooms, the capacity of each lunchroom, and the number of periods or half periods in which the lunchroom is utilized for the purpose of serving meals each day by each school;

12. For each school building and each school within a building or structure that holds one or more schools, the total number of auditoriums within the building, the capacity of each auditorium and the number of schools that utilize each such auditorium;

13. For each theme-based school within a building or structure that holds one or more schools, the total number of cluster rooms and specialty rooms available for such theme-based instruction, the capacity of each such room, and the number of schools that utilize each such room. For the purposes of this subdivision, "theme-based school" shall mean any school or school program designed to emphasize instruction in a particular subject matter;

14. For each school building and each school within a building or structure that holds one or more schools, the total number of annexed spaces utilized by each school including but not limited to transportable classroom units and mini-schools, the capacity and location of such space and the number of schools utilizing such space;

15. For each school building and each school within a building or structure that holds one or more schools, the total number of leased spaces utilized by each school, the capacity and location of such leased space and the number of schools utilizing such space; and

16. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

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

Referred to the Committee on Education.

Res. No. 156

Resolution calling upon the New York City Department of Education to implement models of expanded learning time, based on the NYC Coalition for Educational Justice campaign for redesign and expansion of the school day and year, as a strategy to assist low-performing schools to improve student performance.

By Council Members Jackson, Barron, Brewer, Chin, Dromm, Fidler, James, Koppell, Lander, Mark-Viverito, Palma, Rodriguez, Seabrook, Vann, Williams, Foster, Dickens, Levin, Cabrera and Mendez.

Whereas, In the United States, the typical school year consists of 180 six-hour days; and

Whereas, A Nation at Risk, the seminal 1983 report of the National Commission on Excellence in Education, urged schools to add another hour to the day and 20 to 40 days to the typical 180-day year to ward off "a rising tide of mediocrity" in American education; and

Whereas, The National Time and Learning Commission echoed the call to extend the school day and year in a 1994 report, *Prisoners of Time*; and

Whereas, Despite these and other calls to expand instructional time, the school calendar has remained essentially unchanged in the U.S. since the mid-20th century; and

Whereas, According to a 2007 report by the Center on Education Policy, 44% of the nation's school districts report that the amount of instructional time spent on subjects other than English and math has actually decreased since passage of the No Child Left Behind Act in 2002; and

Whereas, With increasing demands to improve student performance and close the achievement gap between minority and disadvantaged students and their white counterparts, many education policymakers are considering reforms that would expand learning time for students; and

Whereas, In 2005, Massachusetts became the first state in the nation to undertake a systemic initiative to significantly expand learning time as a strategy for improving student performance and closing the achievement gap; and

Whereas, Preliminary data on schools that expanded learning time in Massachusetts and elsewhere in the nation show a possible link to increased student achievement; and

Whereas, A 2009 study by the National Center on Time & Learning (NCTL) found that 6th, 7th, 8th and 10th graders in expanded-time schools outscored other students by 3 to 8 percentage points; and

Whereas, Further, the NCTL study found that schools that added the most learning time had better student performance in grades 7 and 10 than those that added less time; and

Whereas, There have been some prior efforts to increase learning time in New York City public schools, including a 1999 extended-time pilot program that gave veteran teachers a 15% pay raise for working an additional week and 40 extra minutes per day in 40 of the lowest performing schools in the City; and

Whereas, According to a Board of Education review of the pilot program, extended-time schools saw test scores improve at a far greater rate than other schools between 1999 and 2001; and

Whereas, The study showed that reading scores climbed 7.5 percentage points in schools with the extra time compared with a 4.2 point increase in other schools and math scores rose 3.2 points in extended-time schools compared with virtually no citywide increase; and

Whereas, More recently, in 2006 the New York City Department of Education (DOE) extended the school day by 37 ½ minutes for mandatory tutoring sessions for struggling students, pursuant to a contract agreement with the United Federation of Teachers (UFT); and

Whereas, In addition, The After-School Corporation (TASC) initiated a 3-year Expanded Learning Time/New York City pilot program in 2008 to expand learning time by at least 30% in 10 middle and elementary schools; and

Whereas, Another organization, Generation Schools Network, opened the Brooklyn Generation School in September 2007 as an extended-time school inside the South Shore High School campus; and

Whereas, The NYC Coalition for Educational Justice (CEJ) has launched a campaign calling for the redesign and expansion of the school day and year in low-performing schools; and

Whereas, This CEJ campaign calls for the addition of 30% more time to the school day and year at low-performing schools to provide students with rigorous and engaging academics, diverse enrichment courses and teacher planning and learning time; and

Whereas, Some models of expanded learning time, such as those used by Massachusetts and TASC, entail additional costs that can vary widely from a few hundred to more than a thousand dollars per student each year; and

Whereas, Other expanded learning time models do not require additional expenditures, such as the Generation Schools model, which expands learning time by up to 30% for all students, without increasing the teacher work year, and thus operates at current per pupil funding levels; and

Whereas, Students in New York City's public schools would benefit from employing methods such as expanded learning time that can raise student achievement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to implement models of expanded learning time, based on the NYC Coalition for Educational Justice campaign for redesign and expansion of the school day and year, as a strategy to assist low-performing schools to improve student performance.

Referred to the Committee on Education.

Res. No. 157

Resolution calling upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.

By Council Members Jackson, Barron, Chin, Dromm, Fidler, James, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Seabrook, Vann, Williams, Foster, Dickens, Koslowitz, Levin, Cabrera and Mendez.

Whereas, Since 2002 the New York City Department of Education (DOE) has closed 91 schools with low student achievement levels; and

Whereas, In December 2009, the DOE proposed phasing out an additional 20 low-performing schools, the most in any single year; and

Whereas, These proposed school closures generated considerable community opposition, public protests and a lawsuit filed by the United Federation of Teachers (UFT), advocacy organizations, parents and elected officials, including five members of the New York City Council; and

Whereas, Opponents of the DOE's school closure policy maintain that closing schools should be the method of last resort, used only after other strategies have been attempted to turn around low-performing schools; and

Whereas, Critics argue that DOE has not provided adequate resources or made sufficient effort to help struggling schools; and

Whereas, Furthermore, critics contend that DOE does not have a comprehensive improvement strategy or plan to assist low-performing schools; and

Whereas, The NYC Coalition for Educational Justice (CEJ) has proposed a comprehensive improvement strategy, development of a School Transformation Zone, for DOE to help transform low-performing schools; and

Whereas, Under CEJ's proposal, all struggling schools would have the opportunity to apply to join the Zone and turn themselves around before being subject to closure; and

Whereas, Schools that join the School Transformation Zone would undergo a redesign process to improve teaching and learning; and

Whereas, One of the required elements for Zone school redesign would be to add more instructional time to the school day and year; and

Whereas, In addition to expanded learning time, Zone schools would be required to provide a well-rounded, enriched college preparatory curriculum for all students, including access to Regents courses that would be available to middle grade students and Advanced Placement or other college-level courses for high school students; and

Whereas, Schools in the Zone would also be required to take steps to attract, train and keep excellent teachers and principals by reducing class size, providing common planning time and extensive professional development and mentoring, among other efforts; and

Whereas, Zone schools would also be expected to offer strong, comprehensive support services for students, including small group and individual tutoring for struggling students, more guidance counselors and partnerships with local organizations to provide additional enrichment or services; and

Whereas, The final requirement for Zone schools would be to ensure active parent and community involvement by including them in decision-making, providing translation services at all school functions and offering adult education courses, for example; and

Whereas, For each school in the Zone, the School Leadership Team, or other body including parents, teachers and other key stakeholders, will serve as the School Transformation Committee to lead the re-design process; and

Whereas, Under CEJ's proposal, an expert educator with a track record in turning around struggling schools would be designated by DOE to lead the School Transformation Zone; and

Whereas, Further, a Zone Coordinating Committee including key stakeholders would be formed to advise and monitor the initiative; and

Whereas, CEJ also proposes that schools be permitted to remain in the Zone for 3 years to have an adequate opportunity to improve student achievement before being subject to closure; and

Whereas, Additionally, CEJ proposes that all schools receiving federal School Improvement Grants be part of the Zone; and

Whereas, Finally, CEJ proposes that DOE apply for federal Innovation Funds to support the School Transformation Zone; and

Whereas, Students in New York City's public schools would benefit from implementation of the School Transformation Zone model to help turn around low-performing schools rather than closing them; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.

Referred to the Committee on Education.

Res. No. 158

Resolution calling upon the New York City Department of Education to maintain a minimum level of arts funding in New York City public schools.

By Council Members Jackson, Barron, Brewer, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Lappin, Palma, Rodriguez, Rose, Seabrook, Van Bramer, Vann, Williams, Foster, Koslowitz, Mendez and Mark-Viverito.

Whereas, As a result of the fiscal crisis of the 1970s, the New York City public school system experienced a significant reduction in funding for arts education; and

Whereas, In 1997, former Mayor Rudolph Guiliani created Project ARTS (Arts Restoration to the Schools), which was designed to restore arts education to City schools over a three year period; and

Whereas, Project ARTS funding was intended to support direct instructional services, professional development for educators, curriculum development, equipment, art materials and supplies, as well as arts and cultural services; and

Whereas, Project ARTS was initially allocated \$25 million a year, has reached upwards of \$75 million a year, and in recent years, has received yearly allocations totaling \$67.5 million; and

Whereas, According to The Center for Arts Education, Project ARTS has been the “catalyst for the growth and expansion of arts education over the past ten years”; and

Whereas, The importance of arts education and its positive impact on a student’s education has been widely researched; and

Whereas, A report by the Arts Education Partnership (AEP) shows a correlation between instruction in the arts and greater student achievement and social development; and

Whereas, In addition, the AEP report found that economically disadvantaged students and students in need of remedial instruction experience the most gains in learning from arts education; and

Whereas, In January 2007, Mayor Michael Bloomberg outlined his most recent Children First School Reforms in his State of the City address; and

Whereas, These reforms include four initiatives, one of which is the Public School Empowerment Initiative, which gives principals greater discretion in running their schools, including hiring personnel and managing the budget; and

Whereas, Some arts advocates have expressed concern regarding the continuation of arts programming in public schools since the Department of Education (DOE) has indicated that funds previously earmarked for Project ARTS would now be made available for principals to spend at their discretion; and

Whereas, Arts advocates fear that principals may be inclined to spend funds on more academic programs, rather than arts programs, in order to raise test scores to meet accountability standards that were put forth in the most recent reform; and

Whereas, For example, in 2001 when former Chancellor Harold Levy allowed for the redirection of Project ARTS funds to cover expenses unrelated to arts education, arts education spending was reduced by fifty percent; and

Whereas, Recognizing the importance of arts education, it is imperative that the DOE take action to ensure that arts education programs continue to be made available to all students; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to maintain a minimum level of arts funding in New York City public schools.

Referred to the Committee on Education.

Int. No. 156

By Council Member James, The Speaker (Council Member Quinn), and Council Members Barron, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, Koppell, Lander, Lappin, Mark-Viverito, Nelsen, Palma, Recchia, Rodriguez, Rose, Vann, Williams, Crowley, Eugene and Jackson.

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

Be it enacted by the Council as follows:

Section 1. Section 16-307 of the administrative code of the city of New York is amended to read as follows:

§16-307 City agency waste. The commissioner shall, within six months of the effective date of this chapter, adopt and implement [regulations requiring] *rules governing* the source separation or post-collection separation, collection, processing, marketing, and sale of each designated recyclable material including designated *metal, glass, plastic and paper* generated by the council and city mayoral and non-mayoral agencies. [, including the council and the board of estimate]. *Every city agency and the council shall adopt or revise a plan with respect to the implementation of the requirements of this section for submission to, and approval by, the commissioner annually with the first submission to be no later than June 1, 2011. Such plan shall provide for the source separation of designated metal, glass, plastic and paper in all offices and buildings occupied by a city agency and or the council and, if such offices or buildings are controlled by the city, to the extent practicable, at the entrances and in the lobbies of such offices or buildings. Such plan shall provide further for the designation by each agency and the council of a lead recycling coordinator. Agencies with offices in more than one building shall designate one assistant coordinator for each building in which such agency has offices to assist the agency’s lead recycling coordinator with the requirements of this section. Lead recycling coordinators shall be responsible for preparing an annual report to the head of their respective agency or the council which shall note efforts in securing full compliance with the agency or council recycling plan, as well as proposed remedial actions to be taken to remove impediments to full compliance. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department’s annual recycling report required pursuant to section 16-311.1 of this chapter. Such information shall also include, to the extent feasible, the amount of recycled material diverted by each agency, or agency office or building, and the council for the period reported, which the department counts towards the city’s recycling totals for the goals set forth in subdivision f of section 16-305 of this chapter.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 159

Resolution calling upon the New York State Legislature to place the control of the state pension funds under the Board of Trustees of each fund.

By Council Members Koppell and Palma.

Whereas, The New York State common retirement fund holds assets in trust for more than one million employees and retirees from the State government, most local governments, and some public authorities; and

Whereas, The common retirement fund is the state’s largest pool of money, valued at one hundred and twenty-nine point four billion dollars, and is the third largest public pension fund in the nation; and

Whereas, The common retirement fund is under the sole control of the State Comptroller who acts as both trustee and manager of the fund, while most other states rely on a board to oversee their pension investments; and

Whereas, The Attorney General’s investigation into the management of the common retirement fund cited numerous incidents of abuse in the current system, led to a number of criminal charges, and revealed that almost half of the agents obtaining investments for the common retirement fund were not properly licensed and registered with a broker-dealer as required by federal securities laws; and

Whereas, The State Comptroller may invest up to seventy percent of the common retirement fund assets in equities investments so long as they meet the prudent investor standard and thirty percent of the common retirement fund assets in fixed income investments; and

Whereas, The New York State Attorney General and state lawmakers have announced a proposal that would create a board of trustees to oversee the state’s pension funds, in order to avoid abuse of the common retirement fund; and

Whereas, The proposed Board of Trustees would provide greater accountability and transparency of those overseeing the common retirement fund assets; and

Whereas, The proposed Board of Trustees would include members appointed by the Governor, the Attorney General, and the State Legislature as well as members of the retirement system; and

Whereas, Members of the proposed Board of Trustees would be required to act in accordance with their fiduciary duty, take the oath of office, comply with all regulatory requirements and the code of ethics, report and disclose all conflicts of interest, and participate in training with regards to these requirements; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to place the control of the state pension funds under the Board of Trustees of each fund.

Referred to the Committee on Civil Service and Labor.

Res. No. 160

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

By Council Members Koppell, Brewer, James, Palma, Rodriguez, Rose and Vann.

Whereas, Cluster sites are temporary transitional housing units for families located within apartment buildings where lease holding tenants may also be renting out apartments; and

Whereas, On June 30, 2008, the Department of Homeless Services (DHS) had thirteen cluster site locations: three located in Manhattan and ten located in the Bronx; and

Whereas, As of April 2009, DHS cluster sites had grown to seventeen; two located in Manhattan, nine in the Bronx, and six in Brooklyn; and

Whereas, The above numbers demonstrate not only a growing prevalence of cluster sites but also that DHS is seeking out more locations where it can place the growing number of homeless individuals throughout the City; and

Whereas, While as of January 2010, DHS had brought the number of cluster sites down to eleven, cluster sites remain a concern to communities across the city; and

Whereas, DHS has an open-ended request for proposals for cluster sites, which was recently modified via an addendum; and

Whereas, The addendum, which became effective on January 7, 2010, requires that potential operators both notify and meet with the community board where the cluster site will be located, and subsequently provide proof to DHS that the community board is aware of the request and had the opportunity to provide feedback; and

Whereas, While cluster site numbers slightly decreased recently and the notification requirements were increased for potential operators by the RFP, these requirements fall short of what is necessary; and

Whereas, Under section 41.34 of the Mental Hygiene Law, commonly referred to as the Padavan Law, site selection of community residential facilities requires advance notification to affected community boards before such residential facilities are licensed; and

Whereas, A community residential facility is defined in the Padavan Law as a "[c]ommunity residential facility for the disabled," which means a supportive living facility with four to fourteen residents, or a supervised living facility subject to licensure by the office of mental health or the office of mental retardation and developmental disabilities, which includes residences for up to fourteen mentally disabled persons, including residential treatment facilities for children and youth; and

Whereas, A "sponsoring agency" is defined in the Padavan Law as an agency or unit of government, a voluntary agency or any other person or organization which intends to establish or operate a community residential facility for the disabled; and

Whereas, The Padavan Law allows community boards forty (40) days to either affirm a site for a community residential facility, recommend alternative sites, or object to the establishment to the facility; and

Whereas, While cluster sites are not required to obtain licenses in order to operate, good reasons exist why such sites ought to be subjected to the Padavan Law; and

Whereas, For example, the fact that homeless individuals are residing at least temporarily in cluster site apartments among lease holding tenants makes it important for proper notice to be provided to the community before the city or DHS enters into a cluster site program with the landlord; and

Whereas, According to DHS's December 2009 monthly report on shelter census numbers, there are 11 units in the smallest cluster site location and at most 348 units in the largest location; and

Whereas, According to DHS's January 2010 monthly report on shelter census, the smallest cluster site location had 17 units and the largest location had 351; and

Whereas, Considering the fact that the number of people in these residences is above and at times significantly beyond the Padavan Law threshold of fourteen, these cluster site facilities should be subjected to the same rules mandated by the above mentioned law; and

Whereas, The Padavan Law is efficacious, insofar as communities and neighborhoods affected are given notification and can provide valuable input into decision-making concerning the sites of residential facilities; and

Whereas, The Padavan Law also gives communities the power to block residential institutions from being created that fail to meet community standards; and

Whereas, In order to avoid an oversaturation of and a significant alteration to, as mentioned in the Padavan Law, "the nature and character of the areas within the municipality" it is imperative that DHS and sponsoring agencies be required to comply with its notification requirements when seeking to locate cluster sites; and

Whereas, In addition to complying with notification laws, landlords seeking contracts to operate transitional housing such as cluster sites with DHS ought not to have any outstanding class C violations written by Code Enforcement inspectors of the Department of Housing Preservation and Development (HPD); and

Whereas, On March 10th, media reports highlighted that in a cluster site unit located in the Bronx a ceiling infested with water bugs and centipedes came crashing down on a 2-year-old; and

Whereas, This report brings to light the dangers of housing families in units that are not meeting the highest building code standards; and

Whereas, HPD violations are classified as Class A - non-hazardous, Class B - hazardous and Class C - immediately hazardous; and

Whereas, Class C violations are the most severe housing violations and must be corrected within 24 hours; and

Whereas, Class C violations include inoperable sprinklers and the lack of heat and hot water; and

Whereas, When landlords do not correct class C violations HPD will sometimes order emergency repairs and then bill the owner for these repairs; and

Whereas, Generally, when a Class C violation is written, if, in the discretion of the inspector, the condition is such that an immediately hazardous or harmful condition exists, such as an inoperable sprinkler, or a leaning parapet wall, then the inspector will go one step further and write up a form for Emergency Repair upon his or her return to the office; and

Whereas, Upon receipt of the form, Emergency Repair personnel will then send notification to the owner that repairs must be made within 24 hours or the City will do the repair work; and

Whereas, In addition to both notifying the communities regarding cluster site locations and ensuring that landlords have no outstanding class C violations, DHS must also ensure that the landlords have not harassed tenants; and

Whereas, In subchapter 1 of Chapter 2 of Title 27 of the City's Administrative Code, also known as the Housing Maintenance Code, paragraph (48) of subdivision (a) of section 27-2004 defines "Harassment" by an owner as "any act or omission by or on behalf of an owner that causes or is intended to cause a lawful occupant to vacate an apartment unit or forgo any occupancy rights;" and

Whereas, While the City must provide for homeless families, it should first attempt to house families in locations that are traditional shelters because traditional shelters must undergo the scrutiny of community "fair share" assessments through the New York City Charter; and

Whereas, If cluster sites are the only other location in which the City is able to house homeless families because shelters are at capacity, however, the units should be located in buildings that have safe conditions, and communities should have the opportunity to participate in the process of site selection; and

Whereas, The state should provide the protections afforded to communities under the Padavan Law to those communities where DHS seeks to locate cluster sites because cluster sites are temporary sleeping accommodations that provide a significant amount of on-site support services for residents, and their placement in communities is not subject to the fair share analysis in the City Charter; and

Whereas, Cluster site placement should be subject to the Padavan Law, and before entering into a cluster site contract or an arrangement with landlords, DHS should ensure that landlords neither harass tenants in order to open apartments for the creation of cluster sites nor have outstanding class C violations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

Referred to the Committee on General Welfare

Int. No. 157

By Council Member Koslowitz, The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Vann, Crowley, Rose, Eugene, Jackson and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to leaf and yard waste.

