

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**THURSDAY, APRIL 2, 2009**

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*

Thursday, April 2, 2009, 2:25 p.m.

The Public Advocate (Ms. Gotbaum)  
*Presiding Officer*

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Gentile, Gonzalez and Lappin.

The presence of a quorum was announced by the Public Advocate (Ms. Gotbaum).

*There were 48 Council Members present at this meeting.*

**INVOCATION**

The Invocation was delivered by Rev. Charles E. Lewis, Pastor, New Washington Heights Baptist Church, 595 Courtlandt Avenue, Bronx, NY 10451.

Eternal Father,  
we come now to say thank you  
for the many blessings

that thou has already bestowed upon us.  
We thank you Lord  
for bringing us together in unity.  
We ask you Lord to just touch our hearts,  
look down upon your leaders, Lord,  
bless this country that we are living in,  
bless the whole world, and humanity.  
And we'll be careful to praise your name.  
We ask these blessings  
in our Lord and Savior. Amen.

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

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

Theresa Gentile, 84, who died on March 25, 2009, was the mother of Council Member Vincent Gentile. Mrs. Gentile was born in 1924 in Calabria, Italy. In 1934, her family emigrated to the United States and settled near Pittsburgh where her father worked in the steel mills. In 1939, the family moved to Brooklyn where Theresa helped raise her four younger brothers and worked as a seamstress. She married in 1950 and had four sons. She was a proud mother, grandmother and proud keeper of Italian customs.

Margaret Titone, 79, who died on March 29, 2009, was the mother of Assembly Member Matthew Titone of Staten Island.

At a later point in the Meeting, Council Member Foster asked for a Moment of Silence in memory of the following individual:

John Hope Franklin, 94, who died on March 25, 2009, was a preminent American historian. In 1956, he was appointed the first black chair of the history department of a major white institution (Brooklyn College). Dr. Franklin had a long distinguished history as a scholar, historian, author and professor.

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

M-1367

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 3210 Webster Avenue Prestige Car Service., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.**



NEW YORK CITY  
TAXI & LIMOUSINE  
COMMISSION

Matthew W. Daus, Commissioner/Chair

Licensing & Standards Division:  
32-02 Queens Boulevard, 2<sup>nd</sup> Floor  
Long Island City, New York 11101-2324  
Tel: 212.227.6324 Fax: 718-391-5695

March 27, 2009

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

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

Dear Speaker Quinn:

Please be advised that on March 26, 2009 the Taxi & Limousine Commission voted to approve the following 13 for-hire-vehicle base license applications:

RENEWALS (10):	LICENSE #	COUNCIL DISTRICT
3210 Webster Avenue Prestige Car Service	B01338	11
A.M.N. Management Inc. D/b/a Always Ready Car Service	B01420	30
Arecibo Car Service, Inc.	B01346	33
Big King Car & Limo. Inc.	B02048	47
Cooperativa Clbna De Con Inc.	B01124	21
Evelyn Car Service, Inc.	B01148	35
GDR Car & Limo., Inc. D/b/a Seaside Car Service	B01482	48
Pak-Eagle Inc. D/b/a Jewel Car Service	B01128	24
Plaza Executive, Inc. D/b/a Song Car & Limousine Service	B02066	34
U-Need Car Service	B01126	23

RENEWAL & RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Prospect Car & Limo. Inc.	B02049	33
RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Segura Mobile Service, Inc. D/b/a Allen Car Limo. Service	B00790	1
RELOCATION, OWNERSHIP CHANGE & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Narrows Limo. & Car Inc. (to be changed to Colonial Car & Limo. Inc.)	B02188	43, 33

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

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

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

Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation

M-1368

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1369

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1370

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1371

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1372

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1373

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1374

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1375

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1376

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license U-Need Car Service., Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1377

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

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1378

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Segura Mobile Service, Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

M-1379

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership change and name change base station license Narrows Limo. & Car Inc., Council District 43 and 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-1367, printed above in this Communication from City, County and Borough Offices section printed in these Minutes.)

Referred to the Committee on Transportation

**LAND USE CALL UPS**

M-1380

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 080010 ZSM and C 080011 ZSM shall be subject to Council review. These items are related Uniform Land Use Procedure Application no. C 080008 ZMM.

Coupled on Call – Up Vote

M-1381

By Council Member Vallone:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 29-20 30<sup>th</sup> Avenue, CB 1, Application no. 20095082 TCQ shall be subject to review by the Council.

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

The Public Advocate (Ms. Gotbaum) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

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

At this point, the Public Advocate (Ms. Gotbaum) 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 Rights

Report for Int. No. 826-A

**Report of the Committee on Civil Rights 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 prohibition of activities to prevent access to reproductive health care facilities.**

The Committee on Civil Rights, to which was referred on September 24, 2008 (Minutes, page 6255) the annexed amended proposed local law, respectfully

#### REPORTS:

##### I. INTRODUCTION

On Wednesday, April 1, 2009, the Committee on Civil Rights, chaired by Council Member Larry B. Seabrook, will hold a hearing on Proposed Int. No. 826-A, a bill concerning the prohibition of activities to prevent access to reproductive health care facilities. The Committee previously held a hearing on Int. No. 826 on November 18, 2008.

##### II. BACKGROUND

In the early 1990s, protections for those seeking reproductive health care services were scant and infrequently enforced. According to Alexander C. Sanger, who served as President and Chief Executive Officer of Planned Parenthood of New York City, women were frequently subjected to physical and verbal attacks by protesters on their way to reproductive health care facilities.<sup>1</sup> Clinic workers, he added, were also subject to physical harassment from protesters.<sup>2</sup> Many pro-choice advocates complained that enforcement of then-existing laws against harassment and assault outside of reproductive health care facilities was woefully inadequate.<sup>3</sup>

In 1994, the City Council responded to these concerns and amended the City's Human Rights Law in order to prohibit interference with access to

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<sup>1</sup> James Bennet, *Council Considers Penalties for Abortion Clinic Violence*, N. Y. TIMES, Apr. 22, 1993, at B8.

<sup>2</sup> *Id.*

<sup>3</sup> James C. McKinley, Jr., *Council Votes to Protect Entry to Abortion Clinics*, N. Y. TIMES, Mar. 17, 1994, at B3.

reproductive health care services.<sup>4</sup> In amending the Human Rights Law, the Council recognized that state and federal law protected the personal right to obtain reproductive health services, as well as the right of persons to peaceably protest.<sup>5</sup> At the time there was concern that individuals and groups were abusing the right to peaceably protest by engaging in activities that physically prevented or otherwise unlawfully intimidated others from entering or exiting reproductive health care facilities.<sup>6</sup> The Council passed Local Law 3 of 1994 in an effort to balance the rights of persons to access reproductive health services with the rights of persons to peaceably protest. Local Law 3 of 1994 sought to prohibit interference with a person's access to reproductive health care services, ensure that those harmed by such conduct could seek redress in the courts and to permit the City to obtain injunctive relief against such conduct.<sup>7</sup>

Although reproductive health care facilities are no longer under siege as they were in the early 1990s, problems persist. A 2007 survey of 39 reproductive health care facilities conducted by the City Council and NARAL Pro-Choice New York found that almost 30 percent of the facilities experienced regular protest activity. Two clinics in particular, DrEmily Women's HealthCare and the Ambulatory Surgery Center of Brooklyn, reported exceptionally harassing behavior by protesters. DrEmily Women's HealthCare, located in the South Bronx, reported that protesters from Operation Rescue and Expectant Mother Care were frequently harassing and intimidating women seeking services at its facility. The protesters also were regularly blocking access into and out of the clinic itself. The Ambulatory Surgery Center of Brooklyn, located in Sunset Park, voiced similar complaints, with protesters verbally and physically accosting clinic staff and patients on a daily basis.

#### III. GOVERNING LAW

Important measures exist at the federal, state and local levels to ensure that both the right to receive reproductive health services and the right to engage in peaceful protest are protected. As a result, the laws often overlap and should be considered together. The protections under local law are intended to build on existing federal and State laws and strengthen safeguards for citizens of New York City. Below is an explanation of applicable sections of existing federal, state and city laws. Two charts are attached to illustrate the similarities and differences of the existing laws as well as the changes that will occur under Proposed Int. No. 826-A. Chart one compares the federal and State laws. Chart two compares the current local law to the proposed legislation.

##### A. Federal Law

The federal Freedom of Access to Clinic Entrances ("FACE") statute prohibits persons from using force, the threat of force or physical obstruction with the intent to injure, intimidate or interfere with any person because such person was or is, or in an effort to intimidate such person from, obtaining or providing reproductive health services.<sup>8</sup> The statute also prohibits intentionally damaging or destroying the property of a facility, because the facility provides reproductive health services.<sup>9</sup> Any attempt to do the aforementioned acts is also prohibited under the statute.<sup>10</sup> A person who violates any section of FACE is subject to a fine, or imprisonment not to exceed one year, or both.<sup>11</sup> For subsequent violations, a person will be subject to a fine, or imprisonment not to exceed three years, or both.<sup>12</sup> The statute provides that any person may initiate a civil action, but a violation of any prohibited behavior related to persons can only be brought by a person obtaining, trying to obtain, providing or trying to provide services in a reproductive health care facility.<sup>13</sup> If the U.S. Attorney General or a state attorney general has reasonable cause to believe that a person or group has violated FACE, civil remedies, injunctive relief and compensatory damages may be sought.<sup>14</sup>

##### B. New York State Penal Law

Similar to FACE, New York State's Penal Law addresses restrictions and penalties relating to inappropriate interference with access to health services, although the State law does not apply only to reproductive health services. The Penal Law provides that a person may not, by force or threat of force or physical obstruction, intentionally injure, intimidate or interfere with anyone, or attempt to do the same, because such other person was or is obtaining or providing health services. In addition, a person is prohibited from using the same behavior in an effort to discourage anyone from obtaining or providing health services.<sup>15</sup> Under the State's Penal Law, persons are prohibited from intentionally damaging or attempting to damage the property of a facility.<sup>16</sup> New York's statute creates criminal penalties for violation of this law. Criminal interference with health care services in the second degree is a class A misdemeanor, punishable by up to one year in jail, and in the first degree is a class E felony, punishable by up to four years imprisonment.

##### C. The Administrative Code

Chapter 8 of the current New York City Human Rights Law is entitled "Prevention of Interference with Reproductive Health Services." Applicable definitions for this chapter are provided in Section 8-802 of the Administrative

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<sup>4</sup> NYC Admin. Code, Title 8, Chapter 8, *Legislative declaration* (2008).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 18 U.S.C. § 248(a)(1) (2008).

<sup>9</sup> 18 U.S.C. § 248(a)(3).

<sup>10</sup> 18 U.S.C. § 248(a)(1), (3).

<sup>11</sup> 18 U.S.C. § 248(b)(1).

<sup>12</sup> 18 U.S.C. § 248(b)(2).

<sup>13</sup> 18 U.S.C. § 248(c)(1)(A).

<sup>14</sup> 18 U.S.C. § 248(c)(2), (3).

<sup>15</sup> N.Y. Penal Law § 240.70(1)(a) (2008).

<sup>16</sup> N.Y. Penal Law § 240.70(1)(d).

Code. Section 8-802 defines a “reproductive health care facility” as a building, structure or place where health care services or counseling relating to the reproductive system is provided.<sup>17</sup> Any individual, corporation, not-for-profit organization, partnership, association, group, or any other entity falls under the definition of a “person.”<sup>18</sup> To “obstruct or block” is to physically hinder, restrain, impede, strike, shove, grab, kick or otherwise subject a person to unwanted physical contact, or attempt to do the same.<sup>19</sup>

Currently, it is unlawful to, with the intent to prevent another person from obtaining or rendering or assisting in obtaining or rendering any reproductive health care service or counseling: (a) physically obstruct or block a person from entering or exiting the entryway or exit of a reproductive health care facility, or the premises in which such facility is located; or (b) follow and harass a person in or about a public place or to engage in conduct or repeatedly commit acts when such behavior places such other person in reasonable fear of physical harm; or (c) physically damage a reproductive health care facility so as to significantly disrupt its operation or attempt to do the same.<sup>20</sup> If a person is found to have committed any of these prohibited activities, he or she will be guilty of a misdemeanor, punishable by a fine, or imprisonment, or both for a first conviction.<sup>21</sup> For any subsequent convictions, the penalty is an increased fine, imprisonment, not to exceed one year in prison, or both.<sup>22</sup>

Police may make an arrest if any of the elements described above are met. If an officer sees any of the prohibited activities and believes he or she can also establish intent, a lawful arrest can be made. If intent can be discerned and proven, the prohibited conduct is illegal under the statute, if not, it is likely to be a B misdemeanor or violation, with significantly lesser penalties. Police officers may find it difficult to determine whether the law is being broken because intent cannot be seen.

#### D. Practical Concerns Regarding Current Law

In order to make an arrest or prosecute a person, current law requires a complainant who was obtaining or rendering, or assisting another in obtaining or rendering, reproductive health services or counseling. The Administrative Code, as presently drafted, does not make provisions for a clinic to make a complaint to the police based on protestors’ activities unless the facility itself is physically damaged. Moreover, blocking an entrance or exit regardless of whether an individual is attempting to use the entrance or exit is not a violation of the current law. Thus, a complaint from a woman who tried to access services, or someone assisting her, is required to make an arrest or prosecute a person. There is no opportunity for a police officer to make an arrest simply based on his or her own observations. A woman seeking services is therefore likely to be required to compromise her right to privacy and comfort in order for a prosecution to occur under current law. She may have to wait for officers in order to make a formal statement that can be used by the prosecution, she will certainly have to identify herself and she may have to appear in court several times as the case makes its way through the courts. Lastly, while the current local law provides protection to both clinics and the premises in which clinics are located, it does not define the term “premises,” and thus is of limited utility to many clinics in the outer boroughs of New York City.

#### IV. TESTIMONY ON INT. NO. 826

At the hearing on the Int. No. 826 on November 18, 2008, many individuals and organizations testified in support of and in opposition to the legislation. Reproductive rights advocates and workers at reproductive health care facilities described various protest activities at reproductive health care facilities. For example, Kimberly Walker from the Ambulatory Surgery Center of Brooklyn testified that, although her office provides many other medical services in addition to abortion services, it continues to struggle with anti-abortion protestors who often hinder the access of all patients, regardless of the procedure they seek.<sup>23</sup> The protestors engage in behaviors including “grabbing patients by the arms [and] touching them in inappropriate ways.” Dr. David Friedman, a gynecologist in private practice with an office located inside the Ambulatory Surgery Center of Brooklyn, similarly testified that protestors have inhibited his ability to provide general gynecological care to his patients by intimidating them from seeking care.<sup>24</sup> His private practice patients have expressed fear about coming to the office.<sup>25</sup>

Anne Robinson from Planned Parenthood of New York City testified about the harassing behavior she witnesses. Specifically, she described how protestors often follow clients to the door of the reproductive health clinics and block their path.<sup>26</sup> An employee of DrEmily Women’s HealthCare in the Bronx described how protestors often position themselves in the parking lot entrance or exit in order to force a patient’s car or taxicab to stop so that the protestors can hand out literature.<sup>27</sup>

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<sup>17</sup> N.Y.C. Admin. Code § 8-802(a) (2008).

<sup>18</sup> N.Y.C. Admin. Code § 8-802(b).

<sup>19</sup> N.Y.C. Admin. Code § 8-802(c).

<sup>20</sup> N.Y.C. Admin. Code § 8-803(a).

<sup>21</sup> N.Y.C. Admin. Code § 8-803(b).

<sup>22</sup> *Id.*

<sup>23</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 71 (Nov. 14, 2008) (statement of Kimberly Walker, The Ambulatory Surgery Center of Brooklyn).

<sup>24</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 79-80 (Nov. 14, 2008) (statement of David Friedman, The Ambulatory Surgery Center of Brooklyn).

<sup>25</sup> *Id.*

<sup>26</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 141-42 (Nov. 14, 2008) (statement of Anne Robinson, Planned Parenthood of New York City).

<sup>27</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 (Nov. 14, 2008) (written statement of DrEmily Women’s HealthCare).

The same employee described various ways protestors interfere with clinic operations. For example, a protestor would stand in front of the clinic door and deliberately misdirect those trying to enter by telling them that there were no doctors there.<sup>28</sup> Others hand out water to patients walking outside the facility who are not permitted to drink prior to a procedure.<sup>29</sup> Finally, at DrEmily’s, clinic vendors, such as Fed Ex, UPS, and U.S. Postal Service deliverers, also have been targeted, preventing timely deliveries of needed supplies.<sup>30</sup>

Opponents of Int. No. 826 stated that the proposed legislation would limit their ability to gather outside of reproductive health care facilities to counsel and peacefully protest. They expressed concern that allowing a reproductive health care facility to make a complaint about protestors’ activities would encourage clinics to falsely accuse protestors<sup>31</sup> and would otherwise chill their ability to express themselves.<sup>32</sup> The Committee, however, received lengthy testimony from the New York Civil Liberties Union, an organization committed to protecting and promoting civil rights, in support of this legislation because “it strikes the appropriate balance between free speech and the right to access reproductive health care.”<sup>33</sup> The Civil Rights Committee of the New York City Bar Association submitted similar testimony.<sup>34</sup>

#### V. ANALYSIS OF INT. NO. 826-A

If enacted, Int. No. 826-A would strengthen the protections afforded to those seeking and providing reproductive health services while preserving opportunities for expression of opinions protected by the First Amendment. The requirement in the current law that a person act with the intent to prevent another from receiving or providing reproductive health services can make it difficult to arrest and prosecute those who step outside the boundaries of appropriate expression and violate the Human Rights Law. Proposed Int. No. 826-A would remove this intent requirement, facilitating arrest and prosecution for illegal conduct. With the intent requirement eliminated, it is important to establish some nexus between the clinics and the illegal behavior in order to warrant the penalties the law imposes. Thus, the legislation would amend the current law to penalize only those who violate certain provisions of the law within 15 feet of the premises of a reproductive health care facility. If Proposed Int. No. 826-A is enacted, the only conduct that would violate the City Human Rights Law, if done within 15 feet of a reproductive health care facility, is (i) following and harassing a person and (ii) engaging in a course of conduct or repeatedly committing acts that place a person in reasonable fear of physical harm. Much of this conduct is criminal outside of the 15-foot area under other laws, but subject to lesser penalties than those in Proposed Int. 826-A. Following and harassing a person outside of the 15-foot area, without more, however, is not a crime, nor a violation of the Human Rights Law.

The word “harass” has its ordinary meaning in Proposed Int. No. 826-A just as it does when used in the crime of “harassment” in the State Penal Law.<sup>35</sup> In fact, the crime of harassment is defined as, among other things, subjecting a person to physical contact with the “intent to *harass*, annoy or alarm another person” (emphasis added).<sup>36</sup>

An individual complainant would be required to make a case against a perpetrator for the crime of “follow and harass” under Proposed Int. No. 826-A. A reproductive health care facility could not make it on his or her behalf. A number of other provisions of Proposed Int. No. 826-A, however, remove the burden of being a complainant from women seeking services at reproductive health care facilities or individuals trying to enter such facilities for other reasons. The current law prohibits blocking a person from entering or exiting a reproductive health care facility. Proposed Int. No. 826-A would add a ban on knowingly obstructing or blocking the premises of the facility itself. This provision would allow such arrests to be made based solely on the observation of a police officer and would remove the need for a complainant.

Another provision that would lessen the current burden on women seeking services to act as complainants is a prohibition on knowingly interfering with the operation of a reproductive health care facility. This would allow a reproductive health care facility itself to make a complaint when a protestor disrupts its ability to provide services. The previous version of this bill, Int. No. 826, prohibited willfully interfering with the operation of a reproductive health care facility, which would require proof that a person acted with the intention of violating the law. Proposed Int. No. 826-A instead prohibits knowingly interfering, which will only require proof that an individual intended to commit an act and that act violated the law.

In order to assist in interpreting the law, Proposed Int. No. 826-A provides examples of activities that, if done knowingly, would be considered interfering with the operation of a reproductive health care facility. The bill makes clear that interfering with medical procedures being performed at the facility or interfering with the delivery of goods to the facility would be considered interfering with the

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 130 (Nov. 14, 2008) (statement of Monsignor Philip Reilly, The Helpers of God’s Precious Infants).

<sup>32</sup> E.g., *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 150 (Nov. 14, 2008) (statement of Chris Slattery, Expectant Mother Care).

<sup>33</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 135 (Nov. 14, 2008) (statement of Amy Sanghvi, Reproductive Rights Project of the New York Civil Liberties Union).

<sup>34</sup> *Int. No. 826: Hearing Before the New York City Council Comms. on Civil Rights & Women’s Issues*, Sess. 8 (Nov. 14, 2008) (written statement of the Civil Rights Committee of the New York City Bar Association).

<sup>35</sup> N.Y. Penal Law §§ 240.25, 240.26.