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York is amended to read as follows:

§16-308 Yard waste. a. [Within eighteen months of the effective date of this chapter, notwithstanding] *Notwithstanding* the requirements of subdivision b of this section, the commissioner shall provide for the source separation, collection and composting of [department-collected] *department-managed* yard waste, excluding grass clippings as set out in subdivision j of this section, [with the exception of yard waste generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other city agency,] generated within designated areas of the city in which a substantial amount of yard waste is generated from [October 15 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities.

b. Within thirty-six months of the effective date of this chapter, the commissioner shall provide for the source separation, collection and composting of department-collected yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from] March 1 to [July 31 and September 1 to] November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. In addition, *the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. The commissioner shall continue [may construct and] operating at least three city-managed [one or more] leaf and yard waste composting facilities, [or] and may utilize the services of other facilities, including privately owned or operated facilities.*

[c] b. [Within eighteen months of the effective date of this chapter, the department of parks and recreation or any] *Any [other] city agency, or party under contract with a city agency, [that] which* generates a substantial amount of yard waste shall, *in coordination with the department,* provide for the source separation, collection and composting of *such* yard waste [generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other city agency]. *Unless otherwise provided by law, the department shall accept for composting any city agency yard waste source separated for department collection pursuant to this subdivision.*

[d. Within eighteen months of the effective date of this chapter, no landfill, incinerator or resource recovery facility owned, operated or used by the department shall accept for final disposal from October 15 to November 30 of each year truckloads primarily composed of yard waste, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

[e. Within thirty-six months of the effective date of this chapter, no] *c. No* landfill, *waste transfer station,* intermodal facility, incinerator or resource recovery facility owned, operated or used by the department shall accept for final disposal from March 1 to [July 31 and September 1 to] November 30 of each year truckloads primarily composed of yard waste, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

[f]d. All city agencies responsible for the maintenance of public lands shall to the maximum extent practicable and feasible give preference to the use of compost materials derived from the city's leaf and yard waste in all land maintenance activities.

[g]e. Generators of yard waste, except those identified in subdivision f of this section, shall separate, tie, bundle, or place into paper bags[,] or unlined rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [b] a of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

[h]f. No person engaged in a business that generates yard waste[,] shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

g. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other compostable waste collected and disposed of by weight or volume at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to section 16-311.1 of this chapter.

h. The department, working in conjunction with the compost facility siting task force established by the 2006 solid waste management plan, shall by July 1, 2011, identify at least one site for new facilities for the composting of leaf and yard waste in the boroughs of Brooklyn and Queens and may designate additional sites in the boroughs of Bronx and Staten Island.

i. Beginning April 1, 2011, no person shall dispose of grass clippings for collection by the department. No person shall be liable for a notice of violation for failing to comply with the terms of this subdivision until April 1, 2012.

§2. Section 16-309 of the administrative code of the city of New York is amended to read as follows:

§16-309 Christmas trees. [Within eighteen months of the effective date of this chapter, the] The commissioner shall establish and implement a curbside collection system for Christmas trees during a minimum of [three] two weeks in January of each year and shall provide for the composting or recycling of the Christmas trees the department collects or receives for disposal.

§3. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 158

By Council Member Lappin, The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rodriguez, Vann, Williams, Crowley, Rose, Eugene, Jackson and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to public recycling bins.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-309.1 to read as follows:

§ 16-309.1 Public space recycling. a. Within three years of the effective date of this section, the department shall expand its public space recycling program by increasing the number of receptacles for the collection of recyclable materials, including but not limited to designated metal, glass, plastic, and paper, by at least three hundred receptacles at public locations in the city, which shall be in or near public parks, transit hubs, or commercial locations with high-pedestrian traffic. As part of such expansion, the department shall install public space recycling bins in all business improvement districts that provide public litter basket maintenance. Wherever possible, public space recycling bins installed pursuant to this section shall be placed adjacent to public litter baskets.

b. Within ten years of the effective date of this section, the department shall expand its public space recycling program by adding at least an additional seven hundred public space recycling receptacles.

c. Within two years of the enactment of this section, the department shall implement a pilot program for the installation of no fewer than one hundred public litter baskets with a distinct compartment for the deposit and removal of recyclable materials with a deposit value under the program established pursuant to title 10 of article 27 of the New York state environmental conservation law. The department shall site such litter baskets in locations in or near public parks, transit hubs, or

commercial locations with high-pedestrian traffic where public space recycling bins are not located. Within eighteen months of commencing such pilot program, the department shall report to the mayor and council about such pilot program including but not limited to, (1) the cost of purchasing such litter baskets compared with the cost of purchasing standard street litter baskets; (2) the locations where such baskets were placed; (3) estimates of the amount of designated recyclable material diverted from the waste stream as a result of using such bins; (4) feasibility of expanding such a program; and (5) any other information the department deems relevant to the evaluation of such pilot program.

d. The commissioner shall have the authority to remove any recycling bins placed pursuant to this section that he or she finds to be regularly contaminated by non-designated materials, provided that the department replaces any such bins within thirty days of removal with additional recycling bins in a different location on a one-to-one basis. No person responsible for removing and/or transporting recyclable materials placed in public space recycling bins shall commingle or dispose of in regular trash recyclable materials that have been source separated in public space recycling bins pursuant to this section.

e. The department shall, on an annual basis, report the number of receptacles added during the reported year, and the locations in which they were placed. Such report shall be included as part of the department's annual recycling report prepared pursuant to section 16-311.1 of this chapter.

f. The department may enter into sponsorship and/or partnership agreements with private sector entities such as corporations, not-for-profit organizations, retail hubs and the boards of business improvement districts to further the goals of this chapter.

§2. Sections 10-165 and 16-310 of the administrative code of the city of New York are REPEALED and a new section 16-310 is added to read as follows:

§16-310 Clothing and textiles. a. On or before January 1, 2011, the department shall establish a program for the operation of a citywide textile collection donation program which shall, at a minimum, collect textiles by placing department approved textile collection bins at appropriate publicly accessible locations on city-owned or city-managed property and organizing public textile collection sites throughout the city so as to provide convenient collection sites for all city residents. In addition, the commissioner shall explore opportunities to work cooperatively with private entities, not-for-profit organizations and religious institutions to promote expanded siting of publicly accessible textile collection bins on private property throughout the city.

b. No publicly accessible textile collection bin placed pursuant to this section shall be placed on city property or property maintained by the city, or on a public sidewalk or roadway unless otherwise authorized by the city. No publicly accessible textile collection bin shall be placed on private property without the written permission of the property owner or the property owner's designated agent. Each publicly accessible textile collection bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the owner or other person responsible for the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this subdivision.

c. The department shall report, by weight, the amount of textiles collected in publicly accessible textile collection bins located on city-owned or city-managed property or through public textile collection sites pursuant to subdivision a of this section. The department shall include such report as part of the department's annual recycling report required pursuant to section 16-311.1 of this chapter.

§3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Any owner or operator of a textile collection bin who violates section 16-310 shall be liable as follows:

1. In the event that a publicly accessible collection bin is impermissibly placed on city property, or property maintained by the city, or on any public sidewalk or roadway in violation of subdivision b of section 16-310 of this chapter, the owner of the publicly accessible collection bin, if the address of such owner is ascertainable, shall be notified by the department of sanitation by certified mail, return receipt requested, that such publicly accessible collection bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner is ascertainable, shall also be affixed to the publicly accessible collection bin. This notice shall state that if the address of the owner is not ascertainable and notice is not mailed by the department of sanitation, such publicly accessible collection bin must be removed within thirty days from the affixation of such notice. This notice shall also state that the failure to remove the publicly accessible collection bin within the designated time period will result in the removal and disposal of the publicly accessible collection bin by the department of sanitation. This notice shall also state that if the owner objects to removal on the grounds that the bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner may send written objection to the department of sanitation at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner is not ascertainable and notice is not mailed by the department of sanitation, within twenty days from the affixing of such notice, with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified by the record owner of such property.

2. For any other violation of section 16-310, the department shall notify the owner or operator of its failure to comply with the provisions of this chapter by affixing notice, specifying the violation and setting out the enforcement provisions of this subdivision, to the non-compliant owner or operator's publicly accessible collection bin. In addition, if the address of such owner or operator is

ascertainable, the department shall send notice by certified mail, return receipt requested, to the non-compliant owner or operator specifying the violation and setting out the enforcement provisions of this subdivision. If an owner or operator fails to comply within thirty days of receipt of such notice or, if not applicable, of the affixing of notice to the owner or operator's publicly accessible collection bin, such owner or operator shall be liable for a civil penalty of one hundred dollars for each day after the thirty day period that the owner or operator fails to correct the non-compliant condition. If the owner or operator fails to comply within one hundred eighty days of receipt of notice or, if not applicable, of the affixing of notice to the owner or operator's publicly accessible collection bin, the department shall be authorized to remove and dispose of the publicly accessible collection bin.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 159

By Council Members Lappin, Brewer, Garodnick, Gentile, James, Palma and Nelson.

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

Be it enacted by the Council as follows:

Section 1. The preamble of subdivision b of section 19-128.1 is amended to read as follows:

b. Requirements. It shall be a violation for any person to place, install or maintain a newsrack on any sidewalk unless such newsrack is in compliance with the provisions of this section and section 19-128.2 of this code.

§2. Paragraph 6 of subdivision b of section 19-128.1 is amended to read as follows:

6. A newsrack shall not be placed, installed or maintained: (a) within fifteen feet of any fire hydrant; (b) in any driveway or within close proximity of any driveway; (c) in any curb cut designed to facilitate street access by disabled persons or within two feet of any such curb cut; (d) within close proximity of the entrance or exit of any railway station or subway station; (e) within any bus stop; (f) within a crosswalk area; (g) within a corner area or within five feet of any corner area; (h) on any surface where such installation or maintenance will cause damage to or will interfere with the use of any pipes, vault areas, telephone or electrical cables or other similar locations; (i) on any cellar door, grating, utility maintenance cover or other similar locations; (j) on, in or over any part of the roadway of any public street; (k) unless eight feet of sidewalk width is preserved for unobstructed pedestrian passage; (l) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design, such as the sidewalks surrounding Central Park or Prospect Park; (m) on any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the newsrack would cause damage to such landscaping; [or] (n) where such placement, installation or maintenance endangers the safety of persons or property; or (o) in violation of the provisions of section 19-128.2 of this code. Any limitation on the placement or installation of newsracks pursuant to this paragraph shall be no more restrictive than necessary to ensure the safe and unobstructed flow of pedestrian and vehicular traffic, and otherwise to assure the safety of persons and property.

§3. Paragraph 3 of subdivision e of section 19-128.1 is amended to read as follows:

3. In no event shall the owner or person in control of a newsrack fail to keep such newsrack supplied with written matter for a period of more than seven consecutive days without securing the door so as to prevent the deposit of refuse therein. In no event shall such newsrack remain empty for a period of more than thirty consecutive days. *In the event that a publication space in a modular newsrack installed pursuant to section 19-128.2 of this code remains empty for more than thirty consecutive days, such publication shall be deemed to have abandoned such space and such modular newsrack's owner may offer the space to a new publication.*

§4. Subparagraph a of paragraph 1 of subdivision f of section 19-128.1 is amended to read as follows:

(a) Whenever any newsrack is found to be in violation of any provision of subdivision b [of this section] or paragraphs two, three, four or five of subdivision e of this section or subdivisions g, h, i, j, k or l of section 19-128.2 of this code, the commissioner shall issue a notice of correction specifying the date and nature of the violation and shall send written notification, by regular mail, to the owner or person in control of the newsrack. In addition, the commissioner may send a copy of such notice of correction to a person designated by such owner or person to receive such notice, and/or the commissioner may send such notice by electronic mail to such owner or such person specifying the date and nature of the violation. However, failure to send a copy by regular or electronic mail will not extend the time period within which such owner or other person is required by any provision of this section to take action, nor will such failure result in the dismissal of a notice of violation issued pursuant to any provision of this section. The commissioner shall cause photographic evidence of such violation to be taken *except for violations of subdivisions j, k or l of section 19-128.2 of this code.* Such evidence shall be sent by

regular mail together with the notice of correction. Except as otherwise provided for the removal of refuse in paragraph two of subdivision e of this section, such person shall within seven business days from the date of receipt of notification via regular mail cause the violation to be corrected. For the purposes of this section, a notice of correction shall be deemed to have been received five days from the date on which it was mailed by the commissioner.

§5. Paragraph 2 of subdivision f of section 19-128.1 is amended by adding a new subparagraph c to read as follows:

(c) *If the board renders a decision upholding a violation of subdivision l of section 19-128.2 of this code against the respondent for unlawfully charging a fee for use of its modular newsrack, the board shall direct such respondent to refund all improperly charged fees and the board shall impose penalties in accordance with subdivision m of section 19-128.2 of this code.*

§6. Subparagraph a of paragraph 6 of subdivision f of section 19-128.1 is amended to read as follows:

(a) Any owner or person in control of a newsrack found to be in violation of any provisions of this section shall, after a board decision has been issued upon default or after a hearing, be subject to a civil penalty in the amount of (i) no less than fifty dollars and no more than one hundred dollars for each violation for a specific newsrack of any of the provisions of paragraphs two, three, four or five of subdivision e of this section [or], paragraph four of subdivision b of this section, except that a person found in violation of any of such provisions after a decision of the board issued on default shall be subject to a penalty of no less than one hundred dollars and no more than five hundred dollars; (ii) no less than five hundred dollars and no more than four thousand dollars for each violation of paragraph one of subdivision c of this section; and (iii) no less than one hundred dollars and no more than five hundred dollars for each violation of paragraphs one, two, three, five, six and seven of subdivision b of this section *or subdivisions g, h or i of section 19-128.2 of this code.*

§7. Chapter one of title 19 of the administrative code of the city of New York is amended by adding new section 19-128.2 to read as follows:

§19-128.2 *Modular newsracks.* a. *For the purposes of this section, the following terms shall be defined as follows:*

1. "Modular newsrack" shall mean a newsrack, as defined in paragraph one of subdivision a of section 19-128.1 of this code, that is designed with multiple enclosed compartments to accommodate the display, sale or distribution of multiple newspapers or other written matter to the general public.

2. "Modular newsrack owner" shall mean a person or other entity that owns a modular newsrack.

3. "Modular newsrack plan" shall mean a plan submitted to the department pursuant to subdivision b of this section.

4. "Sidewalk block" shall mean the areas of sidewalk on two opposing block faces, spanning from one intersection to the next intersection. For example, the sidewalk areas on 42nd Street from First Avenue to Second Avenue shall constitute one sidewalk block.

5. "Single newsrack" shall mean a newsrack, as defined in paragraph one of subdivision a of section 19-128.1 of this code, that is designed to hold one publication.