<sup>36</sup> *Id.*

facility's operation. It is important to note that dissuading a woman from entering a reproductive health care facility or obtaining an abortion using methods protected by the First Amendment of the U.S. Constitution would not constitute knowingly interfering with the operation of a reproductive health care facility. In fact, section 8-807(b) of the Human Rights Law dictates that no provision of the current law can be interpreted to prohibit expression that is protected by the First Amendment.<sup>37</sup>

In addition to the changes described above, Proposed Int. No. 826-A criminalizes the attempt to do most of the prohibited activities. Attempt language is included in the current law and was intended to be maintained in the proposed legislation. Finally, to better reflect the physical realities of reproductive health care facilities, particularly in the outer boroughs, Proposed Int. No. 826-A would define premises to comprise all entrances and exits of reproductive health care facilities including driveways and all other parts of the facility such as parking lots.

#### VI. EFFECTIVE DATE

This local law would take effect ninety days after its enactment into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 826-A:)

#### FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be a minimal impact on revenues. Fines associated with this legislation are intended to serve as a deterrent to breaking the law, and therefore would most likely not generate a substantial amount of revenue.

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

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

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

**ESTIMATE PREPARED BY:** Pakhi Sengupta, Senior Legislative Financial Analyst

Latonia McKinney, Deputy Director  
City Council Finance Division

**HISTORY:** Introduced as Intro. 826 by the Council on September 24, 2008 and referred to the Committee on Civil Rights. Hearing held on November 18, 2008, jointly with the Committee on Women's Issues, and laid over by the committees. An Amendment has been proposed and the legislation will be considered by the Committee on Civil Rights on April 1, 2009 as Proposed Int. 826-A.

Date Submitted to Council: September 24, 2008

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 826-A:)

Int. No. 826-A

By The Speaker (Council Member Quinn) and Council Members Reyna, Lappin, Foster, Yassky, Seabrook, Sears, de Blasio, Arroyo, Comrie, Fidler, Garodnick, Gonzalez, Jackson, James, Koppell, Liu, Mark-Viverito, Martinez, Nelson, Palma, Sanders, Stewart, Weprin, White, Gerson, Mendez, Gennaro, Brewer, Rivera, Dickens and The Public Advocate (Gotbaum).

**A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of activities to prevent access to reproductive health care facilities.**

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

<sup>37</sup> NYC Admin. Code § 8-807(b).

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The council of the city of New York finds that the right to access reproductive health services is an important personal right protected by state and federal law. Likewise, the right to peaceably protest and express one's views is protected by state and federal law. Such actions include, but are not limited to, the right to speak, march, demonstrate, picket, pray, associate with others in expressive behavior or engage in other activity protected by the First Amendment. The council is aware that there are individuals or groups of individuals who may exceed the boundaries of lawful First Amendment expression by engaging in physical activities that prevent access to reproductive health care facilities or by engaging in activities that unlawfully harass or intimidate individuals trying to access such facilities. Such activities unlawfully interfere with both the operators of reproductive health care facilities and all individuals seeking free entrance and egress from such facilities.

The council finds that current law does not adequately protect reproductive health care facilities and those who work in or seek services from such facilities. Therefore, the council finds it appropriate for the protection of the public health, safety and welfare, to enact new legislation to strengthen the prohibitions on interference with access to reproductive health care facilities and services.

§2. Section 8-801 of chapter 8 of title 8 of the administrative code of the city of New York, as added by Local Law 3 for the year 1994, is amended to read as follows.

§8-801. *Short title.* This local law shall be known as the "access to reproductive health[ services] care facilities act."

§3. Current subdivision c of section 8-802 of chapter 8 of title 8 of the administrative code of the city of New York is REPEALED and a new subdivision c is added to read as follows:

c. "Premises of a reproductive health care facility" shall mean the driveway, entrance, entryway, or exit of a reproductive health care facility and the building in which such facility is located and any parking lot in which the facility has an ownership or leasehold interest.

§4. Section 8-803 of chapter 8 of title 8 of the administrative code of the city of New York, as added by Local Law 3 for the year 1994, is amended to read as follows:

§8-803. Prohibition of activities to prevent access to reproductive health[ services] care facilities. a. It shall be unlawful for any person[ , with the intent to prevent any other person from obtaining or rendering, or assisting in obtaining or rendering, any reproductive health care service or counseling] (1) to knowingly physically obstruct or block[ such other] another person from entering into or exiting from the[ entryway or exit of a reproductive health care facility, or the] premises[ in which such] of a reproductive health care facility[ is located] by physically striking, shoving, restraining, grabbing, or otherwise subjecting a person to unwanted physical contact, or attempting to do the same; (2) to knowingly obstruct or block the premises of a reproductive health care facility, so as to impede access to or from the facility, or attempt to do the same; (3) to follow and harass[ such other] another person within 15 feet of the premises of a reproductive health care facility; (4)[ in or about a public place or places or] to engage in a course of conduct or repeatedly commit acts within 15 feet of the premises of a reproductive health care facility when such behavior places[ such other] another person in reasonable fear of physical harm, or attempt to do the same;[ or (3)] (5) to physically damage a reproductive health care facility so as to[ significantly disrupt its] interfere with its operation, or attempt to do the same[.]; or (6) to knowingly interfere with the operation of a reproductive health care facility, or attempt to do the same, by activities including, but not limited to, interfering with, or attempting to interfere with (i) medical procedures being performed at such facility or (ii) the delivery of goods to such facility.

b. Violations. Any person who shall violate any provision of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or both, for a first conviction under this section. For a second and each subsequent conviction under this section, the penalty shall be a fine not to exceed five thousand dollars or imprisonment not to exceed one year, or both.

§5. The opening paragraph of section 8-804 of chapter 8 of title 8 of the administrative code of the city of New York, as added by Local Law 3 for the year 1994, is amended to read as follows:

Where there has been a violation of subdivision (a) of section 8-803,[ Any] any person whose ability to[ obtain or render, or assist in obtaining or rendering] access a reproductive health care[ or counseling,] facility has been interfered with[ in violation of paragraphs one or two of subdivision (a) of section 8-803], and any owner or operator of a reproductive health care facility or owner of[ premises] a building in which such a facility is located,[ where there has been a violation of subdivision (a) of section 8-803,] may bring a civil action in any court of competent jurisdiction for any or all of the following relief:

§6. Section 8-805 of chapter 8 of title 8 of the administrative code of the city of New York, as added by Local Law 3 for the year 1994, is amended to read as follows:

§8-805. Civil action by city of New York to enjoin interference with access to reproductive health[ services] care facilities.

The corporation counsel may bring a civil action on behalf of the city in any court of competent jurisdiction for injunctive and other appropriate equitable relief in order to prevent or cure a violation of subdivision a of section 8-803.

§7. This local law shall take effect ninety days after its enactment into law.

**Attachment to the Committee Report:**

**CHART 1.**

	<b>Federal Freedom of Access to Clinic Entrances (FACE) (42 USC § 248)</b>	<b>State Penal Law (NY Penal Law § 240.70)</b>
<b>Intent</b>	Requires that intent be established when proving that any of the prohibited activities occurred.	Requires that intent be established when proving that any of the prohibited activities occurred.
<b>Protection of Persons</b>	Prohibits someone from using force, the threat of force or physical obstruction in order to injure, intimidate or interfere with anyone obtaining or providing reproductive health services.  Also prohibits the attempt to do any of the above	Prohibits someone from using force, the threat of force or physical obstruction to injure, intimidate or interfere with anyone: obtaining or providing health care services. in order to discourage him or her from obtaining or providing health care services. Also prohibits the attempt to do any of the above.
<b>Protection of Facilities</b>	Prohibits damaging or destroying the property of a reproductive health care facility (or attempting to do so).	Prohibits damaging the property of a reproductive health care facility (or attempting to do so).
<b>Remedies &amp; Penalties</b>	Any person can bring civil action to enforce. But, a violation of the prohibitions related to persons can only be brought by someone obtaining, trying to obtain, providing or trying to provide services in a reproductive health care facility. U.S. Attorney General and state attorney generals may seek civil remedies injunctive relief and compensatory damages.	Second degree is class A misdemeanor. First degree is a class E felony.

**CHART 2.**

<b>Current Law</b>	<b>What will change?</b>
Intent to prevent another from obtaining or rendering, or assisting in obtaining or rendering any reproductive health care services or counseling must be proven in <i>all</i> cases, including prosecutions for: <ul style="list-style-type: none"> <li>• Physically obstructing or blocking another person from                             <ul style="list-style-type: none"> <li>(a) accessing an entryway or exit of a clinic, or</li> <li>(b) the premises in which a clinic is located.</li> </ul> </li> <li>• Following and harassing another in or about a public place placing another in reasonable fear of physical harm.</li> </ul>	Current law is difficult to enforce because of its intent requirement. Under the new legislation, all the same activities (plus new ones) are illegal, police would not need to “see” intent to make an arrest, and proof of such intent would no longer be required for any prosecution under the law.
As long as the above elements, including intent, are met, the police can make an arrest under this statute anywhere around a clinic	Because intent is impossible to “see,” it the old law made it difficult for the police to determine whether the law was being broken so arrests rarely occurred. Under the new law, if any illegal behavior occurs within 15 feet of a clinic, it would be clear the law is being broken.
If intent can be discerned and is proven, the prohibited conduct is an A misdemeanor, if not it is likely to be a	If prohibited conduct occurs within 15 feet of clinic premises, it would be an A misdemeanor, if not it would likely

B misdemeanor or violation	be a B misdemeanor or violation.
All arrests AND prosecutions require a complainant who was obtaining or rendering or assisting another in obtaining or rendering reproductive health services or counseling - “merely” blocking an entrance or exit does not violate the law.	Arrests can be made based on observation alone if a protestor is knowingly obstructing or blocking the premises of a clinic – no complainant is required
Clinics and premises in which they are located are protected, but premises is not defined	Premises would be specifically defined to include both parking lots and driveways, which is critically important for clinics in the outer boroughs and expands the 15 foot area.
No opportunity for a clinic to complain based on protesters’ activities.	Knowingly interfering with the operation of a clinic would be a violation of the law.
Peaceful protest is not unlawful	No change.

LARRY B. SEABROOK, Chairperson; MICHAEL C. NELSON, DARLENE MEALY, MATHIEU EUGENE, JULISSA FERRERAS, Committee on Civil Rights, April 1, 2009.

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

**Reports of the Committee on Finance**

Report for Int. No. 955-A

**Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law in relation to the date of publication by the Mayor of the ten-year capital strategy, 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, and the date by which the Council hearings pertaining to the executive budget shall conclude, relating to the fiscal year two thousand ten.**

The Committee on Finance, to which was referred on March 24, 2009 (Minutes, page 932) the annexed amended proposed local law, respectfully

**REPORTS:**

**ANALYSIS:**

Proposed Int. No. 955-A would extend the dates for various actions relating to the budget process for Fiscal 2010. Specifically, this bill extends the date by which the Mayor issues the ten-year capital strategy, the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Borough Presidents must submit their recommendations in response to the Mayor’s executive budget, the date by which the Independent Budget Office must submit a report analyzing the Mayor’s executive budget, and the date by which the Council must conclude its hearings on the Mayor’s executive budget.

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

	<u>Charter Date</u>	<u>Extended Date For Fiscal 2010</u>
Mayor's issuance of ten-year capital strategy	not later than April 26	not later than May 1
Mayor's submission of proposed executive budget and budget message	not later than April 26	not later than May 1
Borough Presidents' recommendations in response to Mayor's executive budget	not later than May 6	not later than May 11
Report of the Independent Budget Office on the Mayor's executive budget	not later than May 15	not later than May 20
City Council's public hearings on the Mayor's executive budget	shall conclude by May 25	shall conclude by June 2

This legislation would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 955-A:)

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 09</b>	<b>FY Succeeding Effective FY 10</b>	<b>Full Fiscal Impact FY 09</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$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:** Madia Snyder, Finance Intern  
Tanisha Edwards, Counsel  
City Council Finance Division

**HISTORY:** To be considered by Committee on April 2, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 955-A:)

Int. No. 955-A

By Council Member Weprin (by request of the Mayor).

**A Local Law in relation to the date of publication by the Mayor of the ten-year capital strategy, 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, and the date by which the Council hearings pertaining to the executive budget shall conclude, relating to the fiscal year two thousand ten**

*Be it enacted by the Council as follows:*

- Section 1. During the calendar year 2009 and in relation to the 2010 fiscal year:
1. Notwithstanding any inconsistent provisions of section 248 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section issue and publish a ten-year capital strategy, prepared in accordance with the provisions of section two hundred fifteen of this charter, not later than May 1, 2009.
  2. 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 1, 2009.
  3. 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 11, 2009.
  4. 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 20, 2009.
  5. 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 2, 2009.
- §2. This local law shall take effect immediately.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 955-A:)

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

**A LOCAL LAW**

To amend the New York City Charter, in relation to the date of publication by the Mayor of the ten-year capital strategy, 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, and the date by which the Council hearings pertaining to the executive budget shall conclude, relating to the fiscal year two thousand ten.

Given under my hand and seal this 2<sup>nd</sup> day of April, 2009 at City Hall in the City of New York.

Michael R. Bloomberg  
Mayor

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



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

Report for Res. No. 1896

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

The Committee on Finance, to which was referred on April 2, 2009 the annexed resolution, respectfully

**REPORTS:**

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

Analysis. This Resolution, dated April 2, 2009, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2009 Expense Budget, and approves the addition of fiscal conduits for certain organizations receiving local and youth discretionary funding. In addition, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget.

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

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A, sets forth new designations and changes in aging discretionary funding, as described in Chart 2, attached thereto as Exhibit B, sets forth new designations and specific changes in the designation of certain organizations receiving youth discretionary funding, as described in Chart 3, attached thereto as Exhibit C, and sets forth the new designations of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget, as described in Charts 4-15, attached hereto as reflected in Exhibits D-O.

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

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding. Chart 1 also reflects the addition of the Bay Ridge Bensonhurst Beautification and Preservation as a fiscal conduit for the Brooklyn Generals Football, Inc. organization.

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

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding. Chart 3 also reflects the addition of the Council of Jewish Organizations of Flatbush, Inc. as a fiscal conduit for the St. Paul's Lutheran Church organization.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative. As indicated in Chart 4, funding in the amount of \$19,362.74 for the Museum of Contemporary African Diasporian Arts-Public School 20 has been

withdrawn. This money will be used to fund the Museum of Contemporary African Diasporian Arts-Public School 22K.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative. As indicated in Chart 5, funding in the amount of \$25,000.00 for the Upper Manhattan Council Assisting Neighbors has been withdrawn. This money will be used to fund the Northern Manhattan Coalition for Immigrant Rights.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative. As indicated in Chart 6, funding in the amount of \$37,500.00 for the United Jewish Community Advocacy Relations and Enrichment (UJ CARE), Inc. has been withdrawn. This money will be used to fund the Jericho Road, Inc.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative. As indicated in Chart 7, funding in the amount of \$5,000.00 for the Neighborhood Initiatives Development Corporation (NIDC) has been withdrawn. This money will be used to fund the Jewish Community Council of Pelham Parkway, Inc.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Illegal Eviction and SRO Legal Services Initiative.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative, leaving a remaining balance of \$161,223. The Fiscal 2009 Expense Budget provided \$640,000 for the Discharge Planning/In-Detention Services Initiative within the budget for the Department of Juvenile Justice (DJJ). On February 21, 2009, pursuant to Council Resolution, funding in the amount of \$478,777 was used to fund several organizations within the Initiative. Pursuant to the February 21, 2009 Resolution, the remaining balance would be used to fund organizations to be designated by the DJJ, and approved by the Council, at a later date. This Resolution reflects the Council's approval of the DJJ designation of certain organizations to be funded with the remaining balance of \$161, 223 within the Discharge Planning/In-Detention Services Initiative.

Chart 10 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Autism Awareness Initiative. Chart 10 indicates a technical correction. The Fiscal 2009 Expense Budget inadvertently provided \$100,000 to the Jewish Board of Family and Children's Services (aka Pride of Judea)- The Shield Institute within the Autism Awareness Initiative rather than David, The (d/b/a Shield Institute, The). Chart 10 reflects the proper designation of the funding to Shield of David, The (d/b/a Shield Institute, The).

Chart 11 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Financial Literacy Initiative. As indicated in Chart 11, funding in the amount of \$60,000 for the Upper Manhattan Council Assisting Neighbors has been withdrawn. This money will be used to fund the Washington Heights Business Improvement District Management Association, Inc.

Chart 12 sets forth the new designation and changes in certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative. As indicated in Chart 12, funding in the amount of \$75,000 for the Upper Manhattan Council Assisting Neighbors has been withdrawn. This money will be used to fund the New York Women's Chamber of Commerce, Inc.

Chart 13 sets forth the new designation and changes in certain organizations receiving funding pursuant to the HIV/AIDS Faith-Based Initiative. The Fiscal 2009 Expense Budget included \$2,000,000 for the HIV/AIDS Faith-Based Initiative within the budget for the Department of Health and Mental Hygiene. The language within the Fiscal 2009 Expense Budget with regard to the purpose of funding for this initiative read: "This allocation represents a partial restoration of \$2,000,000 for prevention, education, outreach, advocacy and support services. This funding is directed to local churches and community-based organizations which demonstrated an ability to engage vulnerable populations raise awareness of the disease and thereby help lower the rate of HIV/AIDS. This allocation historically receives a 36 percent State match of Article Six funding. However, this year the amount of the match will be determined at a later date due to a State budget reduction." This Resolution, as indicated in Chart 13, reflects State matching funds for this Initiative totaling approximately \$551,000. This amount, as indicated in Chart 13, reflects an enhancement to organizations within the Initiative, as well as an addition of new organizations to the Initiative.

Chart 14 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative. Chart 14 indicates a name change. The Fiscal 2009 Expense Budget provided funding in the amount of \$9,793.12 for the St. Vincent's Medical Center of Richmond Nursing Home Company, Inc. Subsequent to adoption of the Fiscal 2009 Expense Budget, this organization changed its name to Richmond Medical Center (d/b/a Richmond

University Medical Center). Chart 14 reflects the name change and the proper designation of the \$9,793.12 to the Richmond Medical Center d/b/a Richmond University Medical Center.

Chart 15 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-HRA Initiative. As indicated in Chart 15, funding in the amount of \$500,000.00 for the Emergency Food Assistance Program (EFAP) Initiative has been withdrawn. This money will be used to fund the Food Bank for New York City, The.

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

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

Accordingly, Your Committee recommends its adoption.

**(The following is the text of Res. No. 1896:)**

Res. No. 1896

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 Expense Budget.**

By Council Member Weprin.

**Whereas,** On June 29, 2008, the Council of the City of New York (the "City Council") adopted the Fiscal 2009 Expense Budget with various programs and initiatives (the "Adopted Fiscal 2009 Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the addition of fiscal conduits for certain organizations receive local and youth discretionary funding; and

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

**Resolved,** That the City Council approves the new designation and changes in the designation of, and the addition of a fiscal conduit for, certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

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

**Resolved,** That the City Council approves the new designation and changes in the designation of, and the addition of a fiscal conduit for, of certain organizations receiving youth discretionary funding as set forth in Chart 3, attached hereto as Exhibit C; and be it further

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

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

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

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

Pantries Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti Illegal Eviction and SRO Legal Services Contracts Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Financial Literacy Initiative, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative, as set forth in Chart 13, attached hereto as Exhibit M; and be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Initiative, as set forth in Chart 14, attached hereto as Exhibit N; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-HRA Initiative, as set forth in Chart 15, attached hereto as Exhibit O.

**ATTACHMENT:**

**EXHIBIT A**

HART 1: Local Initiatives

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN, Status (Council, MOC, etc)

indicates pending completion of pre-qualification review.

HART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN, Status (Council, MOC, etc)

indicates pending completion of pre-qualification review.

EXHIBIT B

HART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN, Status (Council, MOC, etc)

indicates pending completion of pre-qualification review.

HART 2: Aging Discretionary

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN, Status (Council, MOC, etc)

indicates pending completion of pre-qualification review.

EXHIBIT C

HART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	Status (Council, MOC, etc)
easy	Virginia Family Advocacy & Pre-Trial Services	85-0894084	DYCD	(\$5,000.00)	280	312			Application incomplete at
easy	Episcopal Social Services of New York, Inc.	13-3762055	DYCD	\$2,000.00	280	312			Approved
easy	Cool Culture, Inc.	16-1693988	DYCD	\$3,000.00	280	312	Council of Jewish Organizations of Flatbush, Inc.	11-2884728	Approved
swart	New Life Tabernacle Church	11-1618615	DYCD	(\$18,000.00)	280	312			Application Not Rec'd at
swart	New York Junior Tennis League, Inc.	23-2422268	DYCD	\$5,000.00	280	312			Approved
swart	Sesame Friends International, Inc.	11-2689485	DYCD	\$4,000.00	280	312			Approved
swart	Brooklyn Knights Pathfinders	11-3350715	DYCD	\$2,000.00	280	312			Approved
swart	St. Paul's Lutheran Church	41-1568278	DYCD	\$2,000.00	280	312	Council of Jewish Organizations of Flatbush, Inc.	11-2884728	Approved
swart	Caribbean American Sports and Cultural Youth Movement	11-2778372	DYCD	\$5,000.00	280	312			Application Pending
swart	Vanderweest Park United Methodist Church	11-1667776	DYCD	\$1,000.00	280	312			Application Not Rec'd at
spin	Message Bros Firm	11-2658166	DYCD	(\$10,000.00)	280	312			Deadline
spin	Usher and Industry for Education, Inc.	11-4089993	DYCD	\$10,000.00	280	312			Application incomplete at
wra	Ranger Corps, Inc.	13-3884888	DYCD	(\$17,500.00)	280	312			Deadline
wra	Tanaka Productions, Inc.	13-3762465	DYCD	\$4,375.00	280	312			Application incomplete at
wra	Philips Community Development Corporation	13-2707665	DYCD	\$4,375.00	280	312			Approved
wra	Mary Mitchell Youth and Family Center, Inc.	13-3385032	DYCD	\$4,375.00	280	312			Approved
wra	Fordham Bedford - Children's Services	13-3885048	DYCD	\$4,375.00	280	312			Approved
ziders, J.	Laurelton Little League	23-2729418	DYCD	(\$9,000.00)	280	312			Denied
ziders, J.	Southern Queens Park Association, Inc.	11-2452846	DYCD	\$9,000.00	280	312			Application incomplete at
zisky	Ichud Mosdos Heichuch of Brooklyn	03-0503351	DYCD	(\$15,000.00)	280	312			Deadline
zisky	Groundswell Community Mutual Project	11-3422731	DYCD	\$15,000.00	280	312			Application incomplete at
zira	Ranger Corps, Inc.	13-3884888	DYCD	(\$3,500.00)	280	312			Approved
zira	Kips Bay Boys and Girls Club, Inc.	13-1623850	DYCD	\$3,500.00	280	312			Redesignated
zira	Indian Jewish Congregation of USA	01-0946399	DYCD	(\$5,000.00)	280	312			Governmental Entity
zira	Renaissance Charter School, The	11-3585381	DYCD	\$1,000.00	280	312			Application Pending
zira	Empire Community Little League, Inc.	11-2759909	DYCD	\$2,000.00	280	312			Deadline
zira	Upper Manhattan Council Assisting Neighbors	13-4023261	DYCD	(\$30,214.00)	280	312			Denied
zira	Upper Manhattan Council Assisting Neighbors	13-4023261	DYCD	(\$30,214.00)	280	312			Redesignated
zira	Upper Manhattan Council Assisting Neighbors	13-4023261	DYCD	(\$30,214.00)	280	312			Application incomplete at
zira	World Vision, Inc.	95-1922279	DYCD	(\$10,000.00)	280	312			Deadline
zira	Padres Abgande Por Los Niños (PAM), Inc.	20-2428888	DYCD	(\$15,000.00)	280	312			Application Not Rec'd at
zira	Vocational Foundation, Inc.	13-1978246	DYCD	\$43,714.00	280	312			Deadline
zira	Alvarez Dominicana, Inc. Conjuntio Folklórico Danso Group	13-3420267	DYCD	\$15,000.00	280	312			Approved
zira	D'var-Gamle Athletic League	11-2520063	DYCD	(\$11,000.00)	280	312			Approved
zira	New York Junior Tennis League, Inc.	23-7442266	DYCD	\$11,000.00	280	312			Application incomplete at

indicates pending completion of pre-qualification review.

EXHIBIT E

HART 5: Immigrant Opportunities Initiative

Borough	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Status (Council, MOC, etc)
Manhattan	Upper Manhattan Council Assisting Neighbors	13-4023261	DYCD	(\$25,000.00)	280	1065	Denied
Manhattan	Northern Manhattan Coalition for Immigrant Rights	13-3265591	DYCD	\$25,000.00	280	1065	Approved

\$0.00

indicates pending completion of pre-qualification review.

HART 3: Youth Discretionary (continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	Status (Council, MOC, etc)
ziders, J.	Independent Learning, Inc. RISE4, SST, (30, 100)	83-3272857	DYCD	(\$5,000.00)	280	312			Redesignated
ziders, J.	Feinberg, Inc.	11-2426813	DYCD	\$5,000.00	280	312			Approved
zira	Carolina Heights Sports Association	23-7188851	DYCD	(\$12,500.00)	280	312			Application Not Rec'd at
zira	Jazz Knights	11-3384788	DYCD	(\$6,000.00)	280	312			Application incomplete at
zira	Polka Athletic League, Inc.	13-2588811	DYCD	\$15,500.00	280	312			Deadline
zira	ICYP Youth Program of Astoria, Inc.	11-2272488	DYCD	(\$7,000.00)	280	312			Application incomplete at
zira	St. Marcellus R.C. Church	11-2688241	DYCD	\$7,000.00	280	312			Approved
zira	St. Peter's Girls High School Track Team	13-2888458	DYCD	(\$4,000.00)	280	312	United Activities Unlimited	11-2827483	Approved
zira	New York City Junior Golf Club, Inc.	13-2845102	DYCD	(\$4,000.00)	280	312			Redesignated
zira	Rockaway Boys Association	24-4265571	DYCD	(\$5,000.00)	280	312	United Activities Unlimited	11-2827483	Redesignated
zira	Universal Temple of the Arts	13-3333586	DYCD	\$7,500.00	280	312			Approved
zira	Children's Art Society, The	13-2887191	DYCD	\$7,500.00	280	312			Approved
zira	New York Center for Children	95-4202444	DYCD	(\$13,000.00)	280	312			Application incomplete at
zira	Leroz Hill Neighborhood House, Inc.	13-2881881	DYCD	\$13,000.00	280	312			Approved

\$0.00

indicates pending completion of pre-qualification review.

EXHIBIT D

HART 4: Cultural After School Adventure (CASA)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Status (Council, MOC, etc)
zira	Museum of Contemporary African Diasporan Arts-Public School 20	11-3267774	DYCD	(\$19,382.74)	280	312	Approved
zira	Museum of Contemporary African Diasporan Arts-Public School 22K	11-3267774	DYCD	\$19,382.74	280	312	Approved

\$0.00

indicates pending completion of pre-qualification review.

# EXHIBIT F

CHART 6: Domestic Violence Empowerment (DOVE) Initiative

Member	Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
United Jewish Community Advocacy Relations and Enrichment (UJ CARE), Inc.	26-257662	MISC	(\$37,500.00)	098	002	Application Incomplete at /Deadline	
Jeitro Road, Inc.	11-3463915	MISC	\$37,500.00	098	002	Application Pending	
				\$0.00			

\*Indicates pending completion of pre-qualification review.

# EXHIBIT G

CHART 7: Food Pantries

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	(\$5,000.00)	250	005	Approved
Jewish Community Council of Pelham Parkway, Inc.	13-3098520	DYCD	\$5,000.00	250	005	Application Pending
				\$0.00		

\*Indicates pending completion of pre-qualification review.

# EXHIBIT H

CHART 8: Anti Illegal Eviction and SRO Legal Services Contracts

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Legal Services NYC - Bedford Stuyvesant Community Legal Services Corporation	11-2149862	HPD	(\$4,888.00)	806	009	Approved
Legal Services NYC - Bronx	13-2601168	HPD	(\$67,500.00)	806	009	Approved
Legal Services NYC - Brooklyn Legal Services Corporation A	13-2605588	HPD	(\$86,074.00)	806	009	Approved
Legal Services NYC - Manhattan	13-2601168	HPD	(\$95,488.00)	806	009	Approved
Legal Services NYC - Manhattan Legal Services-Harlem Office	13-2613658	HPD	(\$64,088.00)	806	009	Approved
Legal Services NYC - Queens Legal Services Corporation	13-2605604	HPD	(\$122,294.00)	806	009	Approved
Legal Services NYC - South Brooklyn Legal Services	13-2605606	HPD	(\$180,571.00)	806	009	Approved
SNY Bronx Corporation dba Legal Services NYC - Bronx	16-1769690	HPD	\$67,500.00	806	009	Approved
Bedford-Stuyvesant Community Legal Services Corporation	11-2149862	HPD	\$94,888.00	806	009	Approved
Brooklyn Legal Services Corporation A	13-2605588	HPD	\$96,074.00	806	009	Approved
South Brooklyn Legal Services, Inc.	13-2605606	HPD	\$180,571.00	806	009	Approved
Queens Legal Services Corporation	13-2605604	HPD	\$122,294.00	806	009	Approved
Manhattan Legal Services	13-2613658	HPD	\$159,595.00	806	009	Approved
				\$0.00		

\*Indicates pending completion of pre-qualification review.

# EXHIBIT I

CHART 9: Discharge Planning/In-Detention Services

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Violence Prevention for Boys in Secure Detention (VENDOR TO BE SELECTED BY DJJ)		DJJ	(\$78,000.00)	130	002	
Mentality and Stress Reduction (VENDOR TO BE SELECTED BY DJJ)		DJJ	(\$25,000.00)	130	002	
entering for Youth in Non-Secure Detention (VENDOR TO BE SELECTED BY DJJ)		DJJ	(\$30,000.00)	130	002	
creative Arts for Youth in Secure Detention and Group Homes (VENDOR TO BE ELECTED BY DJJ)		DJJ	(\$28,223.00)	130	002	
ouncil for Unity, Inc.	11-2880221	DJJ	\$78,000.00	130	002	Approved
ur Own Greatness Affirmed (T.O.G.A for Youth)	31-1622652	DJJ	\$25,000.00	130	002	Application Pending
earch Foundation of the City University of New York/CUNY Meagar Evers	13-1888190	DJJ	\$30,000.00	130	002	Government Entity
ing Art Together	13-3363578	DJJ	\$28,223.00	130	002	Application Pending
				\$0.00		

\*Indicates pending completion of pre-qualification review.

# EXHIBIT J

## CHART 10: Autism Awareness

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)-The Shield Institute	13-5564937	DOHMH	(\$100,000.00)	816	121	Approved
Shield of David, The obvia Shield Institute, The	13-740041	DOHMH	\$100,000.00	816	121	Application Pending
			\$0.00			

Indicates pending completion of pre-qualification review.

# EXHIBIT K

## CHART 11: Financial Literacy

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Upper Manhattan Council Assisting Neighbors	13-424283	DSSS	(\$50,000.00)	801	002	Denied
Washington Heights Business Improvement District Management Association, Inc.	13-334673	DSSS	\$50,000.00	801	002	Approved
			\$0.00			

Indicates pending completion of pre-qualification review.

# EXHIBIT L

## CHART 12: NWBE Leadership Associations

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
Upper Manhattan Council Assisting Neighbors	13-424283	DSSS	(\$75,000.00)	801	002	Denied
New York Women's Chamber of Commerce, Inc.	141845661	DSSS	\$75,000.00	801	002	Approved
			\$0.00			

Indicates pending completion of pre-qualification review.

# EXHIBIT M

## CHART 13: HIV/AIDS Faith Based Initiative

Organization	EIN Number	Agency	Amount	Agry #	UA #	Status (Council, MOC, etc)
National Black Leadership Commission on AIDS, Inc.	13-3530741	DOHMH	\$10,076.00	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Abyssinian Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Antioch Baptist Church/Brooklyn	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Antioch Baptist Church/Manhattan	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Bedford Central Presbyterian Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Berean Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Bethany Baptist Church/Queens	13-3530741	DOHMH	(\$10,000.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Bethany Baptist Church/Brooklyn	13-3530741	DOHMH	(\$10,000.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Bethesda Missionary Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Brown Memorial Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Cathedral of God's Lighthouse Power	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Canaan Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Central Baptist Church	13-3530741	DOHMH	(\$10,000.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Christ Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Christ the Rock International Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Church of God's Children	13-3530741	DOHMH	(\$10,000.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Church of the Open Door	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Concord Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Convent Avenue Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Day Spring Baptist Church	13-3530741	DOHMH	(\$10,000.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Emmanuel Baptist Church/Bklyn	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Emmanuel Baptist Church/Bronx	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - Fellowship Baptist Church	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved
National Black Leadership Commission on AIDS, Inc. - First Baptist of Crown Heights	13-3530741	DOHMH	(\$3,528.00)	816	112	Approved

Indicates pending completion of pre-qualification review.

HART 13: HIV/AIDS Faith Based Initiative (continued)

Table listing HIV/AIDS Faith Based Initiative organizations, EIN numbers, agency codes, amounts, and status (Council, MOC, etc). Includes entries for various church-based organizations like 'First Bethel AME' and 'Central Baptist Church'.

indicates pending completion of pre-qualification review.

HART 13: HIV/AIDS Faith Based Initiative (continued)

Table listing HIV/AIDS Faith Based Initiative organizations, EIN numbers, agency codes, amounts, and status. Includes entries for 'Rehoboth Church International', 'Raising Star Baptist Church', and 'Life Force Women Fighting AIDS, Inc.'.

indicates pending completion of pre-qualification review.

HART 13: HIV/AIDS Faith Based Initiative (continued)

Table listing HIV/AIDS Faith Based Initiative organizations, EIN numbers, agency codes, amounts, and status. Includes entries for 'Harlem Dowing Westside Center for Children and Family Services', 'Life Force Women Fighting AIDS, Inc.', and 'United Methodist Church "Broadway Temple"'.

indicates pending completion of pre-qualification review.

HART 13: HIV/AIDS Faith Based Initiative (continued)

Table listing HIV/AIDS Faith Based Initiative organizations, EIN numbers, agency codes, amounts, and status. Includes entries for 'Mission San Juan Bautista', 'Saint Simon Stock RC', and 'Church of the Mediator'.

indicates pending completion of pre-qualification review.

HART 13: HIV/AIDS Faith Based Initiative (continued)

Organization	EIN Number	Agency	Amount	Agy #	UJA *	Status (Council, MOC, etc.)
ational Black Leadership Commission on AIDS, Inc. - JAFAS	13-3530740	DOHMH	\$6,472.00	816	112	Approved
ational Black Leadership Commission on AIDS, Inc. - Manhattan HIV/AIDS Care etwork	13-3530740	DOHMH	\$6,472.00	816	112	Approved
ational Black Leadership Commission on AIDS, Inc. - Queens HIV/AIDS Care etwork	13-3530740	DOHMH	\$6,472.00	816	112	Approved
ational Black Leadership Commission on AIDS, Inc. - Staten Island HIV/AIDS Care etwork	13-3530740	DOHMH	\$12,944.00	816	112	Approved
ational Black Leadership Commission on AIDS, Inc. - Young Women of Color HIV/AIDS Coalition	13-3530740	DOHMH	\$45,304.00	816	112	Approved
			\$0.00			

Indicates pending completion of pre-qualification review.

EXHIBIT N

HART 14: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	UJA *	Status (Council, MOC, etc.)
L. Vincent's Medical Center of Richmond Nursing Home Company, Inc.	74-3177454	DOHMH	(\$9,793.12)	816	113	Technical Change
Richmond Medical Center at the Richmond University Medical Center	74-3177454	DOHMH	\$9,793.12	816	113	Approved
			\$0.00			

Indicates pending completion of pre-qualification review.

EXHIBIT O

HART 15: Food Pantries-HRA

Organization	EIN Number	Agency	Amount	Agy #	UJA *	Status (Council, MOC, etc.)
Emergency Food Assistance Program (EFAP)		DSS	(\$300,000.00)	089	105	Technical Change
ood Bank for New York City, The	13-3179548	DSS	\$300,000.00	089	105	Approved
			\$0.00			

Indicates pending completion of pre-qualification review.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

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

Report for M-1382

**Report of the Committee on Finance in favor of approving the Operating Budget of the Council of The City of New York – Fiscal Year 2010.**

The Committee on Finance, to which was referred on April 2, 2009 the annexed resolution, respectfully

REPORTS:



**FISCAL YEAR 2010  
THE OPERATING BUDGET  
OF THE COUNCIL OF THE CITY OF NEW YORK**

Submitted pursuant to  
Section 243 of the  
Charter of the City of New York

April 2, 2009

**TO:** Honorable Christine C. Quinn  
Speaker

Honorable David I. Weprin  
Chairman, Finance Committee

**FROM:** Charles E. Meara  
Chief of Staff

Joyce H. Singerman  
Fiscal Officer

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Precon. (M-1382) The Operating Budget of the Council of The City of New York**

**Precon. (M-1383) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the Charter of the City of New York, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included are a budget for Council contractual services, and a resolution for the approval of a lump-sum OTPS unit of appropriation.

*After hearing testimony and reviewing the relevant material, this Committee decided to approve M-1382 & Res 1897 and M-1383 & Res No. 1898*

**(For the report, please see the Attachment to Res No. 1897; for further text and material regarding the Operating Budget of the Council of the City of New York for Fiscal Year 2010, please see the Report of the Committee on Finance for the related M-1382 & Res No. 1897 printed in these Minutes).**

Accordingly, Your Committee recommends the adoption of M-1382 & Res 1897 and M-1383 & Res No. 1898.

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

Res. No. 1382

**Resolution approving the Fiscal Year 2010 operating Budget of the Council of the City of New York.**

By Council Member Weprin.

**Resolved,** by the City Council, pursuant to the provisions of section 243 of the New York City Charter, that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

**ATTACHMENT:**

Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into two categories, one for members, one for central staff (see Appendix A) and one for each standing committee. A separate resolution approving the central staff's lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for member budget total \$277,336, with Committee Chairs receiving \$317,336.

Staff from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations divisions are specifically assigned to each committee, subcommittee, select committee and task force. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration. (Please refer to the statements of programmatic objectives).

Staff from the following Divisions are assigned to these Committees, Subcommittees, Select Committees and Task Forces:

**General Counsel**

Rules, Privileges and Elections  
Standards & Ethics  
State & Federal Legislation

**Governmental Affairs**

Civil Rights  
Consumer Affairs  
Contracts  
Fire & Criminal Justice Services

General Welfare  
Governmental Operations  
Immigration  
Juvenile Justice  
Public Safety

**Finance**

Finance

**Human Services**

Aging  
Senior Centers (Subcommittee)  
Civil Services and Labor  
Cultural Affairs, Libraries & International Intergroup Relations  
Libraries (Select Committee)  
Education  
Health  
Hospital Closings (Task Force)  
Higher Education  
Mental Health, Mental Retardation Alcoholism, Drug Abuse & Disability Services  
Drug Abuse (Subcommittee)  
Small Business  
Transportation  
Veterans  
Women's Issues  
Youth Services

**Infrastructure**

Community Development  
Economic Development  
Environmental Protection  
Housing & Buildings  
Public Housing (Subcommittee)  
Operations and Improvement of the Department of Buildings (Task Force)  
Lower Manhattan Redevelopment  
Parks & Recreation  
Sanitation & Waste Management  
Technology in Government  
Waterfronts

**Land Use**

Land Use  
Landmarks, Public Siting & Maritime Uses (Subcommittee)  
Planning, Dispositions & Concessions (Subcommittee)  
Zoning & Franchises (Subcommittee)

**Policy & Investigations**

Oversight & Investigations

**CITY COUNCIL BUDGET**

**Function:**

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 157,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.