6. "Single newsrack owner" shall mean a person or other entity that owns a single newsrack.

b. *Submission of modular newsrack plan.* A community board or business improvement district may submit a modular newsrack plan to the department to request replacement of single newsracks with modular newsracks in all or part of a community district or business improvement district. Such plan shall identify:

i. *each sidewalk block where substituting modular newsracks for single newsracks will improve pedestrian flows and neighborhood aesthetics, including any documentation or findings that support the selection of such sidewalk block(s);*

ii. *the number of different publications on each sidewalk block identified in the plan;*

iii. *the number of publications that are offered at more than one single newsrack on each sidewalk block identified in the plan;*

iv. *how many publications could be accommodated by modular newsracks on each sidewalk block identified in the plan, which number shall not be less than the number of different publications identified in paragraph (ii) of this subdivision;*

v. *the proposed location(s) on each sidewalk block for each modular newsrack; and*

vi. *in cases where a modular newsrack will be filled to capacity, locations within the community district or business improvement district where additional modular newsracks could be placed if additional publications seek space, as well as locations where single newsracks can be placed by such additional publications until additional modular newsracks are made available.*

c. *Consultation with publications.* A community board or business improvement district that submits a modular newsrack plan to the department to request replacement of single newsracks with modular newsracks in all or part of a community district or business improvement district shall contact the publications offered in single newsracks on each sidewalk block(s) identified in the plan in order to discuss the proposed location(s) of each modular newsrack on the identified sidewalk block(s), and shall submit proof of such communication to the department.

d. *Review of modular newsrack plan.* Within 90 days of receiving a modular newsrack plan, the department shall hold a public hearing to determine whether to approve or disapprove of such plan, in conformance with section 1046 of the charter. Within 30 days of conducting such hearing, the department shall issue

written approval or disapproval (or approval subject to modifications) of such plan. The department may only approve a modular newsrack plan after determining that:

- i. sufficient newsrack space exists to accommodate all publications currently available on the sidewalk block(s) identified in the modular newsrack plan;
- ii. in cases where a modular newsrack will be filled to capacity, locations exist where additional modular newsracks could be placed if additional publications seek space, as well as locations where single newsracks can be placed by such additional publications until additional modular newsracks are made available;
- iii. every publication that is offered in a single newsrack on a particular sidewalk block prior to the submission of a modular newsrack plan will be offered in a modular newsrack on that same sidewalk block if such plan is approved;
- iv. implementation of such plan will not obstruct pedestrian flow on the identified sidewalk block(s); and
- v. the plan contains a mechanism that allows publications not currently available on the identified sidewalk block(s) to apply for, and without unreasonable delay, be granted authority to place such additional publications on the identified sidewalk block(s) in accordance with the provisions of this section.

e. The department maintains the right to modify a modular newsrack plan in order to ensure that the criteria contained in subdivision d of this section are satisfied, and to suspend or revoke such plan upon a determination by the commissioner that such plan is not being implemented in compliance with its terms and the provisions of subdivision d of this section. In addition, the department may, in its discretion, modify a modular newsrack plan to require that an additional modular newsrack(s) be installed on the identified sidewalk block(s), where the department determines, after reviewing evidence produced at the public hearing, that the following conditions are met: (i) the pedestrian traffic on the identified sidewalk block(s) renders such identified sidewalk block(s) especially critical to the circulation of one or more publications available in single newsracks currently situated on the identified sidewalk block(s); and (ii) such additional modular newsrack(s) will not compromise pedestrian safety and traffic flow.

f. A community board or business improvement district that has already obtained approval from the department to install modular newsracks need not submit a new modular newsrack plan pursuant to subdivision b of this section, provided, however, that the restrictions on the placement of single newsracks contained in subdivision k of this section shall not take effect in such community district or business improvement district until such community board or business improvement district submits a modular newsrack plan, and provided further that such community board or business improvement district must submit a modular newsrack plan in order to install any additional modular newsracks.

g. Modular newsracks shall be made of metal or fiberglass or any other thermal-resistant material approved by the department, except that the door may contain a plexiglass window. The maximum height of any modular newsrack shall be no taller than sixty and one-half inches. The maximum width of any such newsrack shall be eighty-eight and one-half inches. The maximum depth of any such newsrack shall be thirty-one and one-half inches. The uppermost horizontal surface of every modular newsrack shall be crowned, domed or slanted to allow water runoff and discourage the placement of litter. The modular newsrack shall display the name and phone number of the modular newsrack owner. A publication offered in a modular newsrack installed after the effective date of this law may display its logo on the door(s) of the space(s) in which it is offered, in a size not to exceed fifty percent of the door space.

h. Modular newsracks shall be bolted to the sidewalk, except as otherwise provided by subdivision i of this section. Modular newsracks shall not be bolted onto any sections of a sidewalk that are defective according to department standards or any sidewalk determined by the department to be unsuitable for placement of modular newsracks because of public safety concerns. Chaining of modular newsracks to trees, lampposts or other street furniture is prohibited.

i. Modular newsracks shall not be bolted to non-standard sidewalks including, but not limited to, granite, marble or bluestone sidewalks or sidewalks in historic districts as designated by the landmarks preservation commission. Modular newsracks may be secured on such non-standard sidewalks with a heavy base.

j. A publication shall not be placed in more than one space in any modular newsrack. A publication may be placed in two modular newsracks upon the same sidewalk block, provided that all other publications seeking a space in a modular newsrack at such sidewalk block have been offered such a space. If a publication is placed in two modular newsracks on the same sidewalk block and another publication seeks a space at such sidewalk block, the owner of the publication with two spaces at such sidewalk block shall decide which modular newsrack it will vacate.

k. Every single newsrack owner of a single newsrack located on the same sidewalk block as a modular newsrack placed on a sidewalk block under this section shall remove such single newsrack, except where insufficient modular newsrack space exists as described in paragraph (vi) of subdivision b of this section and paragraph (ii) of subdivision d of this section, within thirty days after receiving written notice from the modular newsrack owner that a modular newsrack plan has been approved and that modular newsracks are in operation in accordance with such plan. If any such single newsrack is not removed within such thirty day period, the commissioner shall immediately remove and store or cause to be removed and stored such single newsrack at such single newsrack owner's expense; provided, however, that the owner of such single newsrack shall be given reasonable opportunities to retake possession of such single newsrack. If any newsracks or contents thereof removed and stored pursuant to this subdivision are not claimed within one hundred and twenty days after such removal and storage, such newsracks or the contents thereof shall be deemed abandoned and may be either sold at public

auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency or otherwise disposed of. No single newsrack shall be placed on the same sidewalk block as a modular newsrack except where insufficient modular newsrack space exists as described in paragraph (vi) of subdivision b of this section and paragraph (ii) of subdivision d of this section.

l. A modular newsrack owner shall bear the entire cost of maintaining its newsrack and shall not charge any fee to publications occupying a space in its modular newsrack, except for reasonable fees which must be approved by the department relating to the initial purchase of newsrack doors and repair or replacement of newsrack doors and door parts. Such fees may not exceed the cost of the initial purchase, repair or replacement of newsrack doors or door parts, as the case may be. The department shall make available on its website, and annually update, a schedule of fees relating to the initial purchase of newsrack doors and repair or replacement of newsrack doors and door parts.

m. Pursuant to the violations process established under subdivision f of section 19-128.1 of this code, any modular newsrack owner that is found by the environmental control board to have violated the provisions of subdivision j or l of this section shall be subject to a fine of not less than five hundred dollars nor greater than one thousand dollars and the commissioner shall immediately remove or cause to be removed all of such owner's newsracks which are in violation and the contents thereof from any sidewalks for a period of three consecutive months; provided, however, that the removal of any modular newsrack from a sidewalk block pursuant to the provisions of this paragraph shall be deemed to suspend the prohibition against the placement of single newsracks on such sidewalk block contained in subdivision k of this section during the time of the absence of such modular newsrack. If any newsracks or contents thereof removed pursuant to this subdivision are not claimed within thirty days after the expiration of the three-month removal period, such newsracks or the contents thereof shall be deemed abandoned and may be sold at public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency or otherwise disposed of.

n. Pursuant to the violations process established under subdivision f of section 19-128.1 of this code, any single newsrack owner that is found by the environmental control board to have violated the provisions of subdivision k of this section shall, in addition to the removal provisions of subdivision k, be subject to a fine of not less than two hundred and fifty dollars nor greater than seven hundred and fifty dollars.

o. Nothing in this section shall preclude the immediate removal of a modular newsrack or a single newsrack when otherwise authorized by law.

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

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

Referred to the Committee on Transportation

Int. No. 160

By Council Members Lappin, Barron, Brewer, Ferreras, Fidler, Gonzalez, James, Koppell, Palma and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice relating to food allergens in food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§17-196 Notice of food allergens. a. Definitions. 1. "Food service establishment" shall have the meaning as such term is defined in section 81.03 of the health code of the city of New York, except that it shall apply exclusively to places where food is sold and space is designated specifically as an eating area.

2. "Major food allergen" shall include milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans and any other food determined by the department.

b. Every food service establishment that uses as an ingredient any major food allergen shall either (1) post, in a conspicuous place, in accordance with rules promulgated by the department, a sign made available by the department pursuant to subdivision c of this section or (2) indicate on its menu, in such size, style and manner as determined pursuant to rules promulgated by the department, a printed notice requesting a customer to inform the server before placing an order about the customer's allergy to a major food allergen.

c. The department shall make available upon request to the owner, operator or manager of every food service establishment signs that request a customer to inform the server before placing an order about the customer's allergy to a major food allergen. The department shall promulgate rules with respect to the size, style and posting of such signs and may charge a fee to cover printing, postage and handling expenses.

d. Any food service establishment that violates subdivision b of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed one hundred dollars for each such violation.

§ 2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 161

By Council Members Lappin, Barron, Brewer, James, Koppell, Nelson, Palma, Rodriguez, Williams and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to requiring training on food allergies.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§ 17-196 **Training on food allergies.** *a. Definition. "Food service establishment" shall have the meaning as such term is defined in section 81.03 of the health code of the city of New York, except that it shall apply exclusively to places where food is sold and space is designated specifically as an eating area.*

b. Every food service establishment shall ensure that each individual required to complete a food protection course pursuant to Article 81 of the health code of the city of New York shall receive training on food allergies once every five years. The department shall provide a certificate of completion to each individual who completes such training on food allergies.

c. Every food service establishment shall ensure that each individual required to complete training on food allergies pursuant to subdivision b of this section who is present at the time of an inspection of a food service establishment shall provide a copy of the certificate of completion issued pursuant to subdivision a of this section.

d. The department may conduct the training on food allergies required pursuant to subdivision b of this section or approve training conducted by others. The department may charge a fee to cover expenses in connection with any training conducted by the department.

e. Any food service establishment that violates subdivisions b or c of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed one hundred dollars for each violation.

§ 2. This local law shall take effect one hundred eighty days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

Referred to the Committee on Health.

Res. No. 161

Resolution calling on the State Legislature to pass A. 3957 and its companion, S. 1395, which would amend the vehicle and traffic law, in relation to authorizing a residential parking permit program in the City of New York.

By Council Members Levin, James, Dromm, Palma, Rodriguez, Van Bramer, Williams and Foster.

Whereas, An increase in the population of New York City in the past decade has resulted in a housing construction increase in and around the City; and

Whereas, This increase has led to corresponding growth in the number of New York City residents owning a car; and

Whereas, The New York City Department of City Planning found in 2009 that New Yorkers have become increasingly concerned by the lack of available off-street and on-street parking near their residences; and

Whereas, These concerns are supported by studies such as those conducted by the Downtown Brooklyn Partnership just three years ago, which found that there was less than one spot in Brooklyn Heights for every four registered cars; and

Whereas, Transportation Alternatives (TA), an advocacy group that seeks methods to decrease private car usage in New York City, states that the number of cars searching for free parking on City streets on weekdays is in the thousands; and

Whereas, The City of New York has been considering implementing residential parking permits since 2007 as part of a larger plan to reduce congestion, traffic and the level of emissions in all neighborhoods citywide; and

Whereas, New York State Assembly bill A. 3957 and State Senate bill S. 1395 would amend the Vehicle and Traffic Law to allow the City of New York, by

adoption of local law or ordinance, to provide for a residential parking permit system and fix and require the payment of fees applicable to parking within areas designated by the City; and

Whereas, Under the proposed legislation, permits would have to be purchased and the revenue would go to the Metropolitan Transportation Authority to fund City buses and subways; and

Whereas, According to TA, many cities currently operate successful residential parking permit programs, such as Boston, Chicago and Washington D.C.; and

Whereas, New York State legislators argue that the permits would reduce needless traffic accidents and hazards, pedestrian fatalities, air and noise pollution; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass A. 3957 and its companion, S. 1395, which would amend the vehicle and traffic law, in relation to authorizing a residential parking permit program in the City of New York.

Referred to the Committee on Transportation

Int. No. 162

By Council Member Mark-Viverito, The Speaker (Council Member Quinn), and Council Members Brewer, Dickens, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Lappin, Palma, Recchia, Rodriguez, Williams, Foster, Rose Jackson and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to household hazardous waste collection events.

Be it enacted by the Council as follows:

Section 1. Section 16-316 of the administrative code of the city of New York is REPEALED and a new section 16-316 is added to read as follows:

§16-316 **Household hazardous waste collection.** *a. No later than July 1, 2011, the commissioner shall establish a comprehensive program for the diversion of household hazardous waste from department-managed solid waste. Such program shall provide for not less than one annual drop-off collection event in each borough.*

b. The commissioner shall explore opportunities to establish additional collection events at household hazardous waste collection sites, or provide for the collection of household hazardous waste at such sites on a regular basis. The commissioner shall report on such opportunities to the mayor and the council within three years of the enactment of this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 162

Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.

By Council Members Mark Viverito, Chin, Dromm, Koppell, Rodriguez, Rose, Williams and Foster.

Whereas, When first elected, President Barack Obama promised to make comprehensive immigration reform a top priority during his first year as President of the United States; and

Whereas, According to the Migration Policy Institute, as of 2008, there were an estimated 37.9 million immigrants living in the United States; and

Whereas, With approximately 4.2 million immigrants, New York State was home to the second largest immigrant population in 2008; and

Whereas, There are approximately 12 million undocumented immigrants who work in the United States who are easy prey for economic exploitation by immoral employers; this affects the wages and working conditions of everyone, regardless of status; and

Whereas, Current immigration law makes it nearly impossible for undocumented immigrants to obtain student loans for higher education; and

Whereas, As of the 2000 Census, there were an estimated 35,820 binational same-sex couples living in the United States, approximately 16,000 of whom were raising children in their homes; and

Whereas, Current immigration law does not recognize same-sex marriages and, as such, does not provide any avenues for a United States citizen in a same-sex relationship to sponsor his or her foreign-born partner; and

Whereas, There are approximately five million United States citizens whose families contain undocumented immigrants; these families live in constant fear that current immigration law may lead to their families being torn apart; and

Whereas, According to "The Role of Immigrants in the New York City Economy," a report issued in January 2010 by the New York State Comptroller's Office, immigrants accounted for 43% of New York City's workforce and \$215

billion in economic activity in 2008, which is approximately 32% of New York's gross city product; and

Whereas, Supporters of comprehensive immigration reform believe that such reform is necessary for the nation's long term economic success; and

Whereas, On December 12, 2009, Representatives Solomon Ortiz (D-TX) and Luis Gutierrez (D-IL) introduced the Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009 ("CIR ASAP"), a piece of legislation developed from the work of civil rights advocates, labor organizations and Congressional members; and

Whereas, The CIR ASAP bill includes reforms on (i) border security, detention conditions, and enforcement activities; (ii) employment authorization; (iii) visa processing; (iv) legalization of undocumented immigrants; (v) strengthening America's workforce; and (vi) integrating new citizens; and

Whereas, The Campaign to Reform Immigration FOR America, a consortium of more than 600 organizations from around the nation supporting comprehensive immigration reform, supports the CIR ASAP bill; and

Whereas, On March 18, 2010, Senators Chuck Schumer (D-NY) and Lindsey Graham (R-SC) unveiled a bipartisan plan for immigration legislation; and

Whereas, The plan's four pillars are "requiring biometric Social Security cards...strengthening border security and interior enforcement; creating a process for admitting temporary workers; and implementing a tough but fair path to legalization for those already here;" and

Whereas, Although both of these proposed plans for comprehensive immigration reform are a good start, they remain incomplete because of their failure to consider binational couples in same-sex relationships or their families; and

Whereas, Many supporters of comprehensive immigration reform believe that it should incorporate the Uniting American Families Act (H.R. 1024/S. 424), which expands the definition of "permanent partner" in the Immigration and Nationality Act to include same-sex couples in order to grant them the same protections under the Immigration and Nationality Act as provided to married opposite sex couples; and

Whereas, Just and humane immigration reform should include a path to citizenship for all people willing to lawfully participate in the citizenship application process; and

Whereas, Immigrant advocates, including the Campaign to Reform Immigration FOR America, are happy that there is bipartisan support for comprehensive immigration reform in the Senate, but want to ensure that this bipartisan effort will include the promotion of family unification, workers rights, economic opportunity, and national security; and

Whereas, It is estimated that tens of thousands of demonstrators rallied in Washington in support of comprehensive immigration reform on March 21, 2010; and

Whereas, On March 21, 2010, President Obama responded to demonstrators by reaffirming his commitment to immigration reform in order to fix problems such as families being separated, employers abusing the system and police officers struggling to keep communities safe; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.

Referred to the Committee on Immigration.

Res. No. 163

Resolution urging the United States Congress to pass and the President to sign the Protect Citizens and Residents from Unlawful Detention Act and the Strong Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System (STANDARDS) Act, two bills that will reform the U.S. immigration detention system.

By Council Members Mark-Viverito, Dickens, Dromm, James, Lander, Rodriguez, Williams and Foster.

Whereas, The 1996 changes to the Immigration and Nationality Act (INA) expanded both the classes of crimes that make non-citizens removable and the categories of persons subject to mandatory detention; and

Whereas, Those 1996 changes to the INA resulted in the expansion of the immigration detention system; and

Whereas, As of January 25, 2009, 32,000 persons from 177 different countries were in the custody of Immigration and Customs Enforcement (ICE) and 58% (or 18,690) of them did not plead or were not proven guilty of a crime, meaning that they did not have criminal convictions; and

Whereas, The 32,000 immigrant detainees are held in a network of 350 local and state jails under Intergovernmental Service Agreements, as well as in private, for-profit prisons and some federal facilities; and

Whereas, The federal immigration detention system has been adjudged to have numerous violations of the federal government's standards for detention; and

Whereas, Felix Franklin Rodriguez-Torres was a construction worker who lived and worked in New York City from the time he emigrated from Ecuador in 1998; and

Whereas, On November 8, 2006, after serving five months at Rikers Island for petty larceny, Mr. Rodriguez-Torres was sent by immigration officials to an immigration jail in Eloy, Arizona; and

Whereas, Mr. Rodriguez-Torres died of testicular cancer that went untreated during his two months at the Eloy, Arizona immigration prison facility; and

Whereas, In 2006, ICE, a division of the Department of Homeland Security (DHS), instituted several policy changes that led to ICE's increased reliance on home raid operations; and

Whereas, Since 2006, when ICE expanded its home raid operations, lawsuits have been filed in every region of the country alleging ICE misconduct; and

Whereas, According to reports, ICE agents have engaged in misconduct such as (i) entering homes without legal authority, (ii) illegally seizing non-target persons during home-raid operations, (iii) illegally searching homes, and (iv) illegally seizing persons based solely on their race, ethnicity or status as a limited-English proficient person; and

Whereas, The reported misconduct of ICE agents is particularly disturbing because DHS regulations and policies incorporate constitutional requirements, specifically those that are set forth by the Fourth Amendment prohibiting unlawful searches and seizures; and

Whereas, The Fourth Amendment restricts the power of police to seize people for investigatory purposes or to search a home without consent - in such cases, officers are required to have reasonable suspicion that an individual is engaged in unlawful activity; and

Whereas, ICE agents generally use Warrants of Deportation and Removal when conducting home raids, which are administrative, rather than criminal, and as such do not grant authority to officers to breach doors without the informed consent of a person in the home; and

Whereas, Administrative warrants do not authorize agents to enter homes without consent because they are not issued by an impartial magistrate; and

Whereas, When ICE agents enter a home without consent, with only an administrative warrant, it constitutes a constitutional violation that goes to the heart of the Fourth Amendment; and

Whereas, On July 30, 2009, Senator Robert Menendez of New Jersey and Senator Kirsten Gillibrand of New York responded to a report finding that the practices of ICE agents are in direct violation of the Fourth Amendment by introducing the Protect Citizens and Residents from Unlawful Detention Act (S. 1549) and the Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System Act (Strong STANDARDS Act, S. 1550), two pieces of legislation that would reform the nation's immigration arrest and detention system; and

Whereas, On January 19, 2010, Congress Members Diane E. Watson and Lynn C. Woolsey introduced the Strong STANDARDS Act companion bill in the House (H.R. 4470); and

Whereas, If enacted, the Protect Citizens and Residents from Unlawful Detention Act would establish minimum standards of procedure and treatment for United States citizens, lawful permanent residents and immigrants who are impacted by immigration enforcement and detention operations; and

Whereas, If enacted, the Protect Citizens and Residents from Unlawful Detention Act would require that ICE detainees be advised of their basic legal rights and any available legal resources, including the availability of free legal services from non-profit service providers and the right to access counsel at no cost to the government; and

Whereas, Further, if enacted, the bill would encourage government accountability by requiring reporting on current enforcement practices and their impact on U.S. citizens, lawful permanent residents and immigrant communities, as well as by establishing an ICE Ombudsman to investigate complaints, assist in resolving complaints, and recommend personnel actions to DHS; and

Whereas, The STANDARDS Act would establish minimum detention standards and would require the Secretary of DHS to ensure that laws concerning the treatment of detainees are properly enforced; and

Whereas, The impetus for the STANDARDS Act is the fact that DHS detention standards are not consistently enforced, illustrated by the deaths of, according to the American Civil Liberties Union, 104 in-custody deaths since 2003, and reports of widespread abuse within detention facilities; and

Whereas, The medical care system in immigration detention facilities is dangerously inadequate with unique consequences for women; and

Whereas, Improving health care for immigrant detainees should be a top priority for the Administration; and

Whereas, The problems that exist within the nation's immigrant arrest and detention system put the health, welfare and rights of people at risk; and

Whereas, In the words of the late Senator Edward M. Kennedy, a co-sponsor of both pieces of legislation, "[i]mmigrants still come to America in search of a better life for themselves and their families, and they make invaluable contributions to every aspect of our society. Our ability to protect their rights is a test of our own humanity, and we have to get it right today;" now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass and the President to sign the Protect Citizens and Residents from Unlawful Detention Act and the Strong Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System (STANDARDS) Act, two bills that will reform the U.S. immigration detention system.

Referred to the Committee on Immigration.

Res. No. 164

Resolution urging President Obama to put an end to the 287(g) program, an immigration enforcement program that is causing an increase in racial profiling and civil rights abuses in localities throughout the United States.

By Council Members Mark-Viverito, Chin, Dromm, James, Lander, Palma, Reyna, Rodriguez, Williams and Foster.

Whereas, United States Immigration and Customs Enforcement (ICE) is the largest investigative agency in the Department of Homeland Security (DHS); and

Whereas, ICE, responsible for enforcing federal immigration laws as part of its homeland security mission, works closely with federal, state and local law enforcement agencies; and

Whereas, On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted and added section 287(g) to the Immigration and Nationality Act (INA); and

Whereas, Section 287(g) of the INA grants the federal government the authority to enter into written agreements with state and local law enforcement agencies in order to train selected state and local officers to perform certain functions of an immigration officer relating to the investigation, apprehension or detention of persons who are in the country illegally; and

Whereas, The federal government's use of authority under section 287(g) of the INA has resulted in the establishment of the 287(g) program, currently managed by ICE's Office of State and Local Coordination; and

Whereas, ICE operates the 287(g) program, a component of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) Program, to provide local law enforcement agencies with the opportunity to work with ICE; and

Whereas, Under the 287(g) program, state and local law enforcement agencies partner with ICE under a Memorandum of Agreement (MOA) in order to obtain authority to conduct enforcement of immigration laws within local law enforcement jurisdiction under the supervision of ICE agents; and

Whereas, The MOA defines the scope and limitations of authority, including the supervisory structure for the officers working under the cross-designation and the agreed upon complaint process governing officer conduct during the life of the MOA; and

Whereas, According to ICE, as of December 3, 2009, there were 66 active MOAs and more than 1,075 officers that had been trained and certified under the 287(g) program; and

Whereas, The 287(g) program, often referred to as a failed Bush experiment, allows the federal government to relinquish some of its power to enforce immigration law to local law enforcement and corrections agencies with limited oversight and has resulted in widespread use of pretextual traffic stops, racially motivated questioning and unconstitutional searches and seizures, primarily in communities of color; and

Whereas, On July 17, 2009, civil rights and community groups from throughout the country publicly denounced DHS's plans to expand the 287(g) program to 11 new jurisdictions; and

Whereas, On August 25, 2009, approximately 500 immigrant, civil rights and community organizations signed on to a letter sent to President Obama asking him to examine the damaging impact of the 287(g) program on immigrants and to put an immediate end to the 287(g) program; and

Whereas, The Police Foundation, the International Association of Chiefs of Police, and the Major Cities Chiefs Association all expressed concerns that deputizing local law enforcement officers to enforce federal immigration law undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in communities; and

Whereas, In March 2009, the United States Government Accountability Office (GAO) provided testimony to the House of Representatives' Committee on Homeland Security regarding ICE's management of the 287(g) program, in which it criticized ICE's program mismanagement and insufficient oversight of the program; and

Whereas, According to the GAO testimony, the 287(g) program lacks the following internal controls: (i) program objectives are not documented in any program-related materials; (ii) guidance on how and when to use program authority is inconsistent; (iii) guidance on how ICE officials are to supervise local law enforcement officers from participating agencies is not developed; (iv) data that participating agencies are to track and report to ICE is not defined; and (v) performance measures to track and evaluate progress toward meeting program objectives is not developed; and

Whereas, The GAO concluded that the lack of internal controls makes it difficult for ICE to ensure that the program is operating as intended; and

Whereas, According to the Office of Management and Budget, the 287(g) program continues to be funded, including \$5,400,000 for fiscal year 2011 to facilitate agreements consistent with section 287(g); and

Whereas, New York University School of Law filed a Freedom of Information Act request with Immigration and Customs Enforcement from which it found the

New York Department of Correction routinely giving a list of foreign-born inmates at Rikers Island to immigration authorities; and

Whereas, As a result immigrants fear going to local law enforcement agencies regarding crimes out of concern that it will lead to their families being torn apart; and

Whereas, New York City, home to approximately 2.9 million immigrants, has always been at the forefront of immigration reform efforts and has several policies and procedures to protect immigrants and aid them in adapting to life in the United States; and

Whereas, It is the policy of New York City to promote freedom from unlawful discrimination; and

Whereas, The negative impact that the 287(g) program has on immigrant life in the United States goes against New York City's policies and procedures; now, therefore, be it

Resolved, That the Council of the City of New York urges President Obama to put an end to the 287(g) program, an immigration enforcement program that is causing an increase in racial profiling and civil rights abuses in localities throughout the United States.

Referred to the Committee on Immigration.

Res. No. 165

Resolution urging Puerto Rican Governor Luis Fortuño to meet with the labor unions representing Central government workers in Puerto Rico to discuss alternative solutions to the economic crisis and reduce the privatization of important government functions, for the benefit of all Puerto Ricans including the thousands who live in, or have relatives who live in, New York City.

By Council Members Mendez, Mark-Viverito, Barron, Brewer, Dromm, James, Lander, Rodriguez, Van Bramer, Williams and Foster.

Whereas, Puerto Rico is a commonwealth under the sovereignty of the United States; and

Whereas, According to most recent data released by the U.S. Census Bureau for 2007, there are nearly 4 million people of Puerto Rican descent living in the United States, which represents 9 % of the entire U.S. Hispanic population; and

Whereas, Over 1 million people of Puerto Rican descent are living in New York State, of whom approximately 786,000 live in New York City; and

Whereas, People of Puerto Rican descent make up 35% of all Hispanics living in New York State, as well as 35% of all Hispanics living in New York City, representing the largest group of Hispanics living in both the City and State; and

Whereas, Puerto Rico is in the midst of its historic recession, which began in 2006, and is expected to extend until the summer of 2011; and

Whereas, The Puerto Rican government faces a \$3.2 billion budget deficit that would raise the cumulative deficit to \$21 billion, according to *The New York Times*; and

Whereas, To address the Commonwealth's budget crisis, on March 4, 2009, Luis Fortuño, Governor of Puerto Rico, introduced Public Law 7, "The Special Law Declaring a State of Fiscal Emergency and Establishing a Comprehensive Plan to Stabilize the Economy and Save Puerto Rico's Credit," which was passed in both the Commonwealth's House and Senate two days later; and

Whereas, Under Public Law 7, the government plans to lay off 30,000 or more public employees and freeze government salaries for 2 years; and

Whereas, Public Law 7 also suspends collective bargaining agreements between the Commonwealth and its employees' unions for 2 years, and would privatize essential public services; and

Whereas, The government is Puerto Rico's main employer and its employees make up approximately 21 to 24 percent of the work force on the island, so the layoffs would especially adversely impact the workers and their families, in addition to all other residents in need of public services; and

Whereas, Unions like the AFL-CIO, UAW and others strongly oppose Public Law 7, including the privatization of vital public services, and call upon the Governor to ensure that collective bargaining and other labor rights for workers are protected; and

Whereas, Union members are willing to participate in a dialogue with Governor Fortuño and contribute ideas that could possibly help stabilize the island's economy; and

Whereas, In January 2009, a coalition of unions presented to the Governor a set of alternate solutions to address the current economic crisis in Puerto Rico; and

Whereas, In May 2009, a delegation of New York Senators went to Puerto Rico and discussed the impact of Public Law 7 on workers in Puerto Rico, and were assured of the Governor's openness to discussing this issue with the unions; and

Whereas, In May 2009, more than 7,800 government workers were dismissed in the first round of layoffs, according to the *Puerto Rico Daily Sun*; and

Whereas, The *Puerto Rico Daily Sun* also reported that an additional 2,500 public employees were laid off in January 2010; and

Whereas, Public Law 7 may have devastating consequences throughout Puerto Rico, not only for the 30,000 workers whose jobs will be eliminated, but also for every Puerto Rican who relies on the critical services provided by the government; and

Whereas, This stabilization plan may lead to a deeper recession and increased unemployment; and

Whereas, The layoffs come as Puerto Rico faces an unemployment rate of nearly 16 percent, higher than anywhere on the U.S. mainland, according to the *Associated Press*; and

Whereas, The economic downturn in the United States has resulted in foreclosed properties, a volatile stock market, a decrease in consumer spending, and increased unemployment in the mainland, as well as in New York City; and

Whereas, The U.S. Department of Labor reported that the nation's unemployment rate was 9.7 percent in January 2010, and according to the most recent data by the New York State Department of Labor, the State's unemployment rate was 8.8 percent in December 2009, and New York City's unemployment rate during that same time period was 10.4 percent; and

Whereas, Since thousands of New Yorkers have relatives living in Puerto Rico, it is not unlikely that with increased unemployment on the island, New York City will see an influx of people coming from Puerto Rico to work, which may cause further strain on the City's economy; now, therefore, be it

Resolved, That the Council of the City of New York urges Puerto Rican Governor Luis Fortuño to meet with the labor unions representing Central government workers in Puerto Rico to discuss alternative solutions to the economic crisis and reduce the privatization of important government functions, for the benefit of all Puerto Ricans including the thousands who live in, or have relatives who live in, New York City.

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

Int. No. 163

By Council Members Oddo, Ignizio, Ulrich, Koo, Halloran, Fidler, Gentile, James, Koslowitz, Nelson, Palma, Rodriguez, Vacca and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to graffiti fines and penalties.

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 10-117 of chapter one of title ten of the administrative code of the city of New York is amended to read as follows:

g. In addition to the criminal penalties imposed pursuant to subdivision f of this section, a person who violates the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than five hundred dollars for each violation which may be recovered in a proceeding before the environmental control board. Any person who has been previously convicted of violating the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than one thousand dollars for each violation which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable before such board. *In addition to the civil penalties imposed pursuant to this subdivision, if a person over ten and under eighteen years of age violates the provisions of subdivision a or b of this section, the parent or legal guardian of such person shall be liable for a civil penalty of not more than one thousand dollars for each violation, which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable before such board. If a person over ten and under eighteen years of age has been previously convicted of violating the provisions of subdivision a or b of this section, the parent or legal guardian of such person shall be liable for a civil penalty of not more than one thousand five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable before such board.*

§2. Section 10-117.2 of chapter one of title ten of the administrative code of the city of New York is amended to read as follows:

§10-117.2. Rewards for providing information leading to apprehension, prosecution or conviction of a person for crimes involving graffiti vandalism. The mayor, upon the recommendation of the police commissioner, shall be authorized to offer and pay a reward in an amount not exceeding *one thousand* [five hundred]dollars, to any person who provides information leading to the apprehension, prosecution or conviction of any person who may have violated the provisions of subdivision a or b of section 10-117 of this chapter, or who may have committed any other crime where the unlawful conduct included the conduct described in subdivision a or b of such section. No police officer, peace officer or any other law enforcement officer, and no officer, official or employee of the city of New York shall be entitled, directly or indirectly, to collect or receive any such reward.

§3. This local law shall become effective immediately.

Referred to the Committee on Public Safety.

Res. No. 166

Resolution calling on the boards of New York City's and New York State's pension funds to launch a policy of strategic divestment from companies with investments in Iran's energy sector.

By Council Members Oddo, Ignizio, Koo, Brewer, Fidler, James, Koppell and Nelson.

Whereas, The United States Department of State's *Patterns of Global Terrorism Report* for 2003 and 2004 (the "2003 and 2004 Reports") referred to Iran as the "most active" state sponsor of international terrorism; and

Whereas, The 2003 and 2004 Reports, which are based on data from American and allied intelligence services, found that Iran continues to provide funding and training to known terrorist groups, including HAMAS, Hizbollah, and the Palestine Islamic Jihad, and provides a safe haven to members of Al Qaeda; and

Whereas, In addition to providing continued support to terrorist groups, Iran, in defiance of the international community, is aggressively pursuing a nuclear program that poses a grave threat to the United States, its allies in the Middle East, Europe and globally; and

Whereas, According to the Energy Information Administration of the United States Department of Energy, Iran is the second largest oil producer in the Organization of Petroleum Exporting Countries (OPEC) and holds approximately 10% of the world's oil reserves; and

Whereas, In the mid-1990s, the United States commenced several formal efforts to curb energy investment in Iran, including Executive Order 12959 of May 6, 1995, which banned trade with and investment in Iran by U.S. individuals or entities, and the Iran Sanctions Act of 1996, which targeted foreign firms and prohibited the investment of more than \$20 million in one year in Iran's energy sector; and

Whereas, These sanctions were put in place to specifically prevent companies from investing in Iranian companies who, in turn, could help provide revenue for terrorism; and

Whereas, Despite these sanctions, which specifically prohibit American companies from doing business with Iran, a loophole in the law allows foreign subsidiaries of American companies to do business with Iran so long as the subsidiary's decision-making is wholly independent of its United States parent company; and

Whereas, It appears that some American companies have taken advantage of this loophole to invest in Iran's energy sector through the use of such foreign subsidiaries; and

Whereas, In light of Iran's failure to comply with the international community's demand to stop its nuclear enrichment campaign and its continued support of terrorism, the City and State should take all possible measures to discourage and prevent American companies from investing in Iran's energy sector; and

Whereas, The City has taken various actions to divest from Iran's energy sector; for example, in 2009, the five New York City pension funds sold shares worth \$10.8 million in two companies with business ties to Iran, and the New York City Comptroller called upon the trustees of the pensions to adopt resolutions for the phased divestment of holdings in eight more companies with significant investment in Iran; and

Whereas, In 2009, the New York State Common Retirement Fund also decided to divest from nine companies with ties to Iran; and

Whereas, The New York State Assembly is currently considering a bill (A. 2830) that would prohibit the investment of public pension funds in companies doing business in or with Iran, and would require the divestment of previously invested public pension funds from such companies within three years of enactment; and

Whereas, Although the New York City and New York State pension funds have taken some action to divest from Iran, a more methodical, thorough, and urgent effort must be made to ensure that the City and State are completely divested from companies that invest in Iran, in order to avoid aiding Iran's nuclear program and its support for terrorism; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the boards of New York City's and New York State's pension funds to launch a policy of strategic divestment from companies with investments in Iran's energy sector.

Referred to the Committee on Finance.

Int. No. 164

By Council Members Palma, The Speaker (Council Member Quinn), and Council Members Brewer, Dickens, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene and Jackson.

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

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The Council finds that, despite the progress that has been made since the enactment of the New York City Recycling Law (Local Law 19 of 1989), there remains a significant amount of recyclable material that could be removed from the City's municipal solid waste stream. The recovery and reuse of such recyclable material will: (1) minimize environmentally unsound solid waste disposal methods; (2) conserve energy and reduce the City's contribution to global warming emissions; (3) reduce the quantity of heavy metals and other harmful substances in the waste stream; (4) reduce the amount of waste materials that must be exported, at ever-increasing costs, to out-of-state landfills and incinerators, and thereby (5) reduce the costs to city residents of trash handling.

The Council further finds that according to the Independent Budget Office, the costs per ton for collection and recycling of City trash are now similar to the costs per ton for curbside collection and disposal of non-recycled waste. It is projected that within the next five years, the costs to the City of recycling may actually fall below the costs for out-of-state export of City waste, and thereafter City taxpayers will benefit with each ton of waste that is recycled, rather than exported for landfilling or incineration.

Additionally, the Council finds that recycling can benefit the City's economy by creating opportunities for new jobs in industries performing activities related to the recycling of City waste, as is exemplified by the Pratt Industries paper recycling plant on Staten Island and the new Sims Group recycling processing facility that is soon to be constructed at the South Brooklyn Marine Terminal in Sunset Park.

The New York State Solid Waste Management Act of 1988 established a hierarchy that identifies preferred waste management practices to reduce the State's dependency on land burial of solid wastes. The hierarchy, in descending order of preference is waste prevention, reuse, and recycling, followed by incineration and least preferable, landfilling. Pursuant to that law, the City has adopted its own 20-year Comprehensive Solid Waste Management Plan, which was most recently approved by the New York State Department of Environmental Conservation in 2006. Among the highlights of the 2006 Plan, which are designed to implement the State's waste management hierarchy, are commitments to a *twenty* year contract for the handling of City recyclables and a commitment to use rail and water-based modes of transportation instead of relying on environmentally harmful truck transportation when exporting our waste outside of the City.