**CITY COUNCIL BUDGET  
FISCAL YEAR 2010**

	FISCAL 2009 ADOPTED BUDGET	FISCAL 2009 POS.	FISCAL 2009 UPDATED	FISCAL 2009 POS.	FISCAL 2010 COUNCIL BUDGET	FISCAL 2010 POS.	CHANGE BETWEEN FY2009 ADOPTED AND FY2010 PROPOSED BUDGET	% CHANGE
<b>PERSONAL SERVICES</b>								
U/A 001	\$17,917,776	51	\$17,917,776	51	\$17,963,776	51	\$46,000	
U/A 002	\$8,384,479	116	\$8,149,479	116	\$8,149,337	116	(\$142)	
U/A 005	\$10,764,861	152	\$10,999,861	152	\$10,202,879	152	(\$796,982)	
<b>COMMITTEES (U/A 600-690)</b>								
PS TOTALS	\$37,067,151	0	\$37,067,151	0	\$36,316,028	0	(\$751,123)	-1.4%
<b>OTHER THAN PERSONAL SERVICES</b>								
U/A 100	\$5,269,811		\$5,269,811		\$5,139,811		(\$130,000)	
U/A 200	\$9,923,335		\$9,967,742		\$9,079,866		(\$843,469)	
<b>COMMITTEES (U/A 800-890)</b>								
OTPS TOTALS	\$15,193,181		\$15,237,588		\$14,219,713		(\$973,468)	-1.9%
<b>COUNCIL BUDGET</b>	<b>\$52,260,332</b>	<b>329</b>	<b>\$52,304,739</b>	<b>329</b>	<b>\$50,535,741</b>	<b>0</b>	<b>(\$1,724,591)</b>	<b>-3.3%</b>

**CITY COUNCIL BUDGET  
FISCAL YEAR 2010  
PERSONAL SERVICES**

DESCRIPTION	U/A	POS.	FISCAL 2009 ADOPTED BUDGET	FISCAL 2009 POS.	FISCAL 2009 UPDATED	FISCAL 2009 POS.	FISCAL 2010 COUNCIL BUDGET	FISCAL 2010 POS.	CHANGE
COUNCIL MEMBERS	001	51	\$17,917,776	51	\$17,917,776	51	\$17,963,776	51	\$46,000
COUNCIL SERVICES	002	116	\$8,384,479	116	\$8,149,479	116	\$8,149,337	116	(\$142)
COMMITTEE ON THE AGING	005	152	\$10,764,861	152	\$10,999,861	152	\$10,202,879	152	(\$796,982)
CIVIL RIGHTS	600	0	\$1	0	\$1	0	\$1	0	\$0
LABOR	601	0	\$1	0	\$1	0	\$1	0	\$0
COMMUNITY DEVELOPMENT	602	0	\$1	0	\$1	0	\$1	0	\$0
CONSUMER AFFAIRS	603	0	\$1	0	\$1	0	\$1	0	\$0
CONTRACTS	604	0	\$1	0	\$1	0	\$1	0	\$0
LIBRARIES, LIBRARIES & INTL. INTERGROUP RELATIONS	605	0	\$1	0	\$1	0	\$1	0	\$0
ECONOMIC DEVELOPMENT	606	0	\$1	0	\$1	0	\$1	0	\$0
EDUCATION	607	0	\$1	0	\$1	0	\$1	0	\$0
ENVIRONMENTAL PROTECTION	608	0	\$1	0	\$1	0	\$1	0	\$0
FINANCE	609	0	\$1	0	\$1	0	\$1	0	\$0
FIRE & CRIMINAL JUSTICE SERVICES	610	0	\$1	0	\$1	0	\$1	0	\$0
HEALTH	611	0	\$1	0	\$1	0	\$1	0	\$0
GOVERNMENTAL OPERATIONS	612	0	\$1	0	\$1	0	\$1	0	\$0
HEALTH	613	0	\$1	0	\$1	0	\$1	0	\$0
HIGHER EDUCATION	614	0	\$1	0	\$1	0	\$1	0	\$0
HOUSING & BUILDINGS	615	0	\$1	0	\$1	0	\$1	0	\$0
IMMIGRATION	616	0	\$1	0	\$1	0	\$1	0	\$0
JUVENILE JUSTICE	617	0	\$1	0	\$1	0	\$1	0	\$0
LAND USE	618	0	\$1	0	\$1	0	\$1	0	\$0
LOWER MANHATTAN REDEVELOPMENT	619	0	\$1	0	\$1	0	\$1	0	\$0
MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	620	0	\$1	0	\$1	0	\$1	0	\$0
OVERSIGHT AND INVESTIGATIONS	621	0	\$1	0	\$1	0	\$1	0	\$0
PUBLIC SAFETY	622	0	\$1	0	\$1	0	\$1	0	\$0
RULES, PRIVILEGES AND ELECTIONS	623	0	\$1	0	\$1	0	\$1	0	\$0
SANITATION & SOLID WASTE MANAGEMENT	624	0	\$1	0	\$1	0	\$1	0	\$0
STANDARDS & ETHICS	625	0	\$1	0	\$1	0	\$1	0	\$0
STATE & FEDERAL LEGISLATION	626	0	\$1	0	\$1	0	\$1	0	\$0
TECHNOLOGY IN GOVERNMENT	627	0	\$1	0	\$1	0	\$1	0	\$0
TRANSPORTATION	628	0	\$1	0	\$1	0	\$1	0	\$0
VETERANS	629	0	\$1	0	\$1	0	\$1	0	\$0
WATERFRONTS	630	0	\$1	0	\$1	0	\$1	0	\$0
WOMEN'S ISSUES	631	0	\$1	0	\$1	0	\$1	0	\$0
YOUTH SERVICES	632	0	\$1	0	\$1	0	\$1	0	\$0
<b>TOTAL</b>		<b>329</b>	<b>\$52,260,332</b>	<b>329</b>	<b>\$52,304,739</b>	<b>329</b>	<b>\$50,535,741</b>	<b>0</b>	<b>(\$1,724,591)</b>

PS DETAIL

U/A 001 PS (COUNCIL MEMBERS)			
BUDGET CODE	OBJ. CODE	DESCRIPTION	FY 2010 COUNCIL BUDGET
0101	001	Council Members	\$5,755,500
	021	Councilmanic Aides	\$11,740,776
	041	Stipend	\$467,500
Total: 0101			\$17,963,776
U/A TOTAL			
			51 \$17,963,776
U/A 002 PS (COMMITTEE STAFFING)			
BUDGET CODE	OBJ. CODE	DESCRIPTION	FY 2010 COUNCIL BUDGET
0102	001	Policy & Investigations	\$446,681
Total: 0102			\$446,681
1102	001	Finance Division	\$2,396,801
	031		\$62,000
Total: 1102			\$2,458,801
2102	001	Land Use	\$969,152
Total: 2102			\$969,152
3102	001	Office of the General Council	\$1,069,948
Total: 3102			\$1,069,948
4102	001	Governmental Affairs	\$1,361,690
Total: 4102			\$1,361,690
5102	001	Human Services	\$976,002
Total: 5102			\$976,002
7102	001	Infrastructure	\$867,263
Total: 7102			\$867,263
U/A TOTAL			
			116 \$8,149,337
U/A 005 PS (COUNCIL SERVICE DIVISION)			
BUDGET CODE	OBJ. CODE	DESCRIPTION	FY 2010 COUNCIL BUDGET
0105	001	Administrative Services	\$3,746,306
	021		\$105,000
	031		\$225,000
Total: 0105			\$4,076,306
1005	001	Correspondence Services	\$303,001
Total: 1005			\$303,001
1105	001	Member Services	\$492,425
Total: 1105			\$492,425
2105	001	Information Technology	\$645,737
Total: 2105			\$645,737
3105	001	Legislative Documents	\$365,253
Total: 3105			\$365,253
4105	001	Sergeants-AI-Arms	\$425,530
Total: 4105			\$425,530
5105	001	Speaker's Office	\$2,154,992
Total: 5105			\$2,154,992
6105	001	Minority Leader's Office	\$212,087
Total: 6105			\$212,087
7105	001	Communications	\$572,264
Total: 7105			\$572,264
8105	001	Community Outreach	\$501,445
Total: 8105			\$501,445
9105	001	Event & Production Services	\$453,837
Total: 9105			\$453,837
U/A TOTAL			
			182 \$10,202,879
PS TOTALS			
			329 \$36,315,992

Footnotes appear on the following page

Committees, Subcommittees, Select Committees and Task Forces Assigned to Divisions

1 Policy & Investigations  
Oversight & Investigations

2 Finance  
Finance

3 Land Use  
Land Use  
Landmarks, Public Siting & Maritime Uses (Subcommittee)  
Planning, Dispositions & Concessions (Subcommittee)  
Zoning & Franchises (Subcommittee)

4 General Counsel  
Rules, Privileges and Elections  
Standards & Ethics  
State & Federal Legislation

5 Governmental Affairs  
Civil Rights  
Consumer Affairs  
Contracts  
Fire & Criminal Justice Services  
General Welfare  
Governmental Operations  
Immigration  
Juvenile Justice  
Public Safety

6 Human Services  
Aging  
Senior Centers (Subcommittee)  
Civil Services and Labor  
Cultural Affairs, Libraries & International Intergroup Relations  
Libraries (Select Committee)  
Education  
Health  
Hospital Closings (Task Force)  
Higher Education  
Mental Health, Mental Retardation, Alcoholism,  
Drug Abuse & Disability Services  
Drug Abuse (Subcommittee)  
Small Business  
Transportation  
Veterans  
Women's Issues  
Youth Services

7 Infrastructure  
Community Development  
Economic Development  
Environmental Protection  
Housing & Buildings  
Public Housing (Subcommittee)  
Operations and Improvement of the Department  
of Buildings (Task Force)  
Lower Manhattan Redevelopment  
Parks & Recreation  
Sanitation & Waste Management  
Technology in Government  
Waterfronts

CITY COUNCIL BUDGET  
FISCAL YEAR 2010  
OTHER THAN PERSONAL SERVICES

DESCRIPTION	FISCAL 2009 ADOPTED BUDGET	FISCAL 2009 UPDATED BUDGET	FISCAL 2010 ADOPTED BUDGET	CHANGE FROM ADOPTED
COUNCIL MEMBERS	\$5,269,811	\$5,269,811	\$5,139,811	(\$130,000)
CENTRAL STAFF	\$9,922,335	\$9,967,742	\$9,079,866	(\$843,469)
COMMITTEE ON THE AGING	\$1	\$1	\$1	\$0
COMMITTEE ON THE ENVIRONMENT	\$1	\$1	\$1	\$0
CIVIL SERVICE & LABOR	\$1	\$1	\$1	\$0
COMMUNITY DEVELOPMENT	\$1	\$1	\$1	\$0
CONSUMER AFFAIRS	\$1	\$1	\$1	\$0
CONTRACTS	\$1	\$1	\$1	\$0
CULTURAL AFFAIRS, LIBRARIES & INTL. INTERGROUP RELATIONS	\$1	\$1	\$1	\$0
CUSTOMER SERVICE	\$1	\$1	\$1	\$0
EDUCATION	\$1	\$1	\$1	\$0
ENVIRONMENTAL PROTECTION	\$1	\$1	\$1	\$0
FINANCE	\$1	\$1	\$1	\$0
FIRE & CRIMINAL JUSTICE SERVICES	\$1	\$1	\$1	\$0
GENERAL WELFARE	\$1	\$1	\$1	\$0
GOVERNMENTAL OPERATIONS	\$1	\$1	\$1	\$0
HEALTH	\$1	\$1	\$1	\$0
HIGHER EDUCATION	\$1	\$1	\$1	\$0
HOUSING & BUILDINGS	\$1	\$1	\$1	\$0
IMMIGRATION	\$1	\$1	\$1	\$0
JUVENILE JUSTICE	\$1	\$1	\$1	\$0
LAND USE	\$1	\$1	\$1	\$0
LOWER MANHATTAN REDEVELOPMENT	\$1	\$1	\$1	\$0
MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	\$1	\$1	\$1	\$0
OVERSIGHT & INVESTIGATIONS	\$1	\$1	\$1	\$0
PARKS & RECREATION	\$1	\$1	\$1	\$0
PUBLIC SAFETY	\$1	\$1	\$1	\$0
RULES, PRIVILEGES AND ELECTIONS	\$1	\$1	\$1	\$0
SANITATION & SOLID WASTE MANAGEMENT	\$1	\$1	\$1	\$0
SMALL BUSINESS	\$1	\$1	\$1	\$0
STANDARDS & ETHICS	\$1	\$1	\$1	\$0
TECHNOLOGY IN GOVERNMENT	\$1	\$1	\$1	\$0
TRANSPORTATION	\$1	\$1	\$1	\$0
VETERANS	\$1	\$1	\$1	\$0
WATERFRONTS	\$1	\$1	\$1	\$0
WOMEN'S ISSUES	\$1	\$1	\$1	\$0
YOUTH SERVICES	\$1	\$1	\$1	\$0
<b>TOTAL</b>	<b>\$15,192,146</b>	<b>\$15,237,553</b>	<b>\$14,219,677</b>	<b>(\$973,469)</b>

OTPS DETAIL

U/A 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	FY 2010 COUNCIL BUDGET
Newsletter (Printing)	101	\$896,451
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$2,166,130
Rent	414	\$1,677,230
<b>TOTAL U/A 100</b>		<b>\$5,139,811</b>
U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	FY 2010 COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$135,100
Printing Supplies	101	\$32,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$75,000
Computer Supplies	199	\$366,400
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$10,400
Office Furniture	314	\$11,000
Office Equipment	315	\$15,000
Purchase DP Equipment	332	\$42,000
Books - Other	337	\$246,105
Library Books	338	\$47,580
Telephones - Data	40B	\$400,000
Maintenance Repairs Auto	40G	\$15,000
Contractual Services - Intra-City	40X	\$20,000
Contractual Services - General	400	\$38,000
Telephone & Other Comm.	402	\$179,800
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$198,159
Rent	414	\$5,606,392
Advertising	417	\$5,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$4,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$5,000
Contractual Services - General	600	\$82,000
Telecommunications Maint.	602	\$208,895
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$45,000
Office Equipment Maint.	612	\$49,000
DP Equipment	613	\$81,600
Printing Contracts	615	\$270,000
Temporary Services	622	\$160,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$62,500
Training City Employees	671	\$21,000
Prof. Svces. - Accounting	681	\$20,000
Prof. Svces. - Legal	682	\$200,000
Prof. Svces. - Computer Services	684	\$158,835
Prof. Svces. - Other	686	\$120,000
DCAS Training	79D	\$2,000
<b>TOTAL U/A 200</b>		<b>\$9,079,866</b>
<b>OTPS TOTALS</b>		<b>\$14,219,677</b>

## Statements of Programmatic Objectives:

**001 Council Members (PS)** - To ensure the fair and effective representation of the people of the City of New York, there are fifty-one members of the Council who are currently elected from single member districts of approximately 157,000 persons per district. The members of the Council are responsible for executing the legislative, land use and budgetary responsibilities vested in this body through committees that meet to discuss and recommend legislation, as well as to oversee the performance of the executive body as a whole. The Council meets regularly throughout the year to take formal action. This Unit of Appropriation is comprised of the Council Members and Councilmanic Aides who work directly for the Council Members.

**002 Committee Staffing (PS)** - To ensure the adoption of sound legislative initiatives, Committee Staffing, with specialized expertise, is responsible for providing program analysis for all committees of the Council. Staff is comprised of attorneys, project managers, and financial and policy analysts from the following divisions: Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations.

**005 Council Services (PS)** - Responsible for the administrative functions of the Council including procurement of goods and services, payroll and

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personnel administration, and fiscal oversight of the Council's budget; production of printed materials and other member services; development and management of the Council computer network; scheduling of hearings, distribution of reports and materials, preparation of the agenda and schedule, maintaining and tracking the proceedings of the Council, ensuring notice and explanation of Council activities; maintain order on the Council floor, in the Council gallery, and at all Council meetings and hearings. All the above functions are provided by staff from the following divisions: Administrative Services, Member Services, Information Technology, Legislative Document Unit, Sergeant-at-Arms, Office of the Speaker, Office of the Minority Leader, and Communications.

**100 Council Members (OTPS)** - To ensure the fair and effective execution of the legislative responsibilities of the Council, funds are appropriated for the procurement of goods and services for the members of the City Council.

**200 Central Staff (OTPS)** - This unit of appropriation is a lump sum amount, the detail of which is included in the Resolution of the Council (back page of document), and the purpose for which is to allow procurement of goods and services necessary to the execution of Council responsibilities.

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**600 Committee on the Aging** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department for the Aging and all federal, state and municipal programs pertinent to senior citizens. The committee has a subcommittee on Senior Centers.

**602 Committee on Civil Rights** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to incidences of discrimination, the Human Rights Commission and Equal Employment Practices Commission.

**605 Committee on Civil Service and Labor** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal officers and employees, the Office of Labor Relations, Office of Collective Bargaining, municipal pensions, retirement systems and worker rights.

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**607 Committee on Community Development** – Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to poverty and its reduction within the City, especially in low-income neighborhoods.

**610 Committee on Consumer Affairs** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Consumer Affairs and the Business Integrity Commission.

**615 Committee on Contracts** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting oversight on matters related generally to City procurement and specifically to the activities of the Mayor's Office of Contracts, the Procurement Policy Board, City Procurement policies and procedures and specific city contracts.

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**616 Committee on Cultural Affairs, Libraries & International Intergroup Relations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Cultural Affairs, libraries, museums, the Art Commission, the New York City Commission for the United Nations, Consular Corps and Protocol, the Mayor's Office of Special Projects and Community Events and the Mayor's Office of Film, Theatre and Broadcasting, and encouraging harmony among the citizens of New York City, promoting the image of New York City and enhancing the relationship of its citizens with the international community. There is a Select Committee on Libraries.

**620 Committee on Economic Development** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Economic Development Corporation and Department of Small Business Services.

**625 Committee on Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Education and the School Construction Authority.

**630 Committee on Environmental Protection** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Environmental Protection.

**632 Committee on Finance** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to budget review and budget modifications, the Banking Commission, the Comptroller's Office, Department of Design and Construction, the Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

**633 Committee on Fire and Criminal Justice Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Fire Department/Emergency Medical Service, Departments of Correction and Probation and Legal Aid.

**635 Committee on General Welfare** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services and charitable institutions.

**640 Committee on Governmental Operations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal governmental structure and organization, the Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and the Law Department.

**645 Committee on Health** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the

Department of Health and Mental Hygiene, Emergency Medical Services (health related issues), the Health and Hospitals Corporation and the Office of the Chief Medical Examiner. The committee has a task force on Hospital Closings.

**647 Committee on Higher Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the City University of New York and issues related to Higher Education.

**650 Committee on Housing and Buildings** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Housing Preservation and Development, Department of Buildings, NYC Housing Authority and rent regulation. The Committee has a subcommittee on Public Housing and a Task Force on Operations of the Department of Buildings.

**652 Committee on Immigration** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on issues affecting immigrants in New York City and conducting legislative oversight on matters in relation to the Mayor's Office on Immigrant Affairs.

**653 Committee on Juvenile Justice** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Juvenile Justice.

**654 Committee on Land Use** - To ensure responsible use of City property, this committee considers and proposes to the full Council resolutions for adoption, prepares committee reports and conducts legislative oversight on matters in relation to the City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications (land use related issues), Landmarks Preservation Commission and Land Use and Landmarks Review. The committee has three subcommittees: Zoning and Franchises; Landmarks, Public Siting and Maritime Uses; and, Planning, Dispositions and Concessions.

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**655 Committee on Lower Manhattan Redevelopment** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the physical, economic, social and cultural redevelopment of Lower Manhattan, including, but not restricted to, the World Trade Center site.

**656 Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mental health, mental retardation, alcoholism services, drug abuse, disability services, the Department of Health and Mental Hygiene and the Mayor's Office for People with Disabilities. The committee has a subcommittee on Drug Abuse.

**657 Committee on Oversight and Investigations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Investigation, and to investigate any matters within the jurisdiction of the Council relating to property, affairs or government of New York City.

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**660 Committee on Parks and Recreation** - This committee is responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Parks and Recreation.

**665 Committee on Public Safety** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator and the Office of Emergency Management.

**670 Committee on Rules, Privileges and Elections** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on matters in relation to Council structure and organization and appointments.

**671 Committee on Sanitation & Solid Waste Management** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Sanitation.

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**673 Committee on Small Business** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters that affect the creation and operation of retail businesses and emerging industries throughout the City.

**675 Committee on Standards and Ethics** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Conflicts of Interest Board and for Council ethics.

**680 Committee on State and Federal Legislation** - Responsible for considering and proposing to the full Council legislation, state legislative requests and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to state and federal legislation and home rule requests.

**681 Committee on Technology in Government** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of technology for the management and

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dissemination of public information and the non land use-related activities of the Department of Information Technology and Telecommunications.

**682 Committee on Transportation** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mass transportation issues, agencies and facilities, the New York City Transit Authority, Department of Transportation and the Taxi and Limousine Commission.

**683 Committee on Veterans** – Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of veterans and the Mayor’s Office of Veterans Affairs.

**685 Committee on Waterfronts** – Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of the City’s waterfront and waterfront-related activities.

**687 Committee on Women’s Issues** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of women, domestic violence, the Office to Combat Domestic Violence and Agency for Child Development.

**690 Committee on Youth Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Youth Board, the Department of Youth and Community Development, the Interagency Coordinating Council, and youth-related programs.

**FISCAL YEAR 2010  
CITY COUNCIL CONTRACT BUDGET**

OBJECT CODE	DESCRIPTION	#	AMOUNT
600	Contractual Services General	9	\$82,000
602	Telecommunications Maintenance	2	\$75,000
607	Maint. & Repair Motor Vehicle Equip.	1	\$2,000
608	Maintenance & Repair General	6	\$45,000
612	Office Equipment Maintenance	8	\$49,000
613	Data Processing Equipment	5	\$81,600
615	Printing Contracts	4	\$270,000
622	Temporary Services	2	\$160,000
624	Cleaning Services	1	\$12,000
633	Transportation Expenditures	1	\$30,000
660	Economic Development	35	\$62,500
671	Training Program For City Employees	2	\$21,000
681	Prof. Svcs. - Accounting & Auditing	1	\$20,000
682	Professional Services - Legal	6	\$200,000
684	Prof. Svcs. - Computer Services	4	\$159,835
686	Professional Services - Other	6	\$120,000
		93	\$1,389,935

**APPENDIX A  
COUNCIL OTPS DETAIL**

The following details the two OTPS units of appropriation:

U/A 100		COUNCIL MEMBERS
DESCRIPTION	OBJ CODE	FY 2010 COUNCIL BUDGET
Newsletter (Printing)	101	\$896,451
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$2,275,265
Rent	414	\$1,568,095
<b>TOTAL U/A 100</b>		<b>\$5,139,811</b>

U/A 200		CENTRAL STAFF
DESCRIPTION	OBJ CODE	FY 2010 COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$135,100
Printing Supplies	101	\$32,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$75,000
Computer Supplies	199	\$366,400
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$10,400
Office Furniture	314	\$11,000
Office Equipment	315	\$15,000
Purchase DP Equipment	332	\$42,000
Books - Other	337	\$246,105
Library Books	338	\$47,580
Telephones - Data	40B	\$400,000
Maintenance Repairs Auto	40G	\$15,000
Contractual Services - Intra-City	40X	\$20,000
Contractual Services - General	400	\$38,000
Telephone & Other Comm.	402	\$179,800
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$198,159
Rent	414	\$5,606,392
Advertising	417	\$5,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$4,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$5,000
Contractual Services - General	600	\$82,000
Telecommunications Maint.	602	\$209,895
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$45,000
Office Equipment Maint.	612	\$49,000
DP Equipment	613	\$81,600
Printing Contracts	615	\$270,000
Temporary Services	622	\$160,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$62,500
Training City Employees	671	\$21,000
Prof. Svcs. - Accounting	681	\$20,000
Prof. Svcs. - Legal	682	\$200,000
Prof. Svcs. - Computer Services	684	\$159,835
Prof. Svcs. - Other	686	\$120,000
DCAS Training	79D	\$2,000
<b>TOTAL U/A 200</b>		<b>\$9,079,866</b>

In connection herewith Council Member Weprin offered the following resolution:

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

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

Report for M-1383

**Report of the Committee on Finance in favor of approving a Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which was referred on April 2, 2009 the annexed communication, respectfully

**REPORTS:**

April 2, 2009

TO: Honorable Christine C. Quinn  
Speaker

Honorable David I. Weprin  
Chairman, Finance Committee

FROM: Charles E. Meara  
Chief of Staff

Joyce H. Singerman  
Fiscal Officer

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Precon. (M-1382) The Operating Budget of the Council of The City of New York**

**Precon. (M-1383) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the Charter of the City of New York, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included are a budget for Council contractual services, and a resolution for the approval of a lump-sum OTPS unit of appropriation.

(For further text and material regarding the Operating Budget of the Council of the City of New York for Fiscal Year 2010, please see the Report of the Committee on Finance for the related M-1382 & Res No. 1897 printed in these Minutes).

Accordingly, Your Committee recommends its adoption.

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

Res. No. 1897

**Resolution approving for Fiscal Year 2010 the schedule detailing the Lump Sum Other Than Personal Service Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

By Council Member Weprin.

Resolved by the Council, pursuant to the provisions of section 100 (c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

**COUNCIL BUDGET**

PS U/A	DESCRIPTION	MEMO OTPS*
002	COMMITTEE STAFFING	\$3,788,721
005	COUNCIL SERVICES	\$5,291,145
	<b>TOTAL OTPS</b>	<b>\$9,079,866</b>

\* Set forth for informational purposes only in accordance with Charter Section 100 (c)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

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

Report for L.U. No. 1044

**Report of the Committee on Finance in favor of approving 1157 Fulton Avenue Bronx, NY Council District No. 16.**

The Committee on Finance, to which was referred on April 2, 2009 the annexed resolution, respectfully

**REPORTS:**

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



TO: Hon. David Weprin  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of April 2, 2009-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 16, 10, and 7).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: 203 West 146<sup>th</sup> Street in Council Member Jackson's District, 1157 Fulton Avenue in Council Member Foster's District, and 567 West 183<sup>rd</sup> Street in Council Member Martinez' District.

567 West 183<sup>rd</sup> Street is a 3-story building with approximately 9 bedrooms that will provide transitional housing for newly released, formerly incarcerated individuals with disabilities, including people with AIDS. The City will sell the disposition area for a nominal price of \$1.00 to FACES NY Housing Development Fund Company, Inc which will operate the building as a transitional housing facility. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$17,500 in the first year of the exemption and \$1.2 million over the 40-year length of the exemption.

1157 Fulton Avenue is a 4-story building with approximately 13 bedrooms that provides transitional housing for homeless single pregnant women. The City will sell the disposition area for a nominal price of \$1.00 to Evangelium Vitae Housing Development Fund Corporation which will operate the building as a transitional housing facility. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$87,750 in the first year of the exemption and \$6.3 million over the 40-year length of the exemption.

The Erbograph Apartments Residence will be an 8-story building that will provide 64 units of rental housing for elderly persons of low income. The sponsor, West 146<sup>th</sup> Street Senior Housing Development Fund Corporation, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a new exemption that is consistent with the terms of the original exemption pursuant to Section 422 of the Private Housing Finance Law. The value of the tax exemption is projected at \$468,200 in the first year of the exemption and \$33.8 million over the 40-year length of the exemption.

These items have the approval of Council Members' Jackson, Foster, and Martinez.

Accordingly, Your Committee recommends its adoption.

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

Res. No. 1899

**Resolution approving an exemption from real property taxes for property located at 1157 Fulton Avenue (Block 2609, Lot 54) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No.1044).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 2, 2009 that the Council take the following action regarding a housing project to be located at 1157 Fulton Avenue (Block 2609, Lot 54) Bronx ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

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

**WHEREAS**, the Council held a hearing on the Project on April 2, 2009;

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

**RESOLVED:**

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

The Council hereby grants an exemption from real property taxes as follows:

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

(a) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor, in their respective sole discretion, enter into the Regulatory Agreement.

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

(c) "Disposition Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2609, Lot 54 on the Tax Map of the City of New York.

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

(e) "Sponsor" shall mean Evangelium Vitae Housing Development Fund Corporation.

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

(g) "Owner" shall mean Sponsor or any future owner of the Disposition Area.

(h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Disposition Area during the term of the Exemption.

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

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

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

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

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

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

Report for L.U. No. 1045

**Report of the Committee on Finance in favor of approving Negotiated Sale, 567 West 183<sup>rd</sup> Street, Manhattan, Council District No. 10.**

The Committee on Finance, to which was referred on April 2, 2009 the annexed resolution, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 1044 printed in these Minutes)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 1900

**Resolution approving an exemption from real property taxes for property located at 567 West 183<sup>rd</sup> Street (Block 2154, Lot 95) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1045).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 2, 2009 that the Council take the following action regarding a housing project to be located at 567 West 183<sup>rd</sup> Street (Block 2154, Lot 95) Manhattan ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

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

**WHEREAS**, the Council held a hearing on the Project on April 2, 2009;

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

**RESOLVED:**

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

The Council hereby grants an exemption from real property taxes as follows:

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor, in their respective sole discretion, enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(c) "Disposition Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2154, Lot 95 on the Tax Map of the City of New York.

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

(e) "Sponsor" shall mean FACES NY Housing Development Fund Company, Inc.

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

(g) "Owner" shall mean Sponsor or any future owner of the Disposition Area.

(h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Disposition Area during the term of the Exemption.

2. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
4. In consideration of the Exemption, the Sponsor, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

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

Report for L.U. No. 1046

**Report of the Committee on Finance in favor of approving Section 202 Supportive housing, 203-209 West 146 Street, Manhattan, Council District No. 7.**

The Committee on Finance, to which was referred on April 2, 2009 the annexed resolution, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 1044 printed in these Minutes)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 1901

**Resolution approving a partial exemption from real property taxes for property located at 203 West 146<sup>th</sup> Street (Block 2032, Lot 23) Manhattan, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 1046).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 2, 2009 that the Council take the following action regarding a housing project (the "Project") to be located at 203 West 146<sup>th</sup> Street (Block 2032, Lot 23) Manhattan, ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Real Property Tax Law;

**WHEREAS**, the Council held a hearing on the Project on April 2, 2009;

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

**RESOLVED:**

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

The Council hereby grants an exemption from real property taxes as follows:

1. 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 Disposition 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; and
4. Approve, pursuant to Section 422 of the Real Property Tax Law, a partial tax exemption as follows:
  - a. All of the value of the property included in the housing project, including both Disposition Area and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project.
  - b. All of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date

("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.

- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$30,797, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.
- d. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 2, 2009.

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

**Reports of the Committee on Land Use**

Report for L.U. No. 938

**Report of the Committee on Land Use in favor of approving Application no. 20095197 HAQ, an Urban Development Action Area Project located at 111-17 103rd Avenue, Council District no. 32, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which was referred on December 9, 2008 (Minutes, page 7125) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
111-17 103 <sup>rd</sup> Avenue Queens	9429/37	20095197 HAQ	938	Asset Sales
1801-05 7 <sup>th</sup> Avenue Interim Manhattan Lease	1820/2	20095199 HAM	940	Tenant

**INTENT**

HPD requests that the Council:

1. Find that the present status of the Disposition Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 940.

**Report Summary:****COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1902

**Resolution approving an Urban Development Action Area Project located at 111-17 103<sup>rd</sup> Avenue (Block 9429/Lot 37), Borough of Queens, 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. 938; 20095197 HAQ).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 7, 2008 its request dated October 20, 2008 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 111-17 103<sup>rd</sup> Avenue (Block 9429/Lot 37), Community District 9, Borough of Queens (the "Disposition Area"):

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on March 31, 2009;

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

**RESOLVED:**

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

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 940

**Report of the Committee on Land Use in favor of approving Application no. 20095199 HAM, an Urban Development Action Area Project located at 1801-05 7th 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.**

The Committee on Land Use, to which was referred on December 9, 2008 (Minutes, page 7125) the annexed Land Use resolution, respectfully

**REPORTS:**

**(For text, please see the Report of the Committee on Land Use for L.U. No. 938 printed in these Minutes.)**

Accordingly, Your Committee recommends its adoption.

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

Res. No. 1903

**Resolution approving an Urban Development Action Area Project located at 1801-05 7<sup>th</sup> Avenue (Block 1820, Lot 2), Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 940; 20095199 HAM).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 7, 2008 its request dated October 20, 2008 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1801-05 7<sup>th</sup> Avenue (Block 1820, Lot 2), Community District 10, Borough of Manhattan (the "Disposition Area"):

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

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on March 31, 2009;

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

**RESOLVED:**

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.

Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any, shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.

All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real estate tax payment on the Residential Property. Sponsor shall make such partial annual real estate tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and on July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

**ATTACHMENT:**

20095199 HAM  
Page 1 of 1  
L.U. No. 940

**PROJECT SUMMARY**

- |  |   |
|--|---|
| <b>1. PROGRAM:</b>                                 | TENANT INTERIM LEASE PROGRAM  |
| <b>2. PROJECT:</b>                                 | 1801-05 7 <sup>th</sup> Avenue  |
| <b>3. LOCATION:</b>                                |   |
| <b>a. BOROUGH:</b>                                 | Manhattan   |
| <b>b. COMMUNITY DISTRICT:</b>                      | 10  |
| <b>c. COUNCIL DISTRICT:</b>                        | 9   |
| <b>d. DISPOSITION AREA:</b>                        | <u>BLOCK</u> <u>LOT</u> <u>ADDRESS</u>  |
|  | 1820     2     1801-05 7 <sup>th</sup> Avenue   |
| <b>4. BASIS OF DISPOSITION PRICE:</b>              | Nominal (\$250 per dwelling unit)   |
| <b>5. TYPE OF PROJECT:</b>                         | Rehabilitation  |
| <b>6. APPROXIMATE NUMBER OF BUILDINGS:</b>         | 1 Multiple Dwelling   |
| <b>7. APPROXIMATE NUMBER OF UNITS:</b>             | 25  |
| <b>8. HOUSING TYPE:</b>                            | Cooperative   |
| <b>9. ESTIMATE OF INITIAL MAINTENANCE CHARGES:</b> | Approximately \$1.15 to \$1.50 per square foot.   |
| <b>10. INCOME TARGETS:</b>                         | The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median. |
| <b>11. PROPOSED FACILITIES:</b>                    | None  |
| <b>12. PROPOSED CODES/ORDINANCES:</b>              | None  |
| <b>13. ENVIRONMENTAL STATUS:</b>                   | Type II   |
| <b>14. PROPOSED TIME SCHEDULE:</b>                 | Approximately six months from authorization to sale.  |

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1009

**Report of the Committee on Land Use in favor of approving Application no. C 090078 HUK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General**

**Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the third amendment to the Fresh Creek Urban Renewal Plan, Borough of Brooklyn, Community District 5.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 621) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5**

**C 090078 HUK**

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

**INTENT**

To facilitate the development of the Gateway Estates Phase II Project.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1904

**Resolution approving the 3rd Amended Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area, approving the designation of the area and approving the decision of the City Planning Commission on ULURP No. C 090078 HUK (L.U. No. 1009).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2009 its decision and report dated February 17, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, regarding the proposed Third Amended Fresh Creek Urban Renewal Plan (the "Plan") for the Fresh Creek Urban Renewal Area (the "Area") (ULURP No. C 090078 HUK), Community District 5, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 090079 ZMK (L.U. No. 1010), an amendment to the Zoning Map changing from R6 to R7A, C2-4 and C4-2; C 090081 ZSK (L.U. No. 1011), a special permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution; C 090082 HAK (L.U. No. 1012), designation of an Urban Development Action Area and Project and disposition of City-owned property; and C 080089 MMK (L.U. No. 1013), an amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area;

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

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

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

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

**WHEREAS**, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application on March 3, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and the Plan on March 4, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 4, 2009;

**RESOLVED:**

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

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

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

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

(4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

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

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;

2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

5. There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment; and

6. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area.

Pursuant to Section 505 of the General Municipal Law, the Council approves the Third Amended Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area, dated August, 2008.

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1010

**Report of the Committee on Land Use in favor of approving Application no. C 090079 ZMK submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 621) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5**

**C 090079 ZMK**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d.

**INTENT**

To facilitate the development of the Gateway Estates Phase II Project.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1905

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090079 ZMK, a Zoning Map amendment (L.U. No. 1010).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2009 its decision dated February 17, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090079 ZMK) (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 090078 HUK (L.U. No. 1009), the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area; C 090081 ZSK (L.U. No. 1011), a special permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution; C 090082 HAK (L.U. No. 1012), designation of an Urban Development Action Area and Project and disposition of City-owned property; and C 080089 MMK (L.U. No. 1013), an amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 4, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 4, 2009;

**RESOLVED:**

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

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

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

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

(4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 17d:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 95 feet northeasterly of Lower Ashford Street, a line 115 northwesterly of Fountain Street, a line 100 feet southwesterly of Elton Street, the southwesterly centerline prolongation of Elton Place, Elton Street, a line 162 feet southeasterly of Erskine Place, a line 100 feet northeasterly of Elton Street, a line midway between Elton Place and Fountain Street, a line 95 feet southwesterly of Essex Street, Fountain Street, the southeasterly prolongation of the northeasterly street line of Essex Street, a line 180 feet southeasterly of Fountain Street, the southeasterly prolongation of the southwesterly street line of Lower Ashford Street, and Fountain Street;
2. changing from an R3-2 District to an R6 District property bounded by the former centerline of Erskine Street, the new centerline of Erskine Street, and a line 115 feet southeasterly of Schroeders Avenue;
3. changing from an R6 District to an R7A District property bounded by Flatlands Avenue, Elton Street, a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
4. changing from an R3-2 District to a C4-2 District property bounded by a line 115 southeasterly of Schroeder Avenue, the former centerline of Erskine Street, and the new centerline of Erskine Street;
5. changing from an R6 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeders Avenue and its southwesterly

prolongation, a line 100 feet southwesterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet northeasterly of Elton Street, a line 115 feet southeasterly of Schroeders Avenue, the former centerline of Erskine Street, Erskine Street, a line 180 feet southeasterly of former Fountain Street, and the centerline of former Schenck Avenue;

6. establishing within an existing R6 District a C2-4 District bounded by:
  - a. Vandalia Avenue, Erskine Avenue, Schroeders Avenue, and a northeasterly boundary line of a park; and
  - b. Egan Street, Fountain Avenue, Vandalia Avenue, and a line 100 feet southwesterly of Fountain Avenue; and
7. establishing within the proposed R7A District a C2-4 District bounded by:
  - a. Flatlands Avenue, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
  - b. a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, Vandalia Avenue, and Elton Street; and
  - c. Schroeders Avenue, Elton Street, the southeasterly street line of Elton Street and its southwesterly prolongation, and a line 100 feet southwesterly of Elton Street;

as shown on a diagram (for illustrative purposes only) dated September 8, 2008, Community District 5, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1011

**Report of the Committee on Land Use in favor of approving Application no. C 090081 ZSK submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 (c) of the Zoning Resolution to modify the regulations of Section 32-64, Section 32-65 and Section 33-66.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 622) the annexed Land Use resolution, respectfully

#### REPORTS:

#### SUBJECT

**BROOKLYN CB - 5**

**C 090081 ZSK**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and Gateway Center Properties Phase II, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 33-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) in connection with a proposed commercial development, on property generally bounded by Gateway Drive, a line approximately 750 southeasterly of Schroeders Avenue, Erskine Street, and a line approximately 115 feet southeasterly of Schroeders Avenue (Block 4452 p/o Lots 170 and 400, and Block 4586 p/o Lot 1), in a C4-2 District, within a general-large scale development.

#### INTENT

To facilitate the development of the Gateway Estates Phase II Project.

#### Report Summary:

#### COMMITTEE RECOMMENDATION AND ACTION

**DATE:** March 31, 2009

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

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

Res. No. 1906

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090081 ZSK (L.U. No. 1011), for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 33-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) in connection with a proposed commercial development, on property generally bounded by Gateway Drive, a line approximately 750 southeasterly of Schroeders Avenue, Erskine Street, and a line approximately 115 feet southeasterly of Schroeders Avenue (Block 4452 p/o Lots 170 and 400, and Block 4586 p/o Lot 1), in a C4-2 District, within a general-large scale development, Borough of Brooklyn.**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2009 its decision dated February 17, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 33-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) in connection with a proposed commercial development, on property generally bounded by Gateway Drive, a line approximately 750 southeasterly of Schroeders Avenue, Erskine Street, and a line approximately 115 feet southeasterly of Schroeders Avenue (Block 4452 p/o Lots 170 and 400, and Block 4586 p/o Lot 1), in a C4-2 District, within a general-large scale development, (ULURP No. C 090081 ZSK), Community District 5, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 090078 HUK (L.U. No. 1009), the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area; C 090079 ZMK (L.U. No. 1010), an amendment to the Zoning Map changing from R6 to R7A, C2-4 and C4-2; C 090082 HAK (L.U. No. 1012), designation of an Urban Development Action Area and Project and disposition of City-owned property; and C 080089 MMK (L.U. No. 1013), an amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area.

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-744 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 4, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 4, 2009;

#### **RESOLVED:**

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



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

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

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

(4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090081 ZSK, incorporated by reference herein, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1012

**Report of the Committee on Land Use in favor of approving Application no. C 090082 HAK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the designation and disposition of property to facilitate the development of a new mixed use community, Borough of Brooklyn, Community District 5.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 622) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5 C 090082 HAK**

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

1) pursuant to Article 16 of the General Municipal Law of New York State for:

the designation of the following properties located at:

Block	Lot	Fresh Creek Urban Renewal Area
4444	p/o Lot 1	p/o Site 3a
4445	Lot 1	Sites 3b, 3e, 3f, and p/o Site 3a
4446	Lot 1	
4447	p/o Lot 1	p/o Site 4
4448	Lot 1	Sites 6a, 6b, 14a, 14c, and p/o Site 4
4449	Lot 1	
4452	600, 700, p/o Lot 170 and p/o Lot 400	Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b, p/o Site 13a and p/o Site 24

4586	p/o Lot 1	Sites 29, 31, 27, 28, p/o Site 13a and p/o Site 24
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as an Urban Development Action Area; and

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

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

to facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space, tentatively known as Gateway Estates II, within the Fresh Creek Urban Renewal Area.

**INTENT**

To facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1907

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090082 HAK, approving the designation of property located at Block 4444, p/o Lot 1 (p/o Site 3a of the Fresh Creek Urban Renewal Area); Block 4445-4446, Lot 1 (Sites 3b, 3e, 3f and p/o Site 3a of the Fresh Creek Urban Renewal Area); Block 4447, p/o Lot 1 (p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4448-4449, Lot 1 (Sites 6a, 6b, 14a, 14c and p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4452, Lots 600 and 700, and p/o Lots 170 and 400 (Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area); and Block 4586, p/o Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1012; C 090082 HAK).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2009 its decision dated February 17, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at at Block 4444, p/o Lot 1 (p/o Site 3a of the Fresh Creek Urban Renewal Area); Block 4445-4446, Lot 1 (Sites 3b, 3e, 3f and p/o Site 3a of the Fresh Creek Urban Renewal Area); Block 4447, p/o Lot 1 (p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4448-4449, Lot 1 (Sites 6a, 6b, 14a, 14c and p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4452, Lots 600 and 700, and p/o Lots 170 and 400 (Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area); and Block 4586, p/o Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area), as an Urban Development Action Area (the "Area");

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

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space, tentatively known as Gateway Estates II, within the Fresh Creek Urban Renewal Area, (the "Disposition"), Community District 5, Borough of Brooklyn (ULURP No. C 090082 HAK) (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 090078 HUK (L.U. No. 1009), the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area; C 090079 ZMK (L.U. No. 1010), an amendment to the Zoning Map changing from R6 to R7A, C2-4 and C4-2; C 090081 ZSK (L.U. No. 1011), a special permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution; and C 080089 MMK (L.U. No. 1013), an amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area.

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

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

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on February 27, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on March 4, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the fact that the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 4, 2009;

**RESOLVED:**

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

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

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

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

(4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090081 HAK).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1013

**Report of the Committee on Land Use in favor of approving Application no. C 080089 MMK pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code by the Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development fund Corporation for an amendment to the City Map.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 623) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5**

**C 080089 MMK**

City Planning Commission decision approving an application submitted by Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development Fund Corporation, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430, *et seq.*, of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of Parklands;
- the elimination of Parklands;
- the extinguishment and modification of easements;
- the modifications of grades necessitated thereby; and
- the acquisition and disposition of real property related thereto, all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, and signed by the Borough President.