The Council finds that the City has made substantial progress in the implementation of its citywide recycling program since the passage of the New York City Recycling Law. Nevertheless, the Council also finds that there remain significant additional opportunities to increase recycling in New York City to the benefit of the City's environment and its economy. In the more than 20 years since Local Law 19 was enacted, recycling methods, markets, and technologies have evolved, and recycling has become a major global industry. This bill revises the City's residential and institutional recycling programs to reflect changes to recycling systems, while also striving to set the course for continuing improvements to the City's recycling program in the future. The Council also expects this bill to ensure that the Department of Sanitation continues to explore improvements to and the expansion of recycling in New York City into the next decade.

Accordingly, the Council finds that two decades after the passage of the landmark New York City Recycling Law, it is *necessary* to amend that statute to enhance its effectiveness and take advantage of new opportunities to move the City's recycling program into the 21st century.

§2. Section 16-303 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subparagraph viii of paragraph 3 of subdivision n as amended by local law number 75 for the year 1989, is amended to read as follows:

§16-303 Definitions. When used in this chapter:

b. "Compostable waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost in a safe and timely manner, such as food scraps, soiled paper, and plant trimmings. Such compostable waste can also include disposable plastic food service ware and bags that meet the American Society for the Testing of Materials standard specification for compostable plastics. Liquids and textiles do not qualify as compostable waste.

[b]c. ["Department-collected"] "Department-managed solid waste" means all solid waste that the department and its contractors collect [and], all solid waste that the department receives for free disposal, all solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and all solid waste diverted from collection by the department that is accepted through non-department infrastructure for recycling or reuse and counted towards the department's recycling totals as set forth in subdivision h of section 16-305 of this chapter.

[c. "Department-disposed of solid waste" means all solid waste, including department-collected solid waste, disposed of at a department landfill, incinerator, resource recovery facility or other waste disposal facility owned, operated or used by the department.

d. "Drop-off center" means a recycling center that accepts and may otherwise purchase recyclable materials from the public for the purpose of recycling such materials.

e]d. "Household" means a single dwelling or a residential unit within a multiple dwelling, hotel, motel, campsite, ranger station, public or private recreation area, or other residence.

e. "Household and institutional compostable waste" means any compostable waste, excluding yard waste, found in the residential or institutional waste stream collected by the department.

f. "Household hazardous waste" means any component of residential solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics may (i) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness in humans, or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed, or (iii) which constitutes "hazardous waste," as such term is defined in the resource conservation and recovery act, section 6903 of title 42 of the United States code, or a "hazardous substance," as such term is defined in the comprehensive environmental response, compensation, and liability act, section 9601 of title 42 of the United States code, or "hazardous waste," as such term is defined in section 27-0901 of the New York environmental conservation law, as it may be amended from time to time, and the rules and regulations promulgated thereunder, and any succeeding legislation, rules, or regulations that may amend the foregoing, or any household waste that, but for its point of generation, would be a hazardous waste under 6 NYCRR Title 371, as may be amended from time to time. Examples of household hazardous waste include, but are not limited to, the following: automotive products, such as brake and transmission fluid, batteries, carburetor cleaner, gasoline, kerosene, antifreeze, motor oil and motor oil filters; kitchen products, such as bug sprays, floor care products, drain cleaners, furniture polish, metal polish, maintenance chemicals, oven cleaner, window cleaner, and corrosive cleaners; bathroom products, such as cleaning solvents, pharmaceuticals, nail polish, and nail polish remover; pest control products, such as fungicides, termiticides, herbicides, rodenticides, insecticides, and disinfectants; hobby/recreation products, such as chemistry-set chemicals, photographic chemicals, art supplies, household dry cell batteries, and small sealed household lead-acid batteries; miscellaneous products, such as mothballs, lighter fluid, rug and upholstery cleaners, spot removers, pool chemicals, fluorescent bulbs/tubes, household mercury-containing devices, elemental mercury, propane tanks, and residential sharps; electronics not considered covered electronic equipment in accordance with the provisions of section 16-421 of this title; mobile telephones; other household products that are flammable, corrosive, reactive, or toxic including without limitation corrosive acids, hydrochloric acid and hydrofluoric acid, as defined by federal and state laws, rules and regulations. Waste generated by businesses, institutions or governmental agencies, including waste generated by business activities at individual residences, is not household hazardous waste.

[f]g. "Post-collection separation" means the dividing of solid waste into some or all of its component parts after the point of collection.

[g]h. "Post-consumer material" means only those products generated by a business or a consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling and disposition.

i. "Publicly accessible textile collection bin" means any enclosed container, other than a container placed by a government agency, that allows for a member of the public to deposit textiles into such container for the purpose of collection by the owner or operator of such container.

[h]j. "Private carter" means any person required to be licensed or permitted pursuant to [subchapter eighteen of chapter two of title twenty of this code] chapter one of title sixteen-A of this code.

[i]k. "Recyclable materials" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to types of metal, glass, paper, plastic, [food waste, tires and] yard waste and any other solid waste required to be recycled or composted pursuant to this chapter, recyclable materials designated by the commissioner pursuant to this chapter, solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and solid waste accepted through non-department infrastructure for recycling or reuse.

[j]l. "Recycled" or "recycling" means any process by which recyclable materials are separated, collected, processed, marketed and returned to the economy in the form of raw materials or products.

[k]m. "Recycling center" means any facility operated to facilitate the separation, collection, processing or marketing of recyclable materials for reuse or sale.

[l]n. "Recycling district" means any borough or smaller geographic area the commissioner deems appropriate for the purpose of implementing this chapter.

o. "Rigid plastic container" means any plastic package having a relatively inflexible finite shape or form that is capable of maintaining its shape while holding other products.

[m. "Secondary material" means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

n]p. "Solid waste" means all putrescible and non-putrescible materials or substances, except as described in paragraph three of this subdivision, that are discarded or rejected as being spent, useless, worthless or in excess to the owners at

the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

1. A material is discarded if it is abandoned by being:
 - i. disposed of;
 - ii. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
 - iii. accumulated, stored, or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.
2. A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.
3. The following are not solid waste for the purpose of this chapter:
 - i. domestic sewage;
 - ii. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except any material that is introduced into such system in order to avoid the provisions of this chapter or the state regulations promulgated to regulate solid waste management facilities pursuant to 6 NYCRR Part 360, *and except food waste*;
 - iii. industrial wastewater discharges that are actual point source discharges subject to permits under article seventeen of the environmental conservation law; industrial wastewaters while they are being collected, stored, or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;
 - iv. irrigation return flows;
 - v. radioactive materials that are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.
 - vi. materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;
 - vii. hazardous waste as defined in section 27-0901 of the environmental conservation law; and
 - viii. regulated medical waste or other medical waste as described in section 16-120.1 of this title.

[o]q. "Source separation" means the dividing of solid waste into some or all of its component parts at the point of generation.

[p]r. "Yard waste" means leaves, grass clippings, garden debris, vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

§3. Section 16-304 of the administrative code of the city of New York is REPEALED.

§4. Section 16-305 of the administrative code of the city of New York is amended to read as follows:

§16-305 [Department-collected] *Recycling of department-managed solid waste.*

a. *The following goals are established for the recycling of department-managed solid waste:*

1. *By July first, two thousand ten, sixteen percent of department-managed solid waste;*
2. *By July first, two thousand twelve, nineteen percent of department-managed solid waste;*
3. *By July first, two thousand thirteen, twenty-one percent of department-managed solid waste;*
4. *By July first, two thousand fifteen, twenty-four percent of department-managed solid waste;*
5. *By July first, two thousand seventeen, twenty-seven percent of department-managed solid waste;*
6. *By July first, two thousand eighteen, thirty percent of department-managed solid waste; and*
7. *by July first, two thousand nineteen, thirty-three percent of department-managed solid waste.*

b. *In addition, the following goals are established for curbside and containerized waste collected by the department:*

1. *By July first, two thousand eleven, sixteen percent of curbside and containerized waste collected by the department;*
2. *By July first, two thousand thirteen, eighteen percent of curbside and containerized waste collected by the department;*
3. *By July first, two thousand fourteen, nineteen percent of curbside and containerized waste collected by the department;*
4. *By July first, two thousand sixteen, twenty-one percent of curbside and containerized waste collected by the department;*
5. *By July first, two thousand eighteen, twenty-three percent of curbside and containerized waste collected by the department;*
6. *By July first, two thousand nineteen, twenty-four percent of curbside and containerized waste collected by the department; and*
7. *by July first, two thousand twenty, twenty-five percent of curbside and containerized waste collected by the department.*

c.1. The commissioner shall[, within nine months of the effective date of this chapter,] adopt and implement [regulations] *rules* designating at least six recyclable

materials, including yard waste to the extent required in section 16-308 of this chapter, contained in [department-collected] *department-managed* solid waste and requiring households to source separate [the] *such* designated materials [to ensure that the department and its contractors recycle at least:

1. seven hundred tons per day by the end of the first year following the enactment date of this chapter and during the year thereafter;
2. one thousand four hundred tons per day by the end of the second year following the enactment date of this chapter and during the year thereafter;
3. two thousand one hundred tons per day by the end of the third year following the enactment date of this chapter and during the year thereafter;
4. three thousand four hundred tons per day by the end of the fourth year following the enactment date of this chapter and during the year thereafter; and
5. four thousand two hundred fifty tons per day by the end of the fifth year following the enactment date of this chapter and during the year thereafter.

At the start of the second, third, fourth and fifth years following the enactment date of this chapter, the tonnage requirements of this section shall be increased by the average annual percentage increase in solid waste that the department and its contractors collected from households and institutions and solid waste that the department received for free disposal in the two previous consecutive fiscal years. The solid waste that the department and its contractors are required to recycle pursuant to this subdivision shall include department-collected solid waste recycled pursuant to this subdivision, city agency waste recycled pursuant to section 16-307, yard waste collected by the department and composted pursuant to section 16-308, Christmas trees collected by the department and composted or recycled pursuant to section 16-309, and batteries and tires collected pursuant to section 16-310 that are recycled, but shall not include containers returned pursuant to the New York State returnable container law, commercial solid waste removed and recycled by private carters, reduction or recycling of ash or residue from resource recovery facilities, or reduction or recycling of sludges from air or water treatment facilities. For the purpose of this subdivision, "day" shall mean each working day in a three hundred sixty-five day calendar year. Should the level of recycling exceed the minimum quantities required in this subdivision, the council may review the original mandate and increase the minimum requirements].

§5. Section 16-305 of the administrative code of the city of New York is amended to add new subdivisions h, i and j to read as follows:

h. *In calculating the extent to which the department has met the recycling percentage goals set forth in subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions, city agencies and the public space recycling program, and may include recyclable bottles and cans returned under the state "bottle bill" deposit program pursuant to article 27 of title 10 of the New York state environmental conservation law, leaf and yard waste and any other material collected for composting pursuant to section 16-308 of this chapter, Christmas trees collected pursuant to section 16-309 of this chapter, batteries collected pursuant to chapter 4 of this title, household hazardous waste collected pursuant to section 16-316 of this chapter, electronic waste collected pursuant to chapter 4-A of this title, and textiles collected from bins sited on city owned or city managed properties pursuant to subdivision a of section 16-310 of this chapter. All data used to make such calculations concerning recyclable bottles and cans, batteries, household hazardous waste, electronic waste and textiles, shall be made available on the department's website in raw form disaggregated by material type, and using a non-proprietary format within one month from the date that the department receives reports of such information. All other data used to make such calculations shall be made available on a monthly basis on the department's website in raw form disaggregated by material type, and using a non-proprietary format. Only recyclables specifically enumerated in this section shall be counted for purposes of calculating the extent to which the department has met the recycling goals set forth in subdivision a of this section. In calculating the extent to which the department has met the recycling goals set forth in subdivision a of this section, the department shall not include recycling of abandoned vehicles or recycling from lot cleaning operations, asphalt and mill tailings, construction and demolition waste or other commercial recycling programs, nor shall the commissioner designate any such materials as "recyclables" under this section for purposes of calculating the extent to which the department has met the recycling percentage goals. In calculating the percent of the department-managed solid waste stream recycled in connection with the percentage goals found in subdivision a of this section, the department shall ensure that any quantity of material counted as recycled must be fully included in the calculation of the city's total department-managed solid waste stream. Beginning on March 1, 2011, and annually thereafter, the commissioner shall submit to the council a report, as part of the department's annual recycling report required pursuant to section 16-311.1 of this chapter, documenting the extent to which the department has met the recycling percentage goals set forth in subdivision a of this section and including a description of the methodology used to arrive at recycling percentages.*

i. *In the event that the department is unable to meet any recycling percentage goal set forth in subdivisions a or b of this section, the department shall, within sixty days of the applicable date for meeting such goal, expand outreach and public education in cooperation with the office of recycling outreach and education and shall take such other measures sufficient to meet the recycling percentages set forth in such subdivisions including, but not limited to, directing outreach and education to the neighborhoods and community districts in which recycling diversion rates fall below the median city recycling diversion rate and consulting with the council to explore additional measures to ensure future compliance with recycling goals.*

j. In the event that the department is unable to achieve two consecutive recycling percentage goals set forth in subdivisions a or b of this section by the dates specified therein, in addition to the requirements of subdivision i of this section, the commissioner shall retain a special master, who shall be selected by the mayor and the speaker, who shall within one hundred twenty days of such retention submit a report to the mayor and council recommending additional steps to be taken by the city to meet such recycling percentage goals.

§6. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-311.1 to read as follows:

§16-311.1 Annual department recycling report. Beginning on March 1, 2011 and annually thereafter, the department shall submit to the mayor and the council and make available on its website, an annual department recycling report which shall include the results of the following: pursuant to subdivisions b and g of section 16-305 of this chapter, the extent to which the city has met the recycling percentage goals of this chapter; city agency recycling pursuant to subdivision a of section 16-307 of this chapter; department of education recycling pursuant to subdivision b of section 16-307 of this chapter; composted leaf and yard waste pursuant to subdivision g of section 16-308 of this chapter; all other non-leaf and yard waste composting performed pursuant to section 16-308 of this chapter, including any reports concerning composting pilot programs required pursuant to such section and an update of the available composting capacity determination required pursuant to subdivision j of such section at facilities located within three hundred miles of the city; public space recycling pursuant to section 16-309.1 of this chapter and textiles collected pursuant to subdivision d of section 16-310 of this chapter. Beginning the year that the department commences delivering department-managed recyclable materials to the Sims group recycling processing facility at the south Brooklyn Marine Terminal, the department shall report to the council annually the cost to the city of designating any rigid plastic containers not previously designated by the commissioner pursuant to subdivision b of section 16-305 of this chapter, and the then-current market value of any such materials. The annual department recycling report required pursuant to this section shall also include the reports for the street litter basket pilot program required pursuant to subdivision c of section 16-309.1 of this chapter. Such report may be submitted in conjunction with the biennial solid waste management plan compliance report.

§7. Sections 16-312, 16-313 and 16-314 of the administrative code of the city of New York are amended to read as follows:

§16-312 Processing recyclable materials. The commissioner shall establish procedures and standards for processing recyclable materials designated pursuant to section 16-305 of this chapter in city owned or operated recycling centers, city owned or operated transfer stations or any city owned or operated facility that renders recyclable materials suitable for reuse or marketing and sale. The commissioner shall annually review such procedures and standards [at least annually] and make any changes necessary to conform to the requirements of the marketplace.

§16-313 Marketing recyclable materials. [a.] The department shall establish procedures, standards and strategies to market the [department-collected] recyclable materials designated pursuant to section 16-305 of this chapter, including, but not limited to, maintaining a list of prospective buyers, establishing contact with prospective buyers, entering into contracts with buyers, and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

[b. Within eighteen months of the effective date of this chapter, the commissioner in conjunction with the office for economic development shall submit to the mayor, the council, the board of estimate, each citizens' board created under section 16-317 of this chapter and the citywide board created under section 16-319 of this chapter a study of existing markets for processing and purchasing recyclable materials, and the potential and the steps necessary to expand these markets. Such study shall also include a proposal developed in conjunction with the department of finance to use, where feasible, the city's tax and finance authority to stimulate recycling and the demand for recycled materials.]

§16-314 Recycling program revisions. [a.] The commissioner shall annually review the recycling program and all rules [and regulations] promulgated [therefore] thereunder, and shall make the necessary revisions to improve the efficiency of collecting, processing, marketing and selling the materials recycled pursuant to this chapter. These revisions may include designating additional recyclable materials. The commissioner shall not delete designated materials without designating additional materials so that the total amount, by weight, of all designated recyclable materials collected, processed, marketed and sold does not decrease. Where the commissioner determines that it is appropriate to delete a designated material, the department shall provide notice of such deletion to the mayor and the council, including the reason for such deletion, and shall provide any relevant data supporting such decision.

[b. By the end of the fifth year following the enactment date of this chapter, the commissioner shall designate two additional recyclable materials contained in residential or commercial solid waste and provide for the recycling of these materials in accordance with the provisions of this chapter.]

§8. Title 16 of the administrative code of the city of New York is amended by adding new sections 16-316.1 and 16-316.2 to read as follows:

§16-316.1 Recycling and composting economic development study. Within two years of the effective date of this section, the department, in conjunction with the mayor's office of long-term planning and sustainability and the New York City Economic Development Corporation, shall perform a study on the economics of recycling and composting and the development of recycling and composting-related industries in the city of New York. Such study shall assess the New York City

recycling market including but not limited to a growth forecast for recycling markets and related industries for the next five years. Such study shall also describe those industries or businesses that would address shortcomings in the city's recycling and composting infrastructure and areas where opportunities for recycling and composting-related job growth in the city appear practical, describing barriers to recycling and composting businesses, and outlining financial and other incentives that might be successful in attracting new recycling and composting-related businesses or encouraging the expansion of existing recycling and composting-related businesses. Sections of such study may be shared with or derived from the composting report required pursuant to subdivision i of section 16-308 of this chapter. Such study shall examine existing markets for processing and purchasing recyclable materials, and the potential and steps necessary to expand these markets. Finally, such study shall include a plan developed in conjunction with the department of finance to use, where feasible, the city's taxation and finance authority to stimulate recycling and the demand for recycled materials.

§16-316.2 Waste characterization study. a. The commissioner shall complete follow-up studies regarding the characteristics of the city's residential and institutional waste streams for department-managed solid waste on or before January 1, 2012, and on or before January 31, 2018. The results of each such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of their completion.

b. On or before January 31, 2024, the commissioner shall complete a detailed, comprehensive citywide multi-season study of the city's residential and institutional waste streams for the purpose of determining the composition of the waste stream characterized by type of material. The results of such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of their completion.