**INTENT**

To facilitate the development of the Gateway Estates Phase II Project.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1908

**Resolution approving the decision of the City Planning Commission on ULURP No. C 080089 MMK, an amendment to the City Map (L.U. No. 1013).**

By Council Members Katz and Garodnick .

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2009 its decision dated February 17, 2009 (the "Decision"), on the application submitted by the New York Department of Housing Preservation and Development, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of Parklands;
- the elimination of Parklands;
- the extinguishment and modification of easements;
- the modifications of grades necessitated thereby; and
- the acquisition and disposition of real property related thereto, all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, and signed by the Borough President, (ULURP No. C 080089 MMK), Community District 5, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 090078 HUK (L.U. No. 1009), the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area; C 090079 ZMK (L.U. No. 1010), an amendment to the Zoning Map changing from R6 to R7A, C2-4 and C4-2; C 090081 ZSK (L.U. No. 1011), a special permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution; C 090082 HAK (L.U. No. 1012), designation of an Urban Development Action Area and Project and disposition of City-owned property;

**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 March 4, 2009;

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the fact that the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on February 4, 2009;

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

**RESOLVED:**

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N.

GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1016

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090145 HAM, an Urban Development Action Area Designation and Project, located at 213 East 99th Street and the disposition of such property, Borough of Manhattan, Council District no. 8. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which was referred on February 26, 2009 (Minutes, page 624) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**C 090145 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 213 East 99<sup>th</sup> Street (Block 1649, Lot 9) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate the rehabilitation of an existing five-story building, tentatively known as P.S. 109, with approximately 74 residential units.

**INTENT**

To facilitate the rehabilitation of an existing five-story building with approximately 74 residential units.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1909

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090145 HAM, approving the designation of**

property located at 213 East 99<sup>th</sup> Street (Block 1649, Lot 9), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1016; C 090145 HAM).

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on February 20, 2009 its decision dated February 18, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 213 East 99<sup>th</sup> Street (Block 1649, Lot 9), as an Urban Development Action Area (the "Area");

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

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate the rehabilitation of an existing five-story building, tentatively known as P.S. 109, with approximately 74 units (the "Disposition"), Community District 11, Borough of Manhattan (ULURP No. C 090145 HAM) (the "Application");

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

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

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on February 27, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on March 31, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 09HPD011M) and the Negative Declaration which was issued on October 19, 2008;

**RESOLVED:**

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090145 HAM).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1026

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090141 HAK, an Urban Development Action Area Designation and Project, located at 1598, 1600 and 1602 Fulton Street and the disposition of such property, Borough of Brooklyn, Council District no. 36.**

The Committee on Land Use, to which was referred on March 11, 2009 (Minutes, page 778) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 3**

**C 090141 HAK**

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

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a) the designation of property located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, as an Urban Development Action Area; and

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

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

to facilitate development of a mixed-use building, tentatively known as the Garvey, with approximately 78 units and commercial space, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

**INTENT**

To facilitate development of a mixed-use building with approximately 78 units and commercial space,

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1910

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090141 HAK, approving the designation of property located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1026; C 090141 HAK).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on March 6, 2009 its decision dated March 4, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate development of a mixed-use building, tentatively known as The Garvey, with approximately 78 units and commercial space, to be developed under the Department of Housing Preservation and Development's Cornerstone Program (the "Disposition"), Community District 3, Borough of Brooklyn (ULURP No. C 090141 HAK) (the "Application");

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

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

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on March 17, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on March 31, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 09HPD015K) and the Negative Declaration which was issued on October 22, 2008;

**RESOLVED:**

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090141 HAK).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1027

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090142 HAK, an Urban Development Action Area Designation and Project, located at 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574 and 1576 Fulton Street and 43 Albany Street, and the disposition of the city-owned property, Borough of Brooklyn, Council District no. 36.**

The Committee on Land Use, to which was referred on March 11, 2009 (Minutes, page 779) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 3**

**C 090142 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; 1562, 1564, and 1566 Fulton Street (Block 1699, Lots 8-10); 1568, 1570, 1572, 1574, and 1576 Fulton Street (Block 1699, Lots 11-15), Site 17B of the Fulton Park Urban Renewal Area; and 43 Albany Street (Block 1699, Lot 6), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; and 1568, 1570, 1572, 1574 and 1576 Fulton Street (Block 1699, Lots 11-15); Site 17B of the Fulton Park Urban Renewal Area; to a developer selected by HPD;

to facilitate development of a mixed-use building, tentatively known as the Bradford, with approximately 96 units and commercial space.

**INTENT**

To facilitate development of a mixed-use building with approximately 96 units and commercial space.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1911

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090142 HAK, approving the designation of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; 1562, 1564, and 1566 Fulton Street (Block 1699, Lots 8-10); 1568, 1570, 1572, 1574, and 1576 Fulton Street (Block 1699, Lots 11-15), Site 17B of the Fulton Park Urban Renewal Area; and 43 Albany Street (Block 1699, Lot 6), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the**

**Fulton Park Urban Renewal Area; and 1568, 1570, 1572, 1574 and 1576 Fulton Street (Block 1699, Lots 11-15); Site 17B of the Fulton Park Urban Renewal Area to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1027; C 090142 HAK).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on March 6, 2009 its decision dated March 4, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; 1562, 1564, and 1566 Fulton Street (Block 1699, Lots 8-10); 1568, 1570, 1572, 1574, and 1576 Fulton Street (Block 1699, Lots 11-15), Site 17B of the Fulton Park Urban Renewal Area; and 43 Albany Street (Block 1699, Lot 6), as an Urban Development Action Area (the "Area");

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

pursuant to Section 197-c of the New York City Charter for the disposition of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; and 1568, 1570, 1572, 1574 and 1576 Fulton Street (Block 1699, Lots 11-15); Site 17B of the Fulton Park Urban Renewal Area to a developer selected by the Department of Housing Preservation and Development to facilitate development of a mixed-use building, tentatively known as The Bradford, with approximately 96 units and commercial space (the "Disposition"), Community District 3, Borough of Brooklyn (ULURP No. C 090142 HAK) (the "Application");

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

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

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on March 17, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on March 31, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 09HPD015K) and the Negative Declaration which was issued on October 22, 2008;

**RESOLVED:**

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090142 HAK).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA

DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1028

**Report of the Committee on Land Use in favor of approving Application no. N 090252 HAM, an Urban Development Action Area Designation and Project, located at 400-402 East 8th Street; 103, 101, 97-99 Avenue D; 281 and 279 East 7th Street, Borough of Manhattan, Council District no. 2.**

The Committee on Land Use, to which was referred on March 11, 2009 (Minutes, page 779) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**N 090252 HAM**

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

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a) the designation of property located at 400-402 East 8<sup>th</sup> Street; 103, 101, and 97-99 Avenue D; 281 and 279 East 7<sup>th</sup> Street (Block 377, Lots 35, 41-43, and 47-48) as an Urban Development Action Area; and

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

to facilitate the development of a 12-story mixed-use building, tentatively known as Lower East Side Girls Club, with approximately 78 residential units, retail and community facility space.

**INTENT**

To facilitate development of a 12-story mixed-use building with approximately 78 residential units, retain and community facility space.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1912

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development ("HPD"), No. N 090252 HAM, approving the designation of property located at 400-402 East 8<sup>th</sup> Street; 103, 101, and 97-99 Avenue D; 281 and 279 East 7<sup>th</sup> Street (Block 377, Lots 35, 41-43, and 47-48), Borough of Manhattan, as an Urban Development Action Area (the "Area"), and approving the project for the area as an Urban Development Action Area Project ("the Project") (L.U. No. 1028; N 090252 HAM).**

By Council Members Katz and Garodnick.

**WHEREAS**, the City Planning Commission filed with the Council on March 6, 2009 its decision dated March 4, 2009 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

- a. the designation of property located at 400-402 East 8<sup>th</sup> Street; 103, 101, and 97-99 Avenue D; 281 and 279 East 7<sup>th</sup> Street (Block 377, Lots 35, 41-43, and 47-48), as an Urban Development Action Area (the "Area"); and
- b. an Urban Development Action Area Project for such area (the "Project");

to facilitate the development of a 12-story mixed-use building, tentatively known as the Lower East Side Girls Club, with approximately 78 residential units, retail and community facility space (N 090252 HAM), Community District 3, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to Uniform Land Use Review Procedure No. C 050209 PPM;

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

**WHEREAS**, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application on March 19, 2009;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on March 31, 2009;

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 09HPD014M) and the Negative Declaration issued on December 22, 2008;

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

**RESOLVED:**

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

Pursuant to Article 16 of the General Municipal Law, the Council approves the decision of the City Planning Commission (N 090252 HAM).

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1031

**Report of the Committee on Land Use in favor of approving Application no. 20095400 SCQ, a proposed site for a new, approximately 1,100 seat high**

**school facility located at the northwest corner of 57th Avenue and 74th Street (Block 2803, Lot1) in Council District no. 30, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 936) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 5  
SCQ**

**20095400**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1,100-Seat High School Facility in to be located at 73-35 57<sup>th</sup> Avenue and 54-44 74<sup>th</sup> Street in the Maspeth section of Queens (Tax Block 2803, Tax Lot 1), in the Maspeth section of Queens, Community School District No. 24.

**INTENT**

To facilitate the construction of an approximately 1,100-seat high school in the Maspeth section of Queens.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 2, 2009

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

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

Res. No. 1913

**Resolution approving the site plan for an approximately 1,100-Seat High School Facility to be located at 73-35 57<sup>th</sup> Avenue and 54-44 74 Street (Tax Block 2803, Tax Lot 1), Borough of Queens (Non-ULURP No. 20095400 SCQ; L.U. No. 1031).**

By Council Members Katz and Lappin.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on March 19, 2009, a site plan dated March 13, 2009, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 1,100-Seat High School Facility, known as Maspeth High School, to be located at 73-35 57<sup>th</sup> Avenue and 54-44 74<sup>th</sup> Street (Tax Block 2803, Tax Lot 1), Community Board No. 5, Borough of Queens, Community School District No. 24 (the "Site Plan");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on March 31, 2009;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on February 13, 2009 (SEQR Project Number 09-005); and

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

**RESOLVED:**

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1032

**Report of the Committee on Land Use in favor of approving Application no. 20095299 HKM (N 090290 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2286) by the Landmarks Preservation Commission of 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40th Street (Block 869, Lot 54), as a historic landmark, Council District no. 4.**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 936) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 6      20095299 HKM (N 090290 HKM)**

Designation by the Landmarks Preservation Commission (List No. 409/LP-2286) pursuant to Section 3020 of the New York City Charter of the landmark designation of 275 Madison Avenue Building, located at 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40<sup>th</sup> Street (Block 869, Lot 54), as an historic landmark.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1914

**Resolution affirming the designation by the Landmarks Preservation Commission of 275 Madison Avenue Building, located at 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40<sup>th</sup> Street (Block 869, Lot 54), Borough of Manhattan, Designation List No. 409, LP-2268 (L.U. No. 1032; 20095299 HKM; N 090290 HKM).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 23, 2009 a copy of its designation dated January 13, 2009 (the "Designation"), of 275 Madison Avenue Building, located at 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40<sup>th</sup> Street, Community District 6, Borough of Manhattan, as a landmark and Block 869, Lot 54, 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 6, 2009 its report on the Designation dated March 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 31, 2009; 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.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1033

**Report of the Committee on Land Use in favor of approving Application no. 20095303 HKM (N 090288 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2304) by the Landmarks Preservation Commission of the New York Public Library George Bruce Branch located at 518 West 125th Street a.k.a. 518-520 Dr. Martin Luther King Jr. Boulevard (Block 1980, Lot 22), as a historic landmark, Council District no. 7.**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 936) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 9      20095303 HKM (N 090288 HKM)**

Designation by the Landmarks Preservation Commission (List No. 409/LP-2304) pursuant to Section 3020 of the New York City Charter of the landmark designation of the New York Public Library George Bruce Branch located at 518 West 125<sup>th</sup> Street, aka 518-520 Dr. Martin Luther King Jr. Boulevard (Block 1980, Lot 22), as an historic landmark.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1915



**Resolution affirming the designation by the Landmarks Preservation Commission of the New York Public Library George Bruce Branch located at 518 West 125<sup>th</sup> Street, aka 518-520 Dr. Martin Luther King Jr. Boulevard (Block 1980, Lot 22), Borough of Manhattan, Designation List No. 409, LP-2304 (L.U. No. 1033; 20095303 HKM; N 090288 HKM).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 23, 2009 a copy of its designation dated January 13, 2009 (the "Designation"), of the New York Public Library, George Bruce Branch, located at 518 West 125<sup>th</sup> Street, aka 518-520 Dr. Martin Luther King Jr. Boulevard, Community District 9, Borough of Manhattan, as a landmark and Block 1980, Lot 22, 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 6, 2009 its report on the Designation dated March 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 31, 2009; 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.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1034

**Report of the Committee on Land Use in favor of approving Application no. 20095304 HKM (N 090289 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2305) by the Landmarks Preservation Commission of the New York Public Library 125th street Branch located at 224 East 125th Street (Block 1789, Lot 37), as a historic landmark, Council District no. 8 .**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 937) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11      20095304 HKM (N 090289 HKM)**

Designation by the Landmarks Preservation Commission (List No. 409/LP-2305) pursuant to Section 3020 of the New York City Charter of the landmark designation of the New York Public Library 125<sup>th</sup> Street Branch, located at 224 East 125<sup>th</sup> Street (Block 1789, Lot 37), as an historic landmark.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1916

**Resolution affirming the designation by the Landmarks Preservation Commission of the New York Public Library 125<sup>th</sup> Street Branch, located at 224 East 125<sup>th</sup> Street (Block 1789, Lot 37), Borough of Manhattan, Designation List No. 409, LP-2305 (L.U. No. 1034; 20095304 HKM; N 090289 HKM).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 23, 2009 a copy of its designation dated January 13, 2009 (the "Designation"), of the New York Public Library, 125<sup>th</sup> Street Branch, located at 224 East 125<sup>th</sup> Street, Community District 11, Borough of Manhattan, as a landmark and Block 1789, Lot 37, 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 6, 2009 its report on the Designation dated March 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 31, 2009; 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.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1035

**Report of the Committee on Land Use in favor of approving Application no. 20095305 HKR (N 090291 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2305) by the Landmarks Preservation Commission of the John H. and Elizabeth J. Elsworth House located at 90 Bayview Avenue (Block 6751, Lot 310), as a historic landmark, Council District no. 51 .**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 937) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 3      20095305 HKR (N 090291 HKR)**

Designation by the Landmarks Preservation Commission (List No. 409/LP-2249) pursuant to Section 3020 of the New York City Charter of the landmark designation of the John H. and Elizabeth J. Elsworth House, located at 90 Bayview Avenue (Block 6751, Lot 310), as an historic landmark.

Report Summary:

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1917

**Resolution affirming the designation by the Landmarks Preservation Commission of the John H. and Elizabeth J. Elsworth House, located at 90 Bayview Avenue (Block 6751, Lot 310), Borough of Staten Island, Designation List No. 409, LP-2249 (L.U. No. 1035; 20095305 HKR; N 090291 HKR).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 23, 2009 a copy of its designation dated January 13, 2009 (the "Designation"), of the John H. and Elizabeth J. Elsworth House, located at 90 Bayview Avenue, Community District 3, Borough of Staten Island, as a landmark and Block 6751, Lot 310, 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 6, 2009 its report on the Designation dated March 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 31, 2009; 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.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1036

**Report of the Committee on Land Use in favor of approving Application no. 20095306 HKK (N 090292 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2292) by the Landmarks Preservation Commission of the Hubbard House located at 2138 McDonald Avenue (Block 7087, Lot 30), as a historic landmark, Council District no. 47 .**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 937) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11            20095306 HKK (N 090292 HKK)**

Designation (List No. 409/LP-2292) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the Hubbard House, located at 2138 McDonald Avenue (Block 7087, Lot 30), as an historic landmark.

Report Summary:

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1918

**Resolution affirming the designation by the Landmarks Preservation Commission of the Hubbard House, located at 2138 McDonald Avenue (Block 7087, Lot 30), Borough of Brooklyn, Designation List No. 409, LP-2292 (L.U. No. 1036; 20095306 HKK; N 090292 HKK).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 23, 2009 a copy of its designation dated January 13, 2009 (the "Designation"), of the Hubbard House, located at 2138 McDonald Avenue, Community District 11, Borough of Brooklyn, as a landmark and Block 7087, 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 6, 2009 its report on the Designation dated March 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on March 31, 2009; 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.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1037

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 070305 ZSM, pursuant to Section 197-c and 201 of the Charter of the City of New York for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution in the Borough of Manhattan, Council District no. 3 to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces located at 405-427 West 53rd Street (Block 1063, Lot 17).**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 938) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4      C 070305 ZSM**

City Planning Commission decision approving an application submitted by 405 West 53rd Development Group, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution of the City of New York to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 405-427 West 53rd Street (Block 1063, Lot 17), in a C6-2 District, within the Special Clinton District.

**INTENT**

To allow the development of an unattended accessory off-street parking garage with a maximum capacity of 37 spaces.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1919

**Resolution approving the decision of the City Planning Commission on ULURP No. C 070305 ZSM (L.U. No. 1037), for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution of the City of New York to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 405-427 West 53rd Street (Block 1063, Lot 17), in a C6-2 District, within the Special Clinton District, Borough of Manhattan.**

By Council Members Katz and Avella.

**WHEREAS**, the City Planning Commission filed with the Council on March 11, 2009 its decision dated March 4, 2009 (the "Decision"), on the application submitted by 405 West 53<sup>rd</sup> Development Group, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution of the City of New York to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 405-427 West 53rd Street (Block 1063, Lot 17), in a C6-2 District, within the Special Clinton District (ULURP No. C 070305 ZSM), Community District 4, 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**, the City Planning Commission has made the findings required pursuant to Section 13-561 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 March 31, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 08DCP050M) and the Negative Declaration which was issued on October 27, 2008;

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Report for L.U. No. 1039

**Report of the Committee on Land Use in favor of approving Application no. N 090211 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York relating to Sections 93-514 (a), 93-71, 93-81 and 93-82.**

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 938) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**N 090211 ZRM**

City Planning Commission decision approving an application submitted by RGE ERY 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 Sections 93-514(a) (Eastern Rail Yards Subarea A1 – Location of Buildings), 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1), 93-81 (Required and Permitted Parking) and 93-82 (Use and Location of Parking Facilities) in Community District 4.

**INTENT**

To facilitate the development of the Eastern portion of the Hudson Rail Yards.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 31, 2009

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

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

Res. No. 1920

Resolution approving the decision of the City Planning Commission on Application No. N 090211 ZRM, for an amendment of the Zoning Resolution of the City of New York relating to Sections 93-514(a) (Eastern Rail Yards Subarea A1 – Location of Buildings), 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1), 93-81 (Required and Permitted Parking) and 93-82 (Use and Location of Parking Facilities) in Community District 4, Borough of Manhattan (L.U. No. 1039).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on March 6, 2009 its decision dated March 4, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by RG ERY LLC, for an amendment of the Zoning Resolution of the City of New York relating to Sections 93-514(a) (Eastern Rail Yards Subarea A1 – Location of Buildings), 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1), 93-81 (Required and Permitted Parking) and 93-82 (Use and Location of Parking Facilities) in Community District 4, (Application No. N 090211 ZRM), Community District 4, 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 March 31, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration which was issued on December 3, 2008 (CEQR No. 09DCP031M):

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision.

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

Article IX
Chapter 3
Special Hudson Yards District

\* \* \*

93-51
Special Height and Setback Regulations in the Large Scale Plan Subdistrict A

\* \* \*

93-514
Eastern Rail Yards Subarea A1

(a) Location of buildings

#Buildings# shall be located only in the following areas:

(1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;

(2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and

(3) for #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.

(3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:

(i) #development# in such area contains only #uses# in Use Groups 3 and 4; or

(ii) where #development# in such area includes #residential use#:

(a) such #residential use# is permitted only in a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C; and

(b) a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.

\* \* \*

93-71
Public Access Areas in the Eastern Rail Yards Subarea A1

Any #development# in the Eastern Rail Yards Subarea A1 shall provide public access areas in accordance with the following requirements:

\* \* \*

(b) Outdoor plaza

\* \* \*

The retail and glazing requirements of Section 93-14 (Retail Continuity Along Designated Streets) shall apply to at least 70 percent of the length of all building walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

\* \* \*

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection, except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

\* \* \*

93-80
OFF-STREET PARKING REGULATIONS

\* \* \*

93-81

Required and Permitted Parking

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet 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.

- (a) Except in the Eastern Rail Yards Subarea A1, for #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of dwelling units, except that where such #dwelling units# are government-assisted, pursuant to paragraph (e) of Section 25-25, #accessory# off-street parking spaces shall be provided for at least 25 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#. 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#.
- (c) 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#.

**(d) In the Eastern Rail Yard Subarea A1, no #accessory# off-street parking shall be required, and any #accessory# parking shall comply with the following provisions:**

- (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 use#, 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 use# exceed 350 spaces.**
- (3) In no event shall the total number of #accessory #off-street parking spaces for all #uses# exceed 1,000.**

~~(d)~~(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.

93-82

Use and Location of Parking Facilities

Except as otherwise indicated, the provisions of this Section shall apply to all off-street

Parking spaces within the #Special Hudson Yards District#.

- (a) All #accessory# off-street parking spaces 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.

- (2) in the Eastern Rail Yard Subarea 1, #use# of any #accessory# parking spaces shall be exclusively for #uses# located in the Subarea.

\* \* \*

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, April 1, 2009.

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

Reports of the Committee on Parks and Recreation

Report for Int. No. 931-A

**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 18 thoroughfares and public places, Firefighter Peter A. Bielfeld Way, Borough of the Bronx, Citizens of Pozzallo Way, Borough of Brooklyn, Giorgio Perlasca Way, Borough of Brooklyn, Anthony Suraci Place, Borough of Queens, Jason Ruiz Way, Borough of Brooklyn, Lt Brendan D Pearson EMS Sta 23 Way, Borough of Staten Island, Thurgood Marshall Boulevard, Borough of Manhattan, Homer Young Kennedy Way, Borough of Manhattan, Lucille Bulger Place, Borough of Manhattan, Alexander Felix Place, Borough of Manhattan, Mother Gloria A. Boyce Way, Borough of Brooklyn, Franciscan Way, Borough of the Bronx, Reverend Dr. Jerry Mosby Way, Borough of the Bronx, Jose Sucuzhañay Place, Borough of Brooklyn, Joseph Albergo Way, Borough of Queens, Michael A. Clarke Avenue, Borough of Queens, Mother Teresa Way, Borough of the Bronx, Poor Freddie's Avenue, Borough of Queens and the repeal of section 38 of local law number 28 for the year 2007 and the repeal of section 21 of local law number 64 for the year 2008.**

The Committee on Parks and Recreation, to which was referred on February 26, 2009 (Minutes, page 591) the annexed amended proposed local law, respectfully

REPORTS:

Comment:

On April 1, 2009, the Committee on Parks and Recreation will hold a hearing to consider a bill co-naming eighteen (18) thoroughfares and public places. This is the second hearing on the bill. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

#### **Section 1. Firefighter Peter A. Bielfeld Way**

Introduced by Council Member Arroyo  
Died September 11, 2001

Firefighter Peter A. Bielfeld was a member of Ladder 42, Engine 73 who was killed in the September 11<sup>th</sup> attacks.

#### **Section 2. Citizens of Pozzallo Way**

Introduced by Council Member DeBlasio

The Society of the Citizens of Pozzallo was founded in 1919. This organization has provided assistance to the poor and underprivileged by promoting the advancement of education and by contributing to other organized institutions of science and medical research.

#### **Section 3. Giorgio Perlasca Way**

Introduced by Council Member DeBlasio  
January 31, 1910 – August 15, 1992

Giorgio Perlasca worked for Angel Sanz-Briz during WWII issuing protective passes to Budapest's Jewish population. He was put in charge of the safe houses sheltering Jews from deportation and the Arrow Cross militia. He also worked with Raoul Wallenberg, Friedrich Born, from the International Red Cross, and Angelo Rotta, from the Vatican, in issuing protective passes. It is estimated that Giorgio Perlasca saved approximately 3,500 Hungarian Jews and was awarded honorary citizenship in Israel, the Medaglia d' Oro al Valor Civile from Italy, the Star of Merit from Hungary and also laid the first stone of the Holocaust Museum in Washington. The location of the co-naming is in an area of Brooklyn having a large Jewish and Holocaust Survivor community.

#### **Section 4. Anthony Suraci Place**

Introduced by Council Member Gioia  
Died in September, 2006

Anthony Suraci lived with his wife in Sunnyside, Queens, for over 60 years where he served as President of the Thompson Hill Civic Association, District Leader and held a number of annual charity events for needy families through the United Republicans of Western Queens.

#### **Section 5. Jason Ruiz Way**

Introduced by Council Member Gonzalez  
January 11, 1978 – September 4, 2008

Jason Ruiz was an FDNY Emergency Medical Technician (EMT) whose brave actions included rescuing a woman who fell on the subway tracks at Marcy and Myrtle Avenues. He was awarded a medal for meritorious acts in 2006 and 2007.

#### **Section 6. Lt Brendan D Pearson EMS Sta 23 Way**

Introduced by Council Member Ignizio  
Died April 23, 2005

Lt. Brendan Drew Pearson was an EMT for 25 years. Promoted to Lieutenant when the New York Health and Hospital Corporation merged with the Fire Department, he won five "Lieutenant of the Year Awards" and was one of the first EMT Lieutenants to staff the Rossville Firehouse.

#### **Section 7. Thurgood Marshall Boulevard**

Introduced by Council Member Jackson  
July 2, 1908 – January 24, 1993

Thurgood Marshall was an American jurist and the first African-American to serve on the United States Supreme Court. He served for 24 years compiling a liberal record that included strong support for Constitutional protection of individual rights.

#### **Section 8. Homer Young Kennedy Way**

Introduced by Council Member Jackson  
Died September 1, 2004

Homer Young Kennedy was a resident of New York City for 25 years and contributed to the Inwood community. He was responsible for locking and unlocking the Indian Road Playground and also contributed to the revival of Drums Along the Hudson, Uptown Arts Stroll, and became the Assistant Chair of the Parks and Cultural Affairs Committee for Community Board 12.

#### **Section 9. Lucille Bulger Place**

Introduced by Council Member Jackson  
September 26, 1912 – October 6, 2007

Lucille Bulger was a neighborhood leader and the founder and long-time Executive Director of the Community League of the Heights. The organization was originally created to offer programs and services for the neighborhoods youth, but

was later expanded to provide social services, affordable housing, health care, summer jobs and youth programs, as well as food for the hungry.

#### **Section 10. Alexander Felix Place**

Introduced by Council Member Jackson  
January 8, 1976 – July 2, 2007

Alexander Felix was a long-time resident of Washington Heights and served as an Auxiliary Officer for the 30<sup>th</sup> Precinct from 1996 until 2004. In that time, he received Observer Police Officer for the Year in 1997 for his dedication and community service. In June 2004, he joined the Police Academy and served in the Tracer Unit in the 30<sup>th</sup> Precinct making over 100 arrests. In 2007, he was accepted into the elite Patrol of Manhattan's North Grand Larceny Unit. He was killed by a drunk driver on the morning he was supposed to start with his new unit.

#### **Section 11. Mother Gloria A. Boyce Way**

Introduced by Council Member Mealy

Gloria A. Boyce served the central Brooklyn area for over forty years. She was a member of the Brownsville Community Council Board, the Community Progress Center, the Marcus Garvey Urban Renewal and founded the LaVaughn Moore Day Care Center, in East New York, as well as the Northeast Brooklyn Block Association.

#### **Section 12. Franciscan Way**

Introduced by Council Member Palma

This street co-naming will honor the contribution and service that the Friars and Sisters of the Franciscan Order have provided the Soundview and Classon Point communities for nine decades including both spiritual and educational support.

#### **Section 13. Reverend Dr. Jerry Mosby Way**

Introduced by Council Member Palma  
December 11, 1947 – November 18, 2007

Reverend Dr. Jerry Mosby was the Pastor for the Fellowship Covenant Church in the Bronx and a very active member of the community. He also served as the Community Chaplain for the 43<sup>rd</sup> Precinct and was a retired Pastor for the Bronx Network Health and Hospital Corporation. He was also vital in organizing Hurricane Relief Drives in the community, most memorable being Katrina.

#### **Section 14. Jose Sucuzhañay Place**

Introduced by Council Member Reyna

Jose Sucuzhañay was the co-owner of Open Realty International, a real estate agency in Bushwick. He was a gentle, generous man and the father of two children who live with his parents in Azogues, Ecuador. He was the victim of a hate crime when he was walking home with his brother early one morning and three men began shouting anti-gay and anti-Hispanic slurs. When Jose threatened to call the police, he was severely beaten with a baseball bat and died a few days later.

#### **Section 15. Joseph Albergo Way**

Introduced by Council Member Sanders, Jr.

Joseph Albergo was one of the most active residents of Rosedale for half a century. He served as Treasurer for Community Board 13 and was involved in various projects throughout the community. In addition, he served as president of Community School Board 29 for many years. In addition, Joseph served on the Rosedale Ambulance Corps, the Rosedale Civic Association, the Rosedale Lions Club and the Rosedale Nutrition Club.

#### **Section 16. Michael A. Clarke Avenue**

Introduced by Council Member Sanders, Jr.

Michael A. Clarke was very active in his community and also in the First Presbyterian Church. He will be most remembered for his artistic talents involving his camera coverage at Ground Zero in 2001 and the crash of American Airlines Flight 587 in Belle Harbor.

#### **Section 17. Mother Teresa Way**

Introduced by Council Member Vacca  
August 26, 1910 – September 5, 1997

Mother Teresa was one of the leading humanitarian figures of the 20<sup>th</sup> Century. She settled in India and spent over 45 years ministering to the poor, sick, orphaned and dying through the Missionaries of Charity, an organization she founded. She was awarded the Nobel Peace Prize in 1979 and in 2003. Her memory bears special significance within Albanian-American communities, such as along Pelham Parkway in the Bronx.

#### **Section 18. Poor Freddie's Avenue**

Introduced by Council Member Comrie

Freddie Dill, Sr. was not only a role model for entrepreneurs, but also a valued and active member of his community. He has been honored by various community leaders, politicians and those who he had helped over the years. When he moved to Jamaica, Queens, he started working at a gas station where he met Clarence Shackelford who owned a landscaping business. Shackelford became very

fond of Freddie and taught him the trade of landscaping. From that point on, Freddie became a successful business owner by running a towing service, a tire center, a take-out and catering establishment and finally, an auto center. Freddie Dill, Sr. was a kind and soft-spoken man whose aim was to up-lift the spirits of the people living in the community.

**Section 19. The REPEAL of Section 38 of Local Law number 28 for the year 2007.** This section repeals Section 38 of Local Law number 28 for the year 2007.

**Section 20. The REPEAL of Section 21 of Local Law number 64 for the year 2008.** This section repeals Section 21 of Local Law number 64 for the year 2008.

(The following is from the text of the Fiscal Impact Statement for Int. No. 931-A:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$5,832)	\$0	(\$5,832)
Net	(\$5,832)	\$0	(\$5,832)

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

**IMPACT ON EXPENDITURES:** This legislation would require approximately 18 signs at \$74 each and an additional \$4,500 for the installation of these signs. The total cost of enacting this legislation would be approximately \$5,832.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

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

**HISTORY:** This legislation was introduced by Council and referred to the Committee on Parks and Recreation on February 26, 2009. The Committee on Parks and Recreation amended and considered Intro. 931 which became Proposed Intro. 931-A on March 3, 2009. This legislation will be considered as Proposed Intro. 931-A on April 1, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 931-A:)

Int. No. 931-A

By Council Members Arroyo, Comrie, DeBlasio, Gioia, Gonzalez, Ignizio, Jackson, Mealy, Palma, Reyna, Sanders, Vacca and Weprin.

**A Local Law in relation to the naming of 18 thoroughfares and public places, Firefighter Peter A. Bielfeld Way, Borough of the Bronx, Citizens of Pozzallo Way, Borough of Brooklyn, Giorgio Perlasca Way, Borough of Brooklyn, Anthony Suraci Place, Borough of Queens, Jason Ruiz Way, Borough of Brooklyn, Lt Brendan D Pearson EMS Sta 23 Way, Borough of Staten Island, Thurgood Marshall Boulevard, Borough of Manhattan, Homer Young Kennedy Way, Borough of Manhattan, Lucille Bulger Place, Borough of Manhattan, Alexander Felix Place, Borough of Manhattan, Mother Gloria A. Boyce Way, Borough of Brooklyn, Franciscan Way, Borough of the Bronx, Reverend Dr. Jerry Mosby Way, Borough of the Bronx, Jose Sucuzhañay Place, Borough of Brooklyn, Joseph Albergo Way, Borough of Queens, Michael A. Clarke Avenue, Borough of Queens,**

**Mother Teresa Way, Borough of the Bronx, Poor Freddie's Avenue, Borough of Queens and the repeal of section 38 of local law number 28 for the year 2007 and the repeal of section 21 of local law number 64 for the year 2008.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter Peter A. Bielfeld Way	None	At the intersection of Prospect Avenue and Kelly Street

§2. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Citizens of Pozzallo Way	Henry Street	Between Sackett Street and Union Street

§3. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Giorgio Perlasca Way	Dahill Road	Between 41 <sup>st</sup> Street and 42 <sup>nd</sup> Street

§4. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony Suraci Place	39 <sup>th</sup> Place	Between 47 <sup>th</sup> Avenue and 48 <sup>th</sup> Avenue

§5. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jason Ruiz Way	60 <sup>th</sup> Street	Between 6 <sup>th</sup> Avenue and 7 <sup>th</sup> Avenue

§6. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lt Brendan D Pearson EMS Sta 23 Way	None	At the intersection of Rossville Avenue and Veterans Road East

§7. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Thurgood Marshall Boulevard	Edgecombe Avenue	Between 150 <sup>th</sup> Street and 155 <sup>th</sup> Street

§8. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Homer Young Kennedy Way	None	At the southeast corner of Indian Road at West 218 <sup>th</sup> Street

§9. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lucille Bulger Place	West 159 <sup>th</sup> Street	Between Broadway and Amsterdam Avenue

§10. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alexander Felix Place	None	At the southwest corner of West 161 <sup>st</sup> Street and Riverside Drive

§11. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mother Gloria A. Boyce Way	Pitkin Avenue	Between Eastern Parkway and Van Sinderen Avenue

§12. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Franciscan Way	None	At the intersection of Theriot Avenue and Randall Avenue

§13. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Reverend Dr. Jerry Mosby Way	None	At the intersection of Homer Avenue and Castle Hill Avenue

§14. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jose Sucuzhañay Place	None	At the intersection of Bushwick Avenue and Kossuth Place

§15. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph Albergo Way	None	At the intersection of Brookville Boulevard and Hook Creek Boulevard

§16. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Michael A. Clarke Avenue	137 <sup>th</sup> Avenue	Between 226 <sup>th</sup> Street and 230 <sup>th</sup> Street

§17. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mother Teresa Way	None	At the intersection of Lydig Avenue and Holland Avenue

§18. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Poor Freddie's Avenue	129 <sup>th</sup> Avenue	Between Merrick Boulevard and 174 <sup>th</sup> Street

§19. Section 38 of local law number 28 for the year 2007 is hereby REPEALED.

§20. Section 21 of local law number 64 for the year 2008 is hereby REPEALED.

§21. This local law shall take effect immediately.

HELEN D. FOSTER, Chairperson; ALAN J. GERSON, HELEN SEARS, LETITIA JAMES, ELIZABETH CROWLEY, Committee on Parks and Recreation, April 1, 2009.

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

#### Report of the Committee on Rules, Privileges and Elections

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

Report for M-1384

#### Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Malini Cadambi Daniel as a Member of the Equal Employment Practices Commission.

The Committee on Rules, Privileges and Elections, to which was referred on April 2, 2009 the annexed communication, respectfully

#### REPORTS:

#### *New York City Equal Employment Practices Commission – (Candidate for appointment by the Council)*

- **Malini Cadambi Daniel [Preconsidered M-1384]**

Chapter 36 of the *New York City Charter* (the “Charter”) establishes an Equal Employment Practices Commission (“EEPC”) within the City of New York. The law provides that EEPC shall review, evaluate and monitor the employment procedures, practices and programs of City agencies including the City’s Department of Citywide Administrative Services. Its purpose is to ensure an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with City agencies.

The EEPC consists of five members who are compensated on a per-diem basis.<sup>1</sup> The Mayor and the Council each appoint two members, and the Mayor and the Speaker of the Council jointly appoint a fifth member to serve as Chair of EEPC. Members, including the Chair, have four year terms. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of EEPC. Three members thereof shall constitute a quorum.

EEPC may, within available appropriations, appoint an executive director and such deputies, assistants, and other employees as may be needed in the performance of its duties. EEPC may meet as necessary to implement the provisions of Chapter 36 of the *Charter*, but at least once every eight weeks.

Some of EEPC powers and duties include:

- monitoring the employment practices of all local agencies, including non-Mayoral agencies;
- monitoring the implementation and coordination of City affirmative employment programs;
- requesting information from agencies to carry out Commission functions;
- communicating to the New York City Human Rights Commission concerning violations;
- reviewing and providing comments on annual equal employment opportunity plans adopted by City agencies;



- recommending to any City agency actions which such agency should consider including in its next annual plan;
- advising, and if requested, assisting City agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with City agencies;
- auditing and evaluating the employment practices and procedures of each City agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the New York City Civil Service Commission or the New York City Human Rights Commission or whenever otherwise deemed necessary by the Commission;
- making policy, legislative and budgetary recommendations to the Mayor, the Council, the New York City Department of Citywide Administrative Services or any City agency as the Commission deems necessary;
- publishing by the 15<sup>th</sup> of February of each year, a report to the Mayor and the Council on the activities of EEPC and the effectiveness of each City agency's affirmative employment efforts and the efforts by the New York City Department of Citywide Administrative Services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by City agencies;
- establishing appropriate advisory committees;
- serving as liaison for the City to state, federal and local agencies responsible for compliance with equal employment opportunity; and
- taking such other actions as are appropriate to effectuate the provisions and purposes of Chapter 36 of the *Charter*.

EEPC is also empowered with compliance procedures to insure that City agencies are adhering to the law.

Ms. Cadambi Daniel is scheduled to appear before the Council's Committee on Rules, Privileges and Elections on Thursday, April 2, 2009. If appointed by the Council as a member of EEPC, Ms. Cadambi Daniel, a resident of Brooklyn, will be eligible to serve for the remainder of a four year term that will expire on June 30, 2012. A copy of Ms. Cadambi Daniel's résumé and report/resolution is annexed to this briefing paper.

<sup>1</sup> The current per-diem rate for Commission members is \$250. The rate for the Chair is \$275.

Accordingly, Your Committee recommends its adoption.

*After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of nominee, Malindi Cadambi Daniel.*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 830 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Malini Cadambi Daniel as a member of the Equal Employment Practices Commission to serve a four-year term that expires on June 30, 2012.

This matter was referred to the Committee on April 2, 2009.

In connection herewith Council Member Reyna offered the following resolution:

Res. No. 1921

**Resolution approving the appointment by the Council of Malini Cadambi Daniel as a member the Equal Employment Practices Commission.**

By Council Member Reyna

**RESOLVED**, that pursuant to § 830 of the *New York City Charter*, the Council does hereby approve the appointment of Malini Cadambi Daniel as a member of the Equal Employment Practices Commission to serve a four-year term that expires on June 30, 2012.

DIANA REYNA, Chairperson; JOEL RIVERA, MARIA BAEZ, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LARRY B. SEABROOK, DAVID I. WEPRIN, INEZ E. DICKENS, DANIEL R. GARODNICK, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, April 2, 2009.

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

**Reports of the Committee on State and Federal Legislation**

Report for State Legislation Res. No. 1

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S. 749, and Assembly Member Lopez, A. 1688, "AN ACT to amend the local emergency housing rent control act, in relation to the rent regulation laws".**

The Committee on State and Federal Legislation, to which was referred on March 11, 2009 (Minutes, page 763) the annexed State Legislation Resolution, respectfully

**REPORTS:**

*The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the following State Legislation Resolution (SLR). By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

Today the Committee on State and Federal Legislation will consider SLR 1 a home rule request in support of S.749 and A.1688. On March 16, 2009 the Committee on State and Federal Legislation and the Housing and Buildings Committee jointly heard testimony from the New York City Housing Preservation Department (HPD), the Rent Stabilization Association (RSA) and various tenant and landlord organizations regarding this SLR.

According to the Sponsor's Memorandum in Support (MIS), since the repeal of New York City's home rule rent authority and evictions protections in 1971 by what has become known as the "Urstadt Law", the housing situation has gone from chronic shortage to acute crisis. The 2005 New York City Housing and Vacancy Survey found that the citywide vacancy rate in New York City was 3.09%; a vacancy rate of less than 5% creates abnormal market conditions. The recently issued 2008 Housing and Vacancy Survey found that the citywide vacancy rate in New York City is 2.88%.

According to the MIS, half of all New Yorkers are paying at or over the federal hardship level of 30% of income in rent and a fourth of all households are paying more than half of their income in rent. Further, the New York City Rent Guidelines Board found that at least 12,692 rent stabilized units were deregulated last year alone, and more than 8,200 of these due to vacancy decontrol. "Unless, the regulations governing rent and eviction protections are strengthened hundreds of thousands of additional affordable units are likely to be lost during the next decade."

The MIS, states that New York City's local government is powerless to deal with the housing crisis within its own borders due to the Urstadt Law. This act if passed would restore New York City's home rule, allowing it to adopt policies to protect over 2.5 million residents in one million rent controlled and rent stabilized apartments. Further, this would remove any impediment to the local government's ability to protect tens of thousands of families facing the devastating loss of protections under existing Mitchell Lama and Section 8 programs.