§9. Sections 16-318 and 16-319 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

§16-318 Functions of the citizens' board. a. The department shall submit to each borough president the [recycling plans prepared pursuant to section 16-316 of this chapter] portion of the biennial report addressing the city's recycling program that is prepared pursuant to the city's 2006 solid waste management plan, simultaneous with [their] submission of such report to the mayor and the council. Each borough president shall distribute copies of [the plans] such portion to each member of the citizens' board in his or her borough. Within ninety days thereafter, each citizens' board shall review [the plans] such portion, conduct a public hearing on [the plans] such portion and make written recommendations to its borough president, the department and the council with respect to the recycling program within its borough. Each citizens' board shall also annually advise its borough president and the department with respect to the development, promotion and operation of the recycling program in its borough and pursuant to this function shall formulate and recommend:

1. annual recycling [and reduction] goals equal to or greater than those set forth in [sections 16-304 and] section 16-305 of this chapter and the methods proposed to achieve such requirements;

2. means to encourage community participation in the recycling program; and

3. means to promote the recycling program and educate the public with regard to the program.

b. In each borough, the citizens' board shall assume all the responsibilities and functions of the borough's citizens' advisory committee on resource recovery.

§16-319 Citywide recycling advisory board; membership. [Within nine months of the effective date of this chapter,] There shall be a citywide recycling advisory board (the "citywide board") [shall be formed,] consisting of at least one representative from each citizens' board, five members appointed by the council, and five members appointed by the mayor. The membership of the citywide board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, real property owners, tenant organizations and members of the general public. Members shall serve for a term of one year without compensation and shall designate one member to serve as chairperson and one as vice-chairperson.

§10. Subdivision a and paragraph 2 of subdivision b of section 16-321 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

a. Whenever a person, other than a public servant, appointed to any advisory board created pursuant to this subchapter, engages in any business dealings with the department, or engages in business dealings with any other agency [which] that relate to processing or disposal of solid waste or of waste described in paragraph three of subdivision [m] n of section 16-303 of this chapter or to recycling, or has an interest in a firm [which] that is engaged in such business dealings with the department or with such other agency, such person shall, prior to appointment, disclose the nature of such business dealings to the commissioner and to the body or officer appointing such person, and, after appointment, disclose the nature of such business dealings to the commissioner and to all other members of such board; provided that such person need not disclose the amount of such business dealings.

b. When used in this section:

[2]1. "Agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the [board] department of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development

corporation and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

§11. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 165

By The Public Advocate (Mr. De Blasio), The Speaker (Council Member Quinn), and Council Members Barron, Brewer, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Palma, Rodriguez, Vann, Williams, Rose, Eugene, Jackson and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to recycling at the Department of Education.

Be it enacted by the Council as follows:

Section 1. Section 16-307 of the administrative code of the city of New York is amended by lettering the existing section as subdivision a and adding a new subdivision b to read as follows:

b. The chancellor of the department of education shall designate a department of education recycling and waste reduction coordinator who shall be responsible for setting policies, guidelines and goals for waste recycling and prevention and coordinating the department of education's recycling goals for all buildings and facilities under the department of education's jurisdiction. In addition, the department of education shall promulgate rules requiring that each school building, office building and any other facility under the jurisdiction of the department of education develop a site-specific recycling plan, which shall be implemented by September 1, 2010. Such plan shall at a minimum require that each classroom contain a separate receptacle for the collection of designated recycled paper, and that such receptacle be appropriately labeled with recycling information. Such plan shall also provide for the placement of separate receptacles for the collection of designated metal, glass and plastic, which shall be appropriately labeled with recycling information and placed at school entrances and in locations within schools where food and beverages are consumed. The principal of each school under the jurisdiction of the department of education or his or her designee shall serve as recycling coordinator for the school and shall be responsible for implementing the school's recycling plan. The principal or his or her designee shall complete an annual survey to be submitted to the department of education coordinator and/or the chancellor to report such school's compliance with its recycling plan. On or by December 1, 2011 and annually thereafter, the chancellor shall submit a report to the commissioner detailing the level of compliance with the requirements of this chapter for the preceding reporting period of July 1 through June 30. The department shall include the chancellor's report as part of the department's annual recycling report required pursuant to section 16-311.1 of this chapter. The department, in conjunction with the department of education, shall distribute a model school recycling plan to all primary and secondary schools not under the jurisdiction of the department of education that receive department waste collection. All such primary and secondary schools shall appoint a recycling coordinator for each such school and shall develop a site-specific recycling plan, which shall be implemented by September 1, 2010 and which shall at a minimum require that each classroom contain an appropriately labeled separate receptacle for the collection of designated recycled paper, and shall provide for the placement of separate receptacles for the collection of designated metal, glass and plastic, which shall be appropriately labeled with recycling information and placed at school entrances and in locations within such schools where food and beverages are consumed.

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 166

By The Public Advocate (Mr. de Blasio) and Council Members Brewer, Dromm, James, Lander, Mark-Viverito, Rodriguez, Seabrook, Williams and Nelson.

A Local Law to amend the New York City charter, in relation to the budget of the civilian complaint review board.

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision c of section 440 of the New York City charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

5. The civilian complaint review board shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

§2. This local law shall become effective immediately after approval by the voters of the city at the next general election held after its enactment.

Referred to the Committee on Public Safety.

Int. No. 167

By The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Dromm, Ferreras, James, Koppell, Lander, Palma, Rodriguez, Williams and Mark-Viverito.

A Local Law to amend the administrative code of the City of New York, in relation to requiring corporations, limited liability companies, limited liability partnerships and partnerships to disclose independent expenditures expressly advocating the election or defeat of a clearly identified candidate in a covered election.

Be it enacted by the Council as follows:

Section 1. Chapter 7 of Title 3 of the administrative code of the city of New York is amended by adding a new section 3-721 to read as follows:

§3-721 Corporate reporting.

a. Any corporation, limited liability company, limited liability partnership or partnership that engages in activities that expressly advocate the election or defeat of any clearly identified candidate for covered office shall report to the board every purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made in the process of such advocacy. Such disclosure reports shall be submitted at such times, requiring such particular information and in such form as the board shall require.

b. The board shall make available to the public a copy of disclosure reports within two business days after they are accepted by the board.

c. The board shall have the authority to promulgate appropriate rules to facilitate the implementation of this section.

§2. This local law shall take effect one hundred and twenty days following enactment

Referred to the Committee on Governmental Operations.

Int. No. 168

By The Public Advocate (Mr. de Blasio) and Council Members Barron, Chin, Dromm, Fidler, James, Lander, Mark-Viverito, Rodriguez, Sanders Jr., Williams and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth aging out of foster care.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. According to the Administration for Children's Services (ACS), approximately 1,200 youth aged 18 and older transition out of New York City's foster care system each year. ACS further reports that only about 20 percent of these young adults leave to be adopted or reunified with their families, and the remaining 80 percent must primarily rely on themselves. Numerous studies demonstrate that youth who age out of foster care tend to experience worse outcomes than their peers in a variety of critical areas such as education, employment, income security, housing, and criminal justice involvement. There has not been a comprehensive analysis of outcomes for foster youth in New York City to date. While ACS has begun collecting data about this population, these efforts are still in their nascent stages and there is no current mechanism for regular, public dissemination of this information. Such data would assist the Council in evaluating how successful ACS is in fulfilling its mandate to adequately prepare youth who age out of foster care for stable and independent living, and in evaluating the need for policy changes.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-902.1 to read as follows:

§21-902.1. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. "Absent Without Leave (AWOL)" means a child who has been placed by an authorized agency in foster care in a certified foster boarding home, an approved relative foster home, or a licensed foster care facility, and who is absent without the consent of the person(s) or facility in whose care the child has been placed.

b. "Adult permanency resource" means a caring committed adult who has been determined by a social services district to be an appropriate and acceptable resource for a youth and is committed to providing emotional support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood.

c. "Adult residential care" means an adult-care facility established and operated for the purposes of providing long-term residential care, room, board, housekeeping, case management, activities and supervision to five or more adults, unrelated to the operator, who are unable or substantially unable to live independently.

d. "Age out" means when a youth age 18-21 is discharged from foster care other than to family reunification, adoption, guardianship, custody or permanent placement with a fit and willing relative.

e. "Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA)" means a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services.

f. "Bridges to Health Medicaid Waiver Program (B2H)" means a program designed specifically for children in foster care and the Office of Children and Family Services (OCFS) Division of Juvenile Justice and Opportunities for Youth (DJJOY) residential care that consists of three waivers, one for children with serious emotional disturbances, one for children with developmental disabilities, and one for medically fragile children, all of which are designed to provide community-based health care services and supports to children in foster care or DJJOY community services supervision and to those who have been discharged from foster care or DJJOY community services supervision while in one of the three B2H waivers.

g. "Concurrent plan" means a primary plan to help a child in foster care find a permanent, stable home and a back-up plan to help a child in foster care find an alternative permanent, stable home.

h. "Education and Training Voucher (ETV)" means the federal program that provides resources specifically to meet the needs of youth aging out of foster care, through which eligible youth may receive up to \$5000 per year to attend a post-secondary education or vocational training program.

i. "Housing assistance" means any form of help designed to assist youth with finding and maintaining a place of residence, including but not limited to, ACS Housing Subsidy, special cash grants in the form of rent subsidies, including rent arrears, section 8 leased housing vouchers, rental assistance received from any other city agency, supported and supportive housing, and any other assistance sufficient to obtain adequate housing.

j. "Independent living skills training" means formalized instruction, including, but not limited to, supervised performance in job search, career counseling, apartment finding, budgeting, shopping, cooking, and house cleaning skills.

k. "NY/NY III housing" means housing pursuant to a program established by agreement between the state of New York and the city of New York that pairs rental assistance and supportive services in either a congregate building constructed or renovated for this purpose or in scattered-site apartments acquired for the purposes of housing and serving the clients who are the recipients of the program.

l. "Permanency Planning Goal (Goal)" means the goal for child permanency as designated in the child's family assessment and service plan and approved by the family court.

m. "Special Findings Order" means a determination made by the family court that a child is dependent upon the family court, reunification with one or both parents is not viable due to abuse, neglect, and/or abandonment, and it is not in the child's best interest to be removed from the United States. The Special Findings Order is required to apply to United States Citizenship and Immigration Services (USCIS) for an application for special immigrant juvenile status (SIJS).

n. "Special immigrant juvenile status (SIJS)" means legal immigration status that can be awarded by USCIS to undocumented immigrant children in foster care, for whom family reunification is not a viable option and who have been found dependent upon the juvenile court, that allows a child to apply for lawful permanent residency.

o. "Supported housing" means community-based housing with support services for people with mental health needs.

p. "Supportive housing" means housing that is for people with mental health needs or other special needs.

q. "Trial discharge" means that a child in foster care is no longer in the physical care of the social services district but remains in the legal custody of the social services district.

r. "Vocational training" means instructional programs, including in marketable skills or trade or formal on-the-job training.

2. Quarterly Reports Regarding Youth Aging Out of Foster Care. Beginning no later than July 31, 2009 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a

report regarding youth aging out of foster care that includes, at a minimum, the following information:

a. Youth Currently in Foster Care Who Have a Goal of APPLA. The following information regarding youth currently in foster care who have a goal of APPLA shall be included in the quarterly report:

(i) number of youth who have a permanency planning goal of APPLA, including those who have concurrent plans, disaggregated by age as follows: under 10; 10-11; 12-13; 14-15; 16-17; 18-19; 20-21; over 21;

(ii) number of youth who receive independent living skills training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iii) number of youth who receive vocational training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iv) number of youth who are eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: 12-14; 15-18; 19-21;

(v) number of youth who have obtained a Special Findings Order, broken down by age as follows: 0-3; 4-6; 7-9; 10-12; 13-14; 15-18; 19-21;

(vi) number of youth who have SIJS applications or other immigration applications pending, disaggregated by age as follows: 0-3; 4-6; 7-9; 10-12; 13-15; 16-18; 19-21;

(vii) number of youth who applied for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(viii) number of youth who have been found eligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(ix) number of youth who have been found ineligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(x) number of youth who are currently enrolled in high school, both in general education and special education programs, disaggregated by age as follows: under 16; 16-18; over 18;

(xi) number of youth who are currently enrolled in a general education development (GED) program, disaggregated by age as follows: under 16; 16-18; over 18;

(xii) number of youth who are currently enrolled in accredited colleges, disaggregated by age as follows: 18 and younger; 19-21; 22 and over;

b. Youth Who Left Foster Care Who Had a Goal of APPLA. The following information regarding youth who left foster care who had a goal of APPLA, including those who had other concurrent goals, shall be included in the quarterly report:

(i) number of youth who did not consent to remain in foster care past age 18 and for whom the court approved a discharge from foster care, broken down by age as follows: 18-19; 20-21;

(ii) number of youth who aged out of foster care at age 21;

(iii) number of youth who remained in foster care after age 21 under an ACS Exception to Policy;

(iv) number of youth who were discharged from foster care who:

(a) are on trial discharge status;

(b) received housing assistance, broken down by the type of assistance as follows:

(1) ACS housing subsidy;

(2) NYCHA public housing;

(3) section 8 voucher;

(4) NY/NY III, supported or supportive housing;

- (5) Bridges to Health Medicaid Waiver Program;
- (6) Adult Residential Care;
- (7) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;
- (c) signed a lease for permanent housing;
- (d) moved into permanent housing for which the youth is the leaseholder;
- (e) intended to cohabitate with a family member upon discharge from foster care;
- (f) intended to cohabitate with a friend upon discharge from foster care;
- (g) secured a placement in supported or supportive housing upon discharge from foster care;
- (h) obtained a high school diploma;
- (i) completed a GED program;
- (j) obtained an ETV;
- (k) obtained a college diploma;
- (l) obtained a Special Findings Order;
- (m) obtained SIJS;
- (n) obtained lawful permanent resident status;
- (v) number of youth whose status was AWOL at the time of their discharge from foster care;
- (vi) number of youth who were parents and/or pregnant at the time of their discharge from foster care;
- (vii) number of youth who received their birth certificate, social security card and state-issued identification at the time of discharge from foster care;

c. The commissioner, in consultation with the commissioner of the department of homeless services, and the commissioner of the department of youth and community development (DYCD), shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA entered the city or city-funded single adult or family homeless shelter system. The following information regarding youth who were discharged from foster care with a goal of APPLA who entered the city-funded single adult or family homeless shelter system shall be included in the quarterly report, disaggregated as follows: number who entered within 30 days of their discharge from foster care; number who entered within 90 days of their discharge from foster care; number who entered within 180 days of their discharge from foster care; number who entered within 3 years of their discharge from foster care. For the purposes of this subsection, "entering the homeless shelter system" shall include seeking and being found eligible for shelter at any intake facility operated by the department of homeless services or private, DYCD funded or other shelters for runaway and homeless youth or for adults.

d. The commissioner, in consultation with the commissioner of the human resources administration/department of social services, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA received cash assistance, food stamps, and/or community Medicaid. The following information regarding youth who were discharged from foster care with a goal of APPLA who received cash assistance shall be included in the quarterly report, disaggregated as follows: (i) number who received cash assistance within 30 days of their discharge from foster care; number who received food stamps within 30 days of their discharge from foster care; number who received cash assistance within 60 days of their discharge from foster care; number who received food stamps within 60 days of their discharge from foster care; number who received cash assistance within 180 days of their discharge from foster care; number who received food stamps within 180 days of their discharge from foster care; and (ii) how many youth who were discharged from foster care with a goal of APPLA were successfully transitioned to community Medicaid without any gap in coverage.

e. The commissioner, in consultation with commissioner of the department of corrections and the commissioner of police, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA were arrested. The following information regarding youth who were discharged from foster care with a goal of APPLA who were arrested shall be included in the quarterly report, disaggregated as follows: number discharged from foster care while incarcerated; number arrested within 30 days of their discharge from foster care; number arrested within 60 days of their discharge from foster care; number arrested within 180 days of their discharge from foster care.

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 169

By Council Members Recchia, Jr., Barron, Dickens, Fidler, Gentile, James, Koppell, Koslowitz, Nelson, Rodriguez, Van Bramer, Williams, Foster and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of parking meter enforcement during and after snowfalls.

Be it enacted by the Council as follows:

Section 1. Section 19-163.1 of title nineteen of the administrative code of the city of New York is amended to read as follows:

§19-163.1 Suspension of parking rules *and requirement to activate parking meters* during snowfalls. All alternate side of the street parking rules *and requirement to activate parking meters* shall be suspended during any snowfall that causes the department of sanitation to suspend its street sweeping operations, provided that the department may reinstate alternate side of the street parking rules *and requirement to activate parking meters* after twenty-four hours if it determines, after consulting with the department of sanitation, that alternate side of the street parking *and reactivation of parking meters are* [is] necessary to immediately commence curbside snow removal.

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

Referred to the Committee on Transportation.

Int. No. 170

By Council Members Recchia and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to criminal street gang solicitation.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that gang activity is capable of destroying lives and communities and should be deterred using all lawful means. A recent federal study found that gang activity is prevalent in large urban centers and the Council finds that New York City is no exception. The Council finds that the level of on-going gang activity within New York City is unacceptable and must be combated.

The Council furthermore finds that gang members may spread the harm of gangs by soliciting others to commit crimes. When solicitation is done by a group, the fact that several people are encouraging another to commit a crime heightens the feeling of intimidation on the part of the person being solicited. This intimidation is heightened when those performing the act of solicitation are members of a criminal street gang. For this reason, it is the finding and intent of the Council that criminal street gang solicitation must be deterred in New York City by ensuring that such conduct be punishable as a class A misdemeanor. Individuals under the age of sixteen are not subject to this heightened penalty due to the fact that those under that age are routinely separated from adult offenders in the penal law and in New York's court system. Should such an individual commit a serious act of solicitation in that he or she solicits another for a felony-level crime he or she may be charged with a misdemeanor under existing penal law covering non-gang solicitation.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-168 to read as follows:

§10-168. Criminal street gang solicitation.

a. A person is guilty of criminal street gang solicitation when, as part of a criminal street gang and with at least one other member of such criminal street gang actually present, and being sixteen years of age or older, he or she solicits, requests, commands, importunes or otherwise attempts to cause another person to engage in conduct constituting a misdemeanor defined in any of the following articles of the penal law: article one hundred twenty, relating to assault and related offenses; one hundred thirty, relating to sex offenses; one hundred thirty-five, relating to kidnapping, coercion and related offenses; one hundred forty, relating to burglary and related offenses; one hundred forty-five, relating to criminal mischief and related offenses; one hundred fifty, relating to arson; one hundred fifty-five, relating to larceny; one hundred sixty-five, relating to theft; two hundred fifteen, relating to judicial proceedings; two hundred twenty, relating to controlled substances offenses; two hundred twenty-five, relating to gambling offenses; two hundred thirty, relating to prostitution offenses or two hundred sixty-five, relating to firearms and other dangerous weapons; or harassment in the first degree or aggravated harassment in the second degree, as defined in article two hundred forty of the penal law.

b. For purposes of this section, the following terms shall have the following meanings: 1. "Criminal conduct" shall mean the felonies or misdemeanors defined in any of the following articles of the penal law: one hundred twenty, relating to assault and related offenses; one hundred twenty-five, relating to homicide; one hundred thirty, relating to sex offenses; one hundred thirty-five, relating to kidnapping, coercion and related offenses; one hundred forty, relating to burglary and related offenses; one hundred forty-five, relating to criminal mischief and related offenses; one hundred fifty, relating to arson; one hundred fifty-five, relating to larceny; one hundred sixty, relating to robbery; one hundred sixty-five, relating to theft; two hundred fifteen, relating to judicial proceedings; two hundred twenty, relating to controlled substances offenses; two hundred twenty-one, relating to offenses involving marijuana; two hundred twenty-five, relating to gambling

offenses; two hundred thirty, relating to prostitution offenses or two hundred sixty-five, relating to firearms and other dangerous weapons; or harassment in the first degree or aggravated harassment in the first or second degree, as defined in article two hundred forty of the penal law.

2. "Criminal street gang" shall mean any ongoing organization, association, or group of three or more persons, whether formal or informal, that engages in criminal conduct as one of its primary purposes or activities.

§3. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 171

By Council Member Rose, The Speaker (Council Member Quinn), and Council Members Brewer, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Williams and Jackson.

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

Be it enacted by the Council as follows:

Section 1. Section 308 of title 16 of the administrative code of the city of New York is amended by adding new subdivisions i and j to read as follows:

i. *The department, in conjunction with the mayor's office of long-term planning and sustainability, shall issue a report by July 1, 2012 to explore methods for expanding the diversion of compostable waste from the city's waste stream. In preparing such a report, the department or the office of long-term planning shall perform the following: explore the viability of a curbside collection program for household and institutional compostable waste including costs and any siting concerns; explore all existing private and public facilities within three hundred miles of the city that accept compostable waste for composting and determine the available capacity at and cost to deliver compostable waste to such facilities; review capacity at putrescible transfer stations permitted by the city, or those not permitted by the city but within close proximity to the city, and determine whether any such transfer stations are capable of accepting source separated compostable waste for consolidation and transportation; study opportunities to expand the current available capacity to compost compostable waste at existing sites within the city, or, in conjunction with the study required by section 16-316.1 of this chapter, study opportunities to site one or more new facilities within or in close proximity to the city for the composting of compostable waste including opportunities to partner with one or more entities to develop such facilities; review and compile a comprehensive listing of sites around the city, including city botanical gardens and greenmarket sites, which accept household and institutional compostable waste on a voluntary basis, and provide recommendations for ways to encourage and expand options for voluntary composting.*

j. *Within one year of completing the study required pursuant to subdivision i of this section, the department shall promulgate rules to institute a pilot program for the collection and composting of private-carter collected compostable waste. Through such program, private carting companies licensed by the city pursuant to section 16-505 of this code may voluntarily offer collection of source separated compostable waste for composting to restaurants, grocers and other entities that receive collection services by such private carters and generate significant compostable waste, provided that participating carters deliver the source separated compostable waste collected pursuant to such program to an authorized composting collection facility, as determined by the department in the report required by subdivision i of this section, and subject to the department's compostable waste capacity determination made pursuant to such report. In promulgating rules for such program, the commissioner may establish sectors, districts, or neighborhoods in which to operate such pilot, and shall require any entity receiving private-carter waste collection participating in such program to source separate compostable waste. In conjunction with the chair of the business integrity commission, as part of such pilot program, the commissioner may, at his or her discretion, promulgate rules to encourage participation in such composting program including but not limited to: lowering the rate cap for source separated compostable waste and/or raising the rate cap for regular solid waste within the geographic scope of the pilot program; limiting the cost of tipping source separated compostable waste for participating carters at specified city-permitted transfer stations, or any other relevant facility over which the city has authority; or, requiring participating customers to deliver both their regular solid waste and source separated compostable waste to the same participating private carting company. Within three months of concluding such pilot program, the department shall issue a report, to be included in the report required pursuant to section 16-311.1 of this chapter, which indicates the amount of compostable waste diverted on a monthly basis through such program, and provides a description of challenges to and recommendations for expanding any such program in the future. If, as a result of the study required pursuant to subdivision i of this section, the department or office of long-term planning and sustainability develop alternative methods for conducting such a pilot, the department shall report such methods in the form of recommendations to the council prior to commencing any such pilot.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 172

By Council Members Vacca, Gentile and Crowley.

A Local Law to repeal Local Law 41 for the year 2009.

Be it enacted by the Council as follows:

Section 1. Local Law 41 for the year 2009 is hereby REPEALED.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 173

By Council Members Vacca, Gentile, James, Koppell, Nelson, Rodriguez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to creating a centralized system for information on real property.

Be it enacted by the Council as follows:

Section 1. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.14.2 to read as follows:

§28-103.14.2 *Centralized building information system. The commissioner shall maintain a database that includes all publicly available information from all city agencies in relation to real property. The database shall include public information from, but not limited to, the department of buildings, the department of finance, the fire department, the department of housing preservation and development, the landmarks preservation commission, and the rent guidelines board. Such database shall be available to the public for inspection over the Internet. Upon request of the commissioner, it shall be the duty of all agencies to cooperate with the department of buildings and to furnish such information as the commissioner may require.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 174

By Council Members Vacca, Lappin, Rose, Gonzalez, Barron, Brewer, Chin, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Nelson, Recchia, Rodriguez, Sanders, Seabrook, Van Bramer, Vann, Williams, Foster, Mealy, Mendez, Crowley, Levin, White, Mark-Viverito, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to providing public notice for senior center closings.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-204 to read as follows:

§21-204 *Requirements for senior center closings. a. Whenever any senior center funded in part or in whole by the department is scheduled to be closed, relocated or consolidated with another senior center, the department shall provide written notice with supporting documentation at least sixty days prior to the scheduled closing, relocation or consolidation date to the council members, community boards and borough presidents whose districts are served by such center and the chairpersons of the council's committee on aging and subcommittee on senior centers.*

b. The prior notice requirements of subdivision a of this section shall not apply when the department determines that it must close a senior center due to exigent circumstances, including where the conditions at such senior center pose an immediate threat to the health and safety of its participants and members. Where the department has closed a senior center due to exigent circumstances, the department shall provide written notice and supporting documentation within three days of such closure to the council members, community boards and borough presidents whose districts are served by the closed center and the chairpersons of the council's committee on aging and subcommittee on senior centers.

§2. This local law shall take effect immediately.

Referred to the Committee on Aging.

Int. No. 175

By Council Members Vallone, Gennaro, Gentile, Fidler, James, Koppell, Rose, Sanders, Van Bramer, Vann, Foster and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of toys and child care products that contain bisphenol A or phthalates.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is hereby amended by adding a new subchapter 3.2 to read as follows:

Subchapter 3.2 - Products containing phthalates or bisphenol A.

§ 20-630 Definitions.

§ 20-631 Products containing bisphenol A.

§ 20-632 Products containing phthalates.

§ 20-633 Penalties.

§ 20-630 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings:

a. "Bisphenol A" shall mean bis(4-hydroxyphenyl) dimethylmethane; bis(4-hydroxyphenyl)propane; 4,4'-bisphenol a; DIAN; p,p'-dihydroxydiphenyldimethylmethane; 4,4'-dihydroxydiphenylpropane; 4,4'-dihydroxy-2,2-diphenylpropane; dimethylmethylenep,p'-diphenol; beta, beta-di-(p-hydroxyphenyl)propane; dimethyl bis(p-hydroxyphenyl)methane; 2,2-di(4-phenylol)propane; p,p'-isopropylidenebisphenol; 4,4'-dimethylmethylenediphenol; Phenol, 4,4'-(1-methylethylidene)bis-; 2,2-Bis(4-Hydroxyphenyl)propane; 2,2-Bis(4'-hydroxyphenyl)propane; 4,4'-Isopropylidenediphenol; 4,4'-ISOPROPYLIDENEDIPHENOL (BISPHENOL A); or Bisphenol A.

b. "Child care product" shall mean a consumer product designed or intended by the manufacturer to facilitate sleep of children age 3 and younger, or to help such children with sucking or teething.

c. "Child feeding product" shall mean a consumer product designed or intended to facilitate feeding or nourishing a child. Such term shall not include medicinal devices.

d. "Children's toy" shall mean a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

e. "Consumer product" shall have the meaning as such term is defined in title 15 section 2052(a)(5) of the United States code.

§ 20-631 Products containing bisphenol A. a. It shall be unlawful for any person to manufacture for sale, offer for sale or distribute in commerce any child care product, child feeding product or children's toy that contains bisphenol A.

§ 20-632 Products containing phthalates. a. Beginning on July 1, 2010 and until a final rule regulating the phthalates listed in this subchapter is promulgated by the consumer product safety commission, it shall be unlawful for any person to manufacture for sale, offer for sale or distribute in commerce any child care product or children's toy that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP).

b. Beginning on July 1, 2010 and until a final rule regulating the phthalates listed in this subchapter is promulgated by the United States consumer product safety commission, it shall be unlawful for any person to manufacture for sale, offer for sale or distribute in commerce any children's toy that can be placed in a child's mouth or child care product that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

c. Any rule promulgated by the United States consumer product safety commission regulating di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) or di-n-octyl phthalate (DnOP) in child care products or children's toys shall supersede any provisions of this section with respect to the phthalate regulated.

d. It shall be unlawful for any person to manufacture for sale, offer for sale or distribute in commerce any child feeding product that contains more than 0.1 percent of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

e. It shall be unlawful for any person to manufacture for sale, offer for sale or distribute in commerce any child feeding product that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) or di-n-octyl phthalate (DnOP).

§ 20-633 Penalties. Any person who shall violate the provisions of this subchapter or rules promulgated pursuant to this subchapter shall pay a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a penalty of not less than five hundred dollars nor more than seven hundred fifty dollars.

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

force and effect.

§ 3. This local law shall take effect one hundred eighty days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

Referred to the Committee on Health.

Int. No. 176

By Council Members Vallone, Fidler, James, Koppell, Rose, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an Electrical Safety/Stray Voltage Task Force.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. On January 16, 2004, New Yorkers became aware of the potentially deadly effects of stray voltage on sidewalks and streets when Jodie S. Lane was electrocuted and killed while walking her two dogs in Manhattan. Ms. Lane's death prompted an examination of the City's electrical-related infrastructure, which found hundreds of cases of dangerous stray voltage. This widespread, dangerous problem caused the Council to enact legislation designed to protect New Yorkers from stray voltage. The legislation required the New York City Department of Transportation and the local electric corporation, Consolidated Edison, to annually test for stray voltage and issue a report based upon their findings. The legislation also required the local electric corporation to make repairs within twenty-four hours of the discovery of stray voltage.

Despite the passage of this legislation, stray voltage continues to be a problem on New York City sidewalks and streets. In February 2006, four people were shocked near the Port Authority bus terminal in Manhattan because of a frayed electric cable and a dog was electrocuted in Brooklyn. In the years between 2004 and 2009, 1014 people or pets have been shocked by stray voltage on the streets of New York City. On February 10, 2010 five people were shocked by stray voltage in Herald Square and one woman had to be hospitalized. The Council believes it is necessary to become more proactive in preventing stray voltage, rather than just testing and making repairs when stray voltage is found. The creation of an Electrical Safety/Stray Voltage Task Force to study the problem of stray voltage on New York City sidewalks and streets and make recommendations for preventing future stray voltage, educating the public about stray voltage and how to respond when stray voltage is detected, will help to prevent future injuries or death to pedestrians and their pets.

§2. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

§19-154 Electrical safety/stray voltage task force. a. For the purposes of this section, the following terms shall have the following meanings:

1. "Local electric corporation" shall have the same meaning as in section 19-153 of this chapter.

2. "Local electric corporation employee organization" shall mean any organization or association of employees of the local electric corporation whose primary purpose is to provide representation concerning wages, benefits and working conditions.

3. "Stray voltage" shall have the same meaning as defined in section 19-153 of this chapter.

b. There is hereby established a task force to study electrical safety/stray voltage problems in New York city. This task force shall be comprised of eleven members, six of whom shall be appointed by the speaker of the council and five of whom shall be appointed by the mayor. The speaker shall designate one member as the chairperson. The task force must be comprised of at least one member from the department of transportation, one member from the local electric corporation, one member from the local electric corporation employee organization representing the workers who maintain the electrical street infrastructure, one member representing environmental groups, one transportation planning expert, one animal rights advocate and five members representing civic groups, one from each borough. Each appointed task force member may be removed for cause by the appointing authority and any vacancy shall be filled in the same manner as the original appointment was made. The task force shall be deemed established upon appointment of six of its members.

c. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chairperson, but in no event shall the task force meet less than six times in a calendar year.

d. The task force shall examine electrical safety in the city of New York, with a focus on the problem of electrical-related infrastructure emitting stray voltage.

e. The task force shall issue a report to the speaker and the mayor within twelve months from its establishment. The report shall include recommendations on detecting and preventing electrical safety problems, with a focus on electrical-related infrastructure emitting stray voltage, and include recommendations on procedures and protocols to avoid future stray voltage, how to educate the public about electrical safety/stray voltage issues, protocols for responding to electrical safety problems and other recommendations to avoid and/or mitigate the effects of stray voltage. This report shall be posted on the city's website within seven days

from its submission to the speaker and mayor. The task force shall cease operation one year after the submission of its report

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 177

By Council Members Vallone, Jr., Fidler, James, Nelson, Rodriguez, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that commercial shopping establishments that maintain a parking area of at least 200 spaces install, maintain and operate a surveillance camera or cameras in order to deter crime.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The City Council finds that in order to continue the dramatic decrease in crime in New York City of the past decade, every reasonable effort should be made to prevent crime from taking place. Surveillance cameras are a proven method of fighting and deterring crime, and are in widespread use throughout New York city, from ATM locations to certain housing developments operated by the New York City Housing Authority.

Large parking lots adjacent to large stores and shopping centers are especially vulnerable to crime, particularly the theft of automobiles. The Council finds that the fact that these parking lots are magnets for crime as a result of their size and proximity to major highways and thoroughfares, which makes escape easier, requires legislative intervention.

In order to deter crime, the Council finds that commercial shopping areas that maintain parking lots with 200 or more parking spaces should be required to install and maintain a surveillance camera or cameras.

§2. Chapter one of title 10 of the administrative code of the city of New York is amended to add a new section 10-164, to read as follows:

§10-164. *Surveillance camera or cameras required in parking lots of certain shopping malls and shopping establishments.*

a. The owner or operator of a shopping mall or shopping establishment that operates and maintains, on its own or through an agent or other entity, a parking area with 200 or more parking spaces, shall install a video security camera or cameras in each such parking area. Such camera or cameras shall be placed so that the entire parking area may be viewed by a security camera; however, the number, type, placement, and location of such camera or cameras shall be within the discretion of the owner or operator. The owner or operator shall be responsible for monitoring the camera or cameras installed at each parking lot. The owner or operator is also responsible for the maintenance and upkeep of the camera or cameras installed.

b. An owner or operator found to be in violation of this section shall be subject to a civil penalty of not more than five hundred dollars. An owner or operator found to be in violation of this section shall correct the violation within seven days after such finding. Failure to correct the violation within seven days after such finding shall subject the owner or operator to a civil penalty of not less than five hundred dollars nor more than one thousand dollars and an additional civil penalty of two hundred fifty dollars per day for each day such violation continues.

§3. This local law shall take effect 90 days after its enactment.

Referred to the Committee on Public Safety.

Res. No. 167

Resolution recognizing April as “Child Abuse Prevention Month.”

By Council Members Vallone Jr., Fidler, James, Koslowitz, Rodriguez, Seabrook, Van Bramer, Williams, Nelson and Halloran.

Whereas, Child abuse is a serious problem in our city, state, and nation; and

Whereas, This is exemplified by the fact that nationally an estimated 1,760 children died of abuse or neglect in the United States in 2007, the most recent numbers available; and

Whereas, A report titled “2007 Annual Report on Child Fatalities” prepared by the New York State Office of Children and Family Services found that 227 deaths were alleged to have occurred due to abuse or maltreatment and were registered as child protective services reports; and

Whereas, 106 of the 227 fatalities occurred in the New York City metropolitan area, the highest in the state; and

Whereas, Preventing these abuses prevents child fatalities; and

Whereas, According to testimony provided by the Brooklyn District Attorney, Charles Hynes, to the City Council on March 31, 2009, the death of Nixzmary Brown and the conviction of her killers has caused a steady increase in the reporting of child abuse; and

Whereas, Many untold stories are held by suffering children throughout communities across our city and our nation; and

Whereas, Shining a spotlight on the psychological scars and tragic consequences of abuse are the goals of recognizing April as “Child Abuse Prevention Month”; and

Whereas, Empowering and informing the public by alerting them to the good they can do by knowing the signs of abuse and providing them the resources to combat child abuse in its many forms are key ways to prevent and stop child abuse and to prevent child fatalities; and

Whereas, Community members and neighbors often need encouragement to break their silences to expose possible incidents of abuse and are an integral part in preventing abuse; now, therefore, be it

Resolved, That the Council of the City of New York designates April as “Child Abuse Prevention Month.”

Referred to the Committee on General Welfare.

Res. No. 168

Resolution calling upon the New York State Legislature to repeal state law which currently bans the passage of local dangerous dog legislation that is specific as to breed, so that New York City may determine for itself whether or not certain breeds of dangerous dogs, such as pit bulls, should be banned, require insurance, be muzzled, or require any other safety precautions within the City.

By Council Members Vallone, Jr., Chin, Koppell, Sanders Jr., Williams and Nelson.

Whereas, On May 19, 2004, a six-year old Brooklyn girl was savagely attacked by a pit bull as she stood with her mother on a City street near her home, suffering a broken leg and lacerations; and

Whereas, While her injuries were serious, the brutal attack was interrupted by quick-thinking neighbors whose intervention likely spared the young girl from life-threatening harm; and

Whereas, More recently, on July 1, 2008, a 90-year old Staten Island man was viciously mauled by two pit bulls, resulting in his left leg being amputated; and

Whereas, According to the Staten Island Advance, this individual died as a result of the attack and the owner of the pit bulls was charged and eventually plead guilty to assault in the second-degree; and

Whereas, Tragically, many recent victims of dangerous dog attacks, particularly small children and older adults, have succumbed to substantial injuries and in some instances permanent handicap or even death; and

Whereas, These maulings are among the many unprovoked attacks by dangerous dogs upon City residents in recent years, many of which resulted in serious physical injury; and

Whereas, Among the victims of these attacks was Elijah Torres, a three year-old Bronx boy whose mauling and brave recovery inspired the introduction of Elijah's Law, one of a number of state bills introduced in response to the rash of dog attacks; and

Whereas, While various state legislative efforts are being debated, localities such as New York City remain powerless to enact breed specific local dangerous dog legislation to protect their residents from dangerous dog attacks; and

Whereas, Like New York City, many communities nationwide have reported increased incidents of attacks by dangerous dogs, especially attacks on children; however, unlike New York, these cities, including Denver and Cincinnati, have been able to take decisive legislative action to protect their citizens by enacting bans on pit bulls, the breed determined to be most frequently responsible for attacks; and

Whereas, In contrast, New York City is currently unable to enact such legislation; under Section 107 of the New York State Agriculture and Markets Law, municipalities, including New York City, are prohibited from passing any laws which would regulate dangerous dogs in a manner which is specific as to breed; and

Whereas, In most cases of vicious dog attacks, certain specific breeds are consistently implicated, most notably, pit bulls and Rottweilers; and

Whereas, While there may be exceptions, evidence strongly suggests that these breeds have aggressive and violent tendencies which can easily be provoked and, when they are provoked, such dogs have the potential to inflict serious bodily harm to their victims, including death; and

Whereas, In densely populated urban environments like New York City, the potential for owner negligence and disregard for leash laws poses a very high public health and safety hazard, one which can be minimized with the enactment of restrictions on the ownership, possession, or sale of dogs deemed dangerous; and

Whereas, In a city like New York, where the inappropriate actions of one person can have severe consequences for many, and where dogs are often the weapon of choice of drug dealers and gangs seeking to intimidate and terrorize

neighborhoods, the potential harm of dangerous dogs to the community warrants effective and meaningful legislative action; and

Whereas, In order to properly protect the health and safety of all individuals living and working in New York City, the City must have the ability to restrict the ownership, possession and sale of breeds of dogs deemed dangerous; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to repeal state law which currently bans the passage of local dangerous dog legislation that is specific as to breed, so that New York City may determine for itself whether or not certain breeds of dangerous dogs, such as pit bulls, should be banned, require insurance, be muzzled, or require any other safety precautions within the City.

Referred to the Committee on Health.

Res. No. 169

Resolution calling on the United States Congress to pass and the President to sign H.R. 1283, the Military Readiness Enhancement Act of 2009, which would rescind the current “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

By Council Members Van Bramer, Brewer, Chin, Dromm, Ferreras, Koppell, Koslowitz, Lander, Rodriguez and Rose.

Whereas, In 1993, Congress passed and the President signed legislation, 10 U.S.C. § 654 (1993), that contained a policy subsequently known as the Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue (“Don’t Ask, Don’t Tell”) policy; and

Whereas, The initial intent of the “Don’t Ask, Don’t Tell” policy was to end anti-gay discrimination in the Armed Forces; and

Whereas, According to the Servicemembers Legal Defense Network (SLDN), under the formal “Don’t Ask, Don’t Tell” framework, commanders are not supposed to solicit and servicemembers are not required to disclose information regarding sexual orientation; and

Whereas, The SLDN states that under the “Don’t Ask, Don’t Tell” policy, a servicemember may be discharged from service if such member has said that he or she is homosexual or bisexual or has made some other statement that indicates a propensity or intent to engage in homosexual acts; and

Whereas, Despite the stated “Don’t Ask, Don’t Tell” policy, servicemembers are still asked whether or not they are gay and are not provided with legal protection when this question is addressed to them; and

Whereas, A September 1999 issue of Stanford University’s Stanford Report concluded that the actual effect of the “Don’t Ask, Don’t Tell” policy has been the institutionalization of anti-gay discrimination in the military; and

Whereas, A 2006 financial analysis by the Blue Ribbon Commission estimated the cost of the “Don’t Ask, Don’t Tell” policy during the first ten years of its existence to be at least \$363.8 million, and

Whereas, SLDN estimates that 13,500 gay servicemembers have been discharged since Congress adopted the “Don’t Ask, Don’t Tell” policy, including 800 mission-critical troops and at least 59 Arabic and nine Farsi linguists since 2005; and

Whereas, The Michael D. Palm Center, a research institute at the University of California, Santa Barbara, found that the divisiveness introduced by the “Don’t Ask, Don’t Tell” policy weakens our military’s readiness, unit cohesion and troop morale; and

Whereas, A repeal of “Don’t Ask, Don’t Tell” is supported by several retired generals and admirals, including Major General Vance Coleman, Lieutenant General Claudia Kennedy, Brigadier General Evelyn Foote, Brigadier General Keith H. Kerr, Brigadier General Virgil A. Richard, Major General Charles Starr, Jr., and General John Shalikhshvili, who served as Chairman of the Joint Chiefs of Staff during the implementation of the policy; and

Whereas, Ex-Judge Advocate General Admiral John Huston (Retired) stated that the “Don’t Ask, Don’t Tell” policy detracts greatly from the esteem in which our military is held by other nations; and

Whereas, Twenty-four nations allow gay soldiers to serve openly in the military, twenty-two of whom are currently serving alongside American troops in Afghanistan and Iraq; and

Whereas, Neither the Central Intelligence Agency, the Federal Bureau of Investigations, the State Department, nor the civilian component of the Defense Department discriminate on the basis of sexual orientation; and

Whereas, A 2008 ABC News/Washington Post poll found that 75 percent of Americans support allowing openly gay soldiers to serve in the military; and

Whereas, H.R. 1283, the Military Readiness Enhancement Act of 2009, would amend Title 10 of the United States Code to enhance the readiness of the armed forces by replacing “Don’t Ask, Don’t Tell” with a policy of nondiscrimination on the basis of sexual orientation; and

Whereas, President Barack Obama, who also serves as Commander-in-Chief of the Armed Forces, has repeatedly pledged his commitment to repealing this discriminatory policy; and

Whereas, The Council of the City of New York recognizes that lesbian, gay, bisexual and transgendered persons have served and are still serving in the U.S. armed forces with honor and distinction, from the Revolutionary War to the current wars in Afghanistan and Iraq; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R. 1283, the Military Readiness Enhancement Act of 2009, which would rescind the current “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

Referred to the Committee on Civil Rights.

L.U. No. 70

By Council Member Comrie:

Application no. 20105425 HAM, a request for approval of the dissolution of a redevelopment company and the termination of a tax exemption for a project located at Block 1076/Lot 15 and Block 1058/Lot 16, Borough of Manhattan, Council District no. 3. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.

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

L.U. No. 71

By Council Member Comrie:

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

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

L.U. No. 72

By Council Member Comrie:

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

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

L.U. No. 73

By Council Member Comrie:

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

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

L.U. No. 74

By Council Member Comrie:

Application no. 20105420 HAM, an Urban Development Action Area Project located at 167 West 129th Street, Council District no. 9 Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

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

L.U. No. 75

By Council Member Comrie:

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

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

L.U. No. 76

By Council Member Comrie:

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

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

L.U. No. 77

By Council Member Comrie:

Application no. 20105423 HAM, an Urban Development Action Area Project located at 2041 Fifth Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

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

L.U. No. 78

By Council Member Comrie:

Uniform land use review procedure application no. C 100083 HAX, an Urban Development Action Area Designation and Project, located at 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.

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

L.U. No. 79

By Council Member Comrie:

Application no. 20105340 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 523 9th Avenue Inc. d/b/a Hell's Kitchen Café, to establish maintain and operate an unenclosed sidewalk café located at 523 9th 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. 80

By Council Member Comrie:

Application no. 20105301 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 356 West 44th Street Restaurant Inc. d/b/a The Irish Rogue, to continue to maintain and operate an unenclosed sidewalk café located at 356 West 44th Street, Borough of Manhattan, Council District no. 3.

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

L.U. No. 81

By Council Member Comrie:

Application no. 20105481 HHK pursuant to §7385 (6) of the of New York City Health and Hospital Enabling Act, regarding the approval of the lease of a parcel of land consisting of approximately 64,645 square feet on the Kings County Hospital Center campus, the "J" and "N" Buildings for use by CAMBA for low income and formerly homeless housing located at 451 Clarkson Ave, in the Borough of Brooklyn Council District no. 40.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 82

By Council Member Comrie:

Application no. C 060550 ZMQ submitted by Kew Point Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 14b, changing from an R6 District to a C4-4D District, changing from a C4-2 District to a C4-4D District and changing from a C-4-4 District to a C4-4D District.

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, April 15, 2010

★ *Deferred*

Committee on **EDUCATION****10:00 A.M.**
 Agenda to be announced
 Council Chambers—City HallRobert Jackson, Chairperson

★ *Addition*

Committee on **PUBLIC HOUSING**.....**10:00 A.M.**
 Oversight – NYCHA’s Utility Costs and Its Efforts to Reduce Energy Consumption
 Council Chambers – City Hall..... Rosie Mendez, Chairperson

Committee on **PARKS AND RECREATION****10:00 A.M.**
 Int 123 - By Council Members Mark-Viverito, Dromm, Koppell, Lander and Sanders - A Local Law to amend the administrative code of the city of New York, in relation to the surface areas of playgrounds and playing fields.
 Hearing Room – 250 Broadway,
 14th FloorMelissa Mark-Viverito, Chairperson

Committee on **TECHNOLOGY**.....**10:00 A.M.**
 Oversight - NYC Media (NYC-TV)
 Hearing Room – 250 Broadway, 16th Floor.....Daniel Garodnick, Chairperson

Committee on **GENERAL WELFARE**..... **1:00 P.M.**
 Oversight - Update on DHS’ Advantage NY and Home Base Programs
 Council Chambers – City Hall Annabel Palma, Chairperson

★ *Deferred*

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**1:00 P.M.**
 Int 98— By Council Member Brewer, Chin, Comrie, Dickens, Dromm, Jackson, Koppell, Lander, Palma, Vann, Williams and Halloran— A Local Law to amend the New York City charter, in relation to the creation of an annual report to assess the city’s indigent legal representation.
 Hearing Room— 250 Broadway, 16th Floor Elizabeth Crowley, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
 Oversight - Invasive Species Control in New York City
 Hearing Room – 250 Broadway, 14th..... James F. Gennaro, Chairperson

Monday, April 19, 2010

★ *Note Committee Additions*

Committee on **COMMUNITY DEVELOPMENT** jointly with the
 ★ Committee on **GOVERNMENTAL OPERATIONS** and
 ★ Committee on **CIVIL RIGHTS****10:00 A.M.**
 Oversight - New York City Census2010 Efforts: Implementation, Results and Final Steps To Be Taken to Complete the Count
 Hearing Room – 250 Broadway, 14th Floor Albert Vann, Chairperson
 ★ Gale Brewer, Chairperson
 ★ Deborah Rose, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT** jointly with the
 Committee on **TRANSPORTATION****11:00 A.M.**
 Oversight - Ensuring Pedestrian Safety During Lower Manhattan Redevelopment
 Council Chambers – CityMargaret Chin, Chairperson
James Vacca, Chairperson

Tuesday, April 20, 2010

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
 See Land Use Calendar Available Thursday, April 15, 2010, in Room 5 City Hall
 Hearing Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

★ *Note Location Change*

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES****11:00 A.M.**
 See Land Use Calendar Available Thursday, April 15, 2010, in Room 5 City Hall
 ★ Council Chambers – City Hall Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. **1:00 P.M.**

See Land Use Calendar Available Thursday, April 15, 2010, in Room 5 City Hall
 Hearing Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ *Note Location Change*

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**
 Oversight - Examining Whether There is an Impasse Between New York City and the Day Care Workers and Administrators in the Negotiating of Their Contract
 ★ Hearing Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Wednesday, April 21, 2010

★ *Addition*

Committee on **JUVENILE JUSTICE**.....**10:00 A.M.**
 Int 37 - By Council Members Gonzalez, Brewer, Fidler, James, Koppell, Lander, Nelson, Palma, Recchia Jr., Reyna, Rodriguez, Sanders Jr., Jackson, Foster, Crowley and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of juvenile justice to report on census data.
 Int 153 - By Council Member Gonzalez New York, in relation to requiring the commissioner of the department of juvenile justice to regularly report data concerning the department’s use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.
 Hearing Room – 250 Broadway, 14th Floor..... Sara M. Gonzalez, Chairperson

★ *Addition*

Committee on **GOVERNMENTAL OPERATIONS** jointly with the
 Committee on **SMALL BUSINESS****11:00 A.M.**
 Int 118 - By Council Members Koslowitz, Comrie, Dromm and Fidler - A Local Law to amend the New York City charter, in relation to requiring the mayor’s office of operations to develop and disseminate a business owner’s bill of rights.
 Hearing Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson
Diana Reyna, Chairperson

★ *Deferred*

Committee on **IMMIGRATION**..... **1:00 P.M.**
 Agenda to be announced
 Hearing Room— 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ *Note Location Change*

Committee on **HIGHER EDUCATION**..... **1:00 P.M.**
 Oversight – Examining Child Care Services at CUNY
 ★ Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

★ *Addition*

Committee on **EDUCATION** **1:00 P.M.**
 Oversight - DOE’S Rubber Rooms
 Council Chambers – City Hall Robert Jackson, Chairperson

Thursday, April 22, 2010

Committee on **LAND USE**.....**10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Hearing Room – 250 Broadway, 16th FloorLeroy Comrie, Chairperson

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the
 Committee on **VETERANS**.....**10:00 A.M.**
 Oversight - Examining the Veterans Treatment Court Model
 Council Chambers – City Hall Elizabeth Crowley, Chairperson
 Mathieu Eugene, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**..... **1:00 P.M.**
 Oversight - How will the Cultural Data Project Impact the Arts in New York City?
 Council Chambers – City Hall James Van Bramer, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
 Agenda to be announced

Hearing Room – 250 Broadway, 14th Floor.....James F. Gennaro, Chairperson

Agenda to be announced

Hearing Room – 250 Broadway, 14th Floor Michael Nelson, Chairperson

★ *Deferred*

Committee on **ECONOMIC DEVELOPMENT**.....**1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16th FloorThomas White, Chairperson

Monday, April 26, 2010

★ *Addition*

Committee on **IMMIGRATION**..... **10:00 A.M.**

Res 162 - By Council Member Mark-Viverito - Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.

Hearing Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

Committee on **YOUTH SERVICES** jointly with the

Committee on **JUVENILE JUSTICE**.....**10:00 A.M.**

Oversight - Innovative Responses to the Sexual Exploitation of Runaway and Homeless Youth

Council Chambers – City Hall Lewis A. Fidler, Chairperson

.....Sara M. Gonzalez, Chairperson

Committee on **WOMEN'S ISSUES**..... **10:00 A.M.**

Oversight - The Healthy Relationship Training Academy and Prevention Efforts in Youth Dating Violence

Hearing Room – 250 Broadway, 14th Floor Julissa Ferreras, Chairperson

★ *Deferred*

Committee on **COMMUNITY DEVELOPMENT**.....**1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

★ *Addition*

Committee on **SANITATION AND SOLID WASTE MANAGEMENT****1:00 P.M.**

Int 141 - By Council Member Eugene and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to commercial recycling.

Int 142 - By Council Member Ferreras and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.

Int 147 - By Council Member Fidler and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to recycling education, outreach and enforcement.

Int 148 - By Council Members Fidler and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to the designation for recycling of rigid plastic containers.

Int 156 - By Council Member James and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to recycling in city agencies.

Int 157 - By Council Member Koslowitz and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to leaf and yard waste.

Int 158 - By Council Member Lappin and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to public recycling bins.

Int 162 - By Council Member Mark-Viverito and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to household hazardous waste collection events.

Int 164 - By Council Member Palma and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to recycling.

Int 165 - By The Public Advocate (Mr. de Blasio) and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to recycling at the Department of Education.

Int 171 - By Council Member Rose and The Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to the composting of food waste.

Council Chambers – City Hall..... Letitia James, Chairperson

★ *Deferred*

Committee on **WATERFRONTS**.....**1:00 P.M.**

★ *Note Location Change*

Committee on AGING 1:00 P.M.
Agenda to be announced
★Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

Tuesday, April 27, 2010

★ *Addition*

Committee on ECONOMIC DEVELOPMENT 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Thomas White, Chairperson

Committee on PARKS AND RECREATION 10:00 A.M.
Oversight - Parks Concessions
Int 21 - By Council Members Nelson, Foster, James, Mark-Viverito and Mendez - A Local Law to amend the administrative code of the city of New York, in relation to identifying the location of concessions within a park.
Council Chambers – City Hall Melissa Mark-Viverito, Chairperson

★ *Deferred*

Committee on VETERANS 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

Committee on HEALTH 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor Maria del Carmen Arroyo, Chairperson

★ *Deferred*

Committee on JUVENILE JUSTICE 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Sara M. Gonzalez, Chairperson

Committee on HOUSING AND BUILDINGS 1:00 P.M.
Agenda to be announced
Council Chambers – City Hall Erik Martin-Dilan, Chairperson

Wednesday, April 28, 2010

Committee on PUBLIC SAFETY 10:00 A.M.
Int 120 - By Council Member Lappin - A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to make certain traffic-related statistics available through its website.
Council Chambers – City Hall Peter Vallone, Chairperson

Committee on GENERAL WELFARE 10:00 A.M.
Oversight - ACS' EarlyLearn NYC
Hearing Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson

Committee on SMALL BUSINESS 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson

Committee on CIVIL RIGHTS 1:00 P.M.
Oversight - The Commission on Human Rights and Its Enforcement of New York City's Human Rights Law
Hearing Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

Committee on EDUCATION 1:00 P.M.
Int 155 - By Council Member Jackson - A Local Law to amend the New York city charter, in relation to requiring the chancellor of the city school district to submit to the council an annual report concerning school enrollment, capacity and utilization.
Council Chambers – City Hall Robert Jackson, Chairperson

Thursday, April 29, 2010

Stated Council Meeting Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Thursday, April 29, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 3-A, 6-A, and 59-A, all adopted by the Council at the March 25, 2010 Stated Council Meeting, were signed by the Mayor into law on April 14, 2010 as, respectively, Local Law Nos. 6, 7, and 8 of 2010.

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