**PROPOSED LEGISLATION:**

Section 1 of this bill would amend subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the Rent Control Act, as amended by chapter 82 of the laws of 2003, by removing language from this subdivision that prohibits cities opting into this legislation from extending rent regulation and control to housing accommodations that are exempt from such regulation or control or which have been

decontrolled. This will grant authority for local rent regulating legislation even if that legislation provides for more stringent regulation than that which currently exists. The City would be authorized, acting through its local legislative body, to adopt and amend local laws in respect to the establishment and adjustment of maximum rents, the classification of housing accommodations, the regulations of evictions, and the enforcement of such local laws and ordinances, when it deems such action is desirable or necessitated by local conditions.

**FISCAL IMPLICATIONS:**

See Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** None. Should the State Legislature pass the law in question, New York City could enact legislation that would potentially impact property tax revenues. However, this State legislation does not require New York City to act or to pass specific measures with regard to rent regulations and, therefore, does not have any revenue impact in and of itself.

**IMPACT ON EXPENDITURES:** None. The legislation in question does not require New York City to act in any way that would necessarily result in increased expenditures. Currently, the State's Division of Housing and Community Renewal (DHCR) administers the rent regulation program for New York City. However, beginning in State fiscal year 2000-01, the City has been required to pay for the total costs of administering the City's program. Current costs are approximately \$40 million a year. Some of the cost is offset by rent stabilization fees, which are capped at \$10 per rent-regulated unit, and raise \$7.5 million a year, leaving the City responsible for the remaining costs of approximately \$32.5 million. Since the City is already paying for the costs of administering the rent-regulation program, if the City were to assume administration of the program, there would be no additional impact on expenditures.

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

**ESTIMATE PREPARED BY:** Ksenia Koban, Legislative Financial Analyst

Scott Crowley, Deputy Director  
New York City Council Finance Division

**FIS HISTORY:** SLR\_ (S.749/A.1688) will be considered before the Committee on State and Federal Legislation on April 2<sup>nd</sup>, 2009. It will be introduced before the full Council on April 2<sup>nd</sup>, 2009.

**DATE SUBMITTED TO COUNCIL:** March 11<sup>th</sup>, 2009.

(For text of the related printed State bills and the State Sponsor's Memorandum-in-Support from each house, please refer respectively to the New York State Senate and the New York State Assembly).

Accordingly, Your Committee recommends its adoption.

(The following is the text of State Legislation Res. No. 1:)

State Legislation Res. No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S. 749, and Assembly Member Lopez, A. 1688, "AN ACT to amend the local emergency housing rent control act, in relation to the rent regulation laws".**

By Council Member Baez, The Speaker (Council Member Quinn) and Council Members Fidler, Garodnick, James, Koppell, Lappin, Liu, Mealy, Palma, Avella, Gerson, de Blasio, Dickens, Brewer and Weprin.

**Whereas**, bills have been introduced in the New York State Legislature by Senator Krueger, S. 749, and Assembly Member Lopez, A. 1688, "AN ACT to amend the local emergency housing rent control act, in relation to the rent regulation laws"; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

MARIA BAEZ, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, April 2, 2009.

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

Report for State Legislation Res. No. 2

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Stewart-Cousins, S. 2237-A, and Assembly Member Rosenthal, A. 2005, "AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol".**

The Committee on State and Federal Legislation, to which was referred on March 11, 2009 (Minutes, page 764) the annexed State Legislation Resolution, respectfully

**REPORTS:**

*The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the following State Legislation Resolution (SLR). By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

Today the Committee on State and Federal Legislation will consider SLR 2 a home rule request in support of S.2337-A and A.2005. On March 16, 2009 the Committee on State and Federal Legislation and the Housing and Buildings Committee jointly heard testimony from the Rent Stabilization Association (RSA) and various tenant and landlord organizations regarding this SLR.

According to the Sponsor's Memorandum in Support (MIS), the shortage of affordable housing in New York City is an acute crisis. "The systems of rent regulation presently existing are the single most effective program of state and local governments to preserve the supply of affordable housing." These programs are being eroded by vacancy decontrol laws.

Under current law, apartments are no longer subject to rent regulations upon vacancy if the rent for those apartments is \$2000 a month or more (L.1974

c.576 §4). This provision, known as vacancy decontrol, was enacted in 1973. Several studies suggest that over 300,000 rent stabilized apartments have been removed from regulation in New York City and its surrounding counties. The pace at which vacancy decontrol removes affordable housing increases each year. According to the MIS, vacancy decontrol is an incentive for owners of rental housing to withhold services and use forms of harassment to induce regulated tenants to vacate their rental units. The MIS continues; “In some instances, costs of renovation have been inflated or even falsified in order to drive apartment rates to the \$2,000 threshold for vacancy decontrol.”

According to the MIS, such abuses are made possible by the existence of vacancy decontrol laws and therefore the repeal of vacancy decontrol laws is essential to restore the integrity of rent regulation systems and to protect the state’s supply of affordable housing.

**PROPOSED LEGISLATION:**

The proposed legislation would repeal the provisions of the Rent Control and Rent Stabilization Laws that allow for vacancy decontrol and would again subject most of the apartments to rent regulations that were removed from the protections of the rent regulating laws due to vacancy decontrol.

Section 1 of the bill sets forth legislative findings and a declaration of emergency. Section 2 would repeal the provision paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the Emergency Rent Control Law. Section 3 of the bill would repeal paragraph 13 of subdivision a of section 5 section 4 of Chapter 576 of the Laws of 1974, constituting the Emergency Tenant Protection Act of 1974. Section 4 would repeal subparagraph (k) of paragraph 2 of subdivision of section 26-403 of the Administrative Code of the City of New York. Section 6 also subjects accommodations to regulation under such laws which were deregulated upon vacancy after to January 1, 2007 and sets the rent at what it was as of December 31, 2006, but allows further adjustments as to what the landlord would have been entitled to had the apartment remained rent regulated. Section 7 of the bill provides that any housing accommodations that prior to January 1, 2007 were rented for less than \$5,000 in the City of New York will be subject to rent regulation. Section 8 and 9 repeal vacancy decontrol provisions of the New York City Administrative Code and the Emergency Tenant Protection Act that relate to preferential rents, respectively.

**EFFECTIVE DATE:**

Immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 2:)

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 10</b>	<b>FY Succeeding Effective FY 11</b>	<b>Full Fiscal Impact FY 13</b>
<b>Revenues (+)</b>	De minimis	De minimis	De minimis
<b>Expenditures (-)</b>	\$0.0	\$0.0	\$0.0
<b>Net</b>	De minimis	De minimis	De minimis

**IMPACT ON REVENUES:** Should the State Legislature pass the law in question, New York City could expect to see an impact on property tax revenues. On the assumption that on average over time market rate rent increases would continue to exceed allowed increases for regulated units, rental income of affected building owners would be less than in the absence of regulation, thus reducing the assessed value of their properties for property tax purposes. In addition, one time rent increases that might have occurred upon decontrol would not occur if the legislation were enacted.

No impact on revenues is expected in FY 2010 or FY 2011, on the assumption that (a) the Department of Finance (DOF) property tax assessment roll for FY 2010 will be final or nearly so at the time of enactment, and that (b) FY 2010 and FY 2011 assessed values for buildings affected by the legislation are based on Real Property Income and Expense (RPIE) statements from Calendar Years 2007 and 2008, respectively

A partial year’s impact would be expected in FY 2012, property tax assessments for which would be based on calendar year 2009 RPIEs, which would reflect, by assumption, a partial-year effect on building incomes, including units that would have been eligible for vacancy decontrol under existing law and the adjustment of existing rents to their Dec. 31, 2006 level,

plus allowable adjustments and increases from Jan. 1, 2007 through Dec. 31, 2009.

The full fiscal impact is anticipated in FY 2013, when the a full-year’s impact on building incomes is incorporated into DOF property assessments. The estimated revenue shortfall in FY 2013, compared to the current projection of Real Property Tax revenues by the Mayor’s Office of Management and Budget, is \$40.6 million. The cost breaks down as follows: the retro-active re-regulation of an estimated 71,000 units that were previously de-controlled upon vacancy would result in lost property tax revenues of \$19.0 million; while continued regulation of units that would have been eligible for decontrol under existing law would result in an estimated \$21.6 million in foregone property tax revenues. The revenue impact will continue to grow in subsequent years as more units previously subject to vacancy decontrol remain under rent regulation, and the cumulative difference between regulated and unregulated rents for retroactively re-controlled units widens.

**IMPACT ON EXPENDITURES:** Currently, the State’s Division of Housing and Community Renewal (DHCR) administers the rent regulation program for New York City. However, beginning in State Fiscal Year 2000-01, the City has been required to pay for the total costs of administering the City’s program. Current costs are approximately \$40 million a year. Some of the cost is offset by rent stabilization fees, which are capped at \$10 per rent-regulated unit, and raise \$7.5 million a year, leaving the City responsible for the remaining costs of approximately \$32.5 million. Should the Legislature pass the law in question, DHCR could incur further administration costs by maintaining more rent regulated and rent stabilized housing units within its administration, although some of the costs will be offset by the fees it collects.

**SOURCES OF INFORMATION:**

New York City Council Finance Division

New York City Office of Management and Budget

New York City Rent Guidelines Board

United States Bureau of the Census, New York City Housing and Vacancy Survey, 2008

**ESTIMATE PREPARED BY:** Nadine Felton, Assistant Director

Ksenia Koban, Legislative Financial Analyst

Scott Crowley, Deputy Director

New York City Council Finance Division

**FIS HISTORY:** SLR\_ (S.2237-A/A.2005) will be considered before the Committee on State and Federal Legislation on April 2<sup>nd</sup>, 2009. It will be introduced before the full Council on April 2<sup>nd</sup>, 2009.

**DATE SUBMITTED TO COUNCIL:** March 11<sup>th</sup>, 2009.

(For text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and the New York State Assembly).

Accordingly, Your Committee recommends its adoption.

(The following is the text of State Legislation Res. No. 2:)

State Legislation Res. No. 2

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Stewart-Cousins, S. 2237-A, and Assembly Member Rosenthal, A. 2005, “AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol”.**

By Council Members Baez, The Speaker (Council Member Quinn), and Council Members Garodnick, James, Koppell, Lappin, Liu, Mealy, Palma, Avella, Gerson, de Blasio, Dickens, Brewer and Weprin.

**Whereas**, bills have been introduced in the New York State Legislature by Senator Stewart-Cousins, S. 2237-A, and Assembly Member Rosenthal, A. 2005, “AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol”; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

MARIA BAEZ, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, April 2, 2009.

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

Report for State Legislation Res. No. 3

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Dilan and Stavisky, S. 3750, and Assembly Member Silver, A.7328, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to certain traffic-control indications; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof”.**

The Committee on State and Federal Legislation, to which was referred on April 2, 2009 the annexed State Legislation Resolution, respectfully

#### REPORTS:

*The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the following State Legislation Resolution (SLR). By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.*

#### BACKGROUND:

According to the Sponsor’s Memorandum in Support (MIS), in 1988, the New York State Legislature enacted legislation that allowed cities with a population of one million or more to establish a demonstration program to install traffic-control photo violation-monitoring devices to record vehicles going through red light signals at traffic intersections.

According to the MIS, since its inception in December of 1993, hundreds of thousands of vehicles including buses and taxicabs have been caught going through red light signals at traffic intersections in New York City. “In calendar year 2005 alone, 306, 117 violations of Notices of Liability (“NOLs”) were issued to violators.”

According to the MIS, a large number of traffic accidents resulting in bodily injury and death to motorists, passengers, pedestrians and bicyclists are due to the failure of motorists to obey traffic control signals located at the intersections. “Right angle” and pedestrian accidents due to red light running are among the leading

causes of traffic fatalities. By reducing the number of vehicles running red lights, the likelihood of “right angle” and pedestrian type accidents is reduced. “The extended use of these devices has been shown to dramatically reduce the number of violations at the intersections being monitored.”

The New York State Legislature and the New York City Council have repeatedly authorized the extension of this program. “This legislation would seek to expand the current program in New York City to allow fifty more cameras.”

#### PROPOSED LEGISLATION:

Section 1: Increases the number of “red light cameras” New York City is authorized to use by an additional fifty cameras.

#### FISCAL IMPLICATIONS:

See Finance Division fiscal impact statement.

#### EFFECTIVE DATE:

Immediately and sunset on December 1, 2014.

**(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 3:)**

#### FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
Revenues (+) (\$50 fines)	\$0	\$17 million	\$17 million
Revenue (+) \$100 fines)	\$0	\$34 million	\$34 million
Expenditures (-)	\$0	(\$12 million)	(\$12 million)
Net (\$50 fines)	\$0	\$5 million	\$5 million
Net (\$100 fines)	\$0	\$22 million	\$22 million

**IMPACT ON REVENUES:** There would be no impact on revenues in Fiscal 2009 resulting from the enactment of this legislation. The full impact of this legislation on revenues would occur in Fiscal 2010 and the outyears. At the current rate of \$50 per violation, the additional revenue in Fiscal 2010 is anticipated to be \$17 million. In Fiscal 2011, the additional revenue would be \$13 million, but will decrease to \$12 million in Fiscal 2012 and beyond taking into account lower issuance of violations based on increased public awareness of the program and camera locations.

However, if a pending proposal to double violation fines from \$50 to \$100 is enacted, then the projected net revenues would increase to \$22 million in Fiscal 2010, \$21 million in Fiscal 2011 and \$19 million in Fiscal 2012 and the outyears.

**IMPACT ON EXPENDITURES:** Costs to implement this legislation include both operating costs and the purchase of 50 new cameras as well as new terminals and equipment to operate the cameras. The total capital cost is approximately \$7 million. The annual operating costs of this legislation are approximately \$5 million. These costs include contracts for the operation of the cameras as well as personal service costs associated with staff to operate the cameras. As a result, the impact on expenditures resulting from the enactment of this legislation is projected to be \$12 million in Fiscal 2010 and \$5 million in Fiscal 2011 and the outyears.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

#### **SOURCE OF INFORMATION:**

The New York City Council Finance Division  
NYC Office of Management and Budget

#### **ESTIMATE PREPARED BY:**

Raymond Majewski, Deputy Director, Revenue  
Chima Obichere, Supervising Legislative Financial Analyst  
City Council Finance Division

**FIS HISTORY:** To be considered by the Committee on April 2, 2009.

**DATE SUBMITTED TO COUNCIL: APRIL 2, 2009**

Accordingly, Your Committee recommends its adoption.

**(For text of SLR No. 3, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and the New York State Assembly)**

MARIA BAEZ, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, April 2, 2009.

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

**GENERAL ORDER CALENDAR**

Report for L.U. No. 993 and Res. No. 1922

**Report of the Committee on Land Use in favor of approving ULURP Application no. C 09070 PCX, site selection and acquisition, Community Board 11, Bronx.**

The Committee on Land Use, to which was referred on February 11, 2009 (Minutes, page 464) and originally reported to the Council on March 24, 2009 (Minutes, page 845) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 11**

**C 090070 PCX**

City Planning Commission decision approving an application submitted by the New York City Police Department (NYPD), the Fire Department of New York (FDNY), the Department of Citywide Administrative Services (DCAS), and the Department of Information Technology and Telecommunications (DoITT), pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 1200 Waters Place (Block 4226, Lot 75 and part of Lots 40 and 55), for use as a public safety answering center.

**INTENT**

To facilitate the development of a public safety answering center.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 24, 2009

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

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

Res. No. 1922

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090070 PCX (L.U. No. 993), for the site selection and acquisition of property located at 1200 Waters Place (Block 4226, Lot 75 and part of Lots**

**40 and 55), Borough of the Bronx, for use as a public safety answering center.**

By Council Members Katz and Lappin.

**WHEREAS**, the City Planning Commission filed with the Council on February 2, 2009 its decision dated February 2, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Police Department (NYPD), the Fire Department of New York (FDNY), the Department of Citywide Administrative Services (DCAS), and the Department of Information Technology and Telecommunications (DoITT), for the site selection and acquisition of property located at 1200 Waters Place (Block 4226, Lot 75 and part of Lots 40 and 55), Community District 11, Borough of the Bronx (the "Site"), for use as a public safety answering center (ULURP No. C 090070 PCX) (the "Application");

**WHEREAS**, the Application is related to Application Number C 080197 MMX (L.U. No. 994), an amendment to the City Map, establishing a new two-way public street ('Marconi Street') to ensure permanent access and to provide utility services to the project site (PSAC II);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 23, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on January 23, 2009, with respect to Applications Numbers C 090070 PCX and C 080197 MMX (CEQR No. 07NPD004X); and

**RESOLVED:**

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

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

Report for L.U. No. 994 and Res. No. 1923

**Report of the Committee on Land Use in favor of approving ULURP Application no. C 080197 MMX, amendment to the City Map with modification, Community Board 11, Bronx.**

The Committee on Land Use, to which was referred on February 11, 2009 (Minutes, page 464) and originally reported to the Council on March 24, 2009 (Minutes, page 847) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 11**

**C 080197 MMX**

City Planning Commission decision approving an application submitted by the New York City Police Department (NYPD), the Fire Department of New York (FDNY), the Department of Information Technology and Telecommunications (DoITT), the Department of Design and Construction, and the Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of Marconi Street north of Waters Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map No. 13122, dated August 11, 2008, and signed by the Borough President.

**INTENT**

To facilitate the development of a public safety answering center.

Report Summary:

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 24, 2009

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 Katz and Garodnick offered the following resolution:

Res. No. 1923

**Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 080197 MMX, an amendment to the City Map (L.U. No. 994).**

By Council Members Katz and Garodnick .

**WHEREAS**, the City Planning Commission filed with the Council on February 2, 2009 its decision dated February 2, 2009 (the "Decision"), on the application submitted by the New York City Police Department (NYPD), the Fire Department of New York (FDNY), the Department of Information Technology and Telecommunications (DoITT), the Department of Design and Construction, and the Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of Marconi Street north of Waters Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map No. 13122, dated August 11, 2008 and signed by the Borough President, (ULURP No. C 080197 MMX), Community District 11, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to Application Number C 090070 PCX (L.U. No. 993), site selection and acquisition for the construction of New York City's second Public Safety Answering Center (PSAC II);

**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 February 23, 2009;

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on January 23, 2009, with respect to Applications Numbers C 090070 PCX and C 080197 MMX (CEQR No. 07NPD004X); and

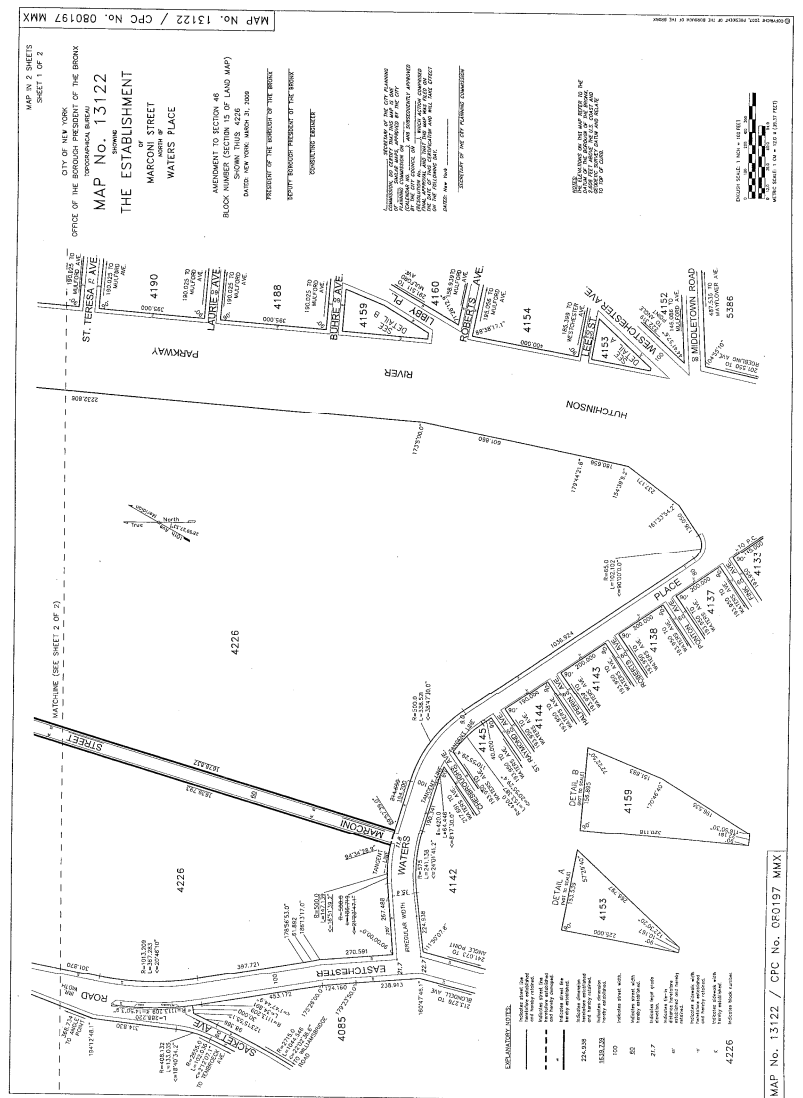
**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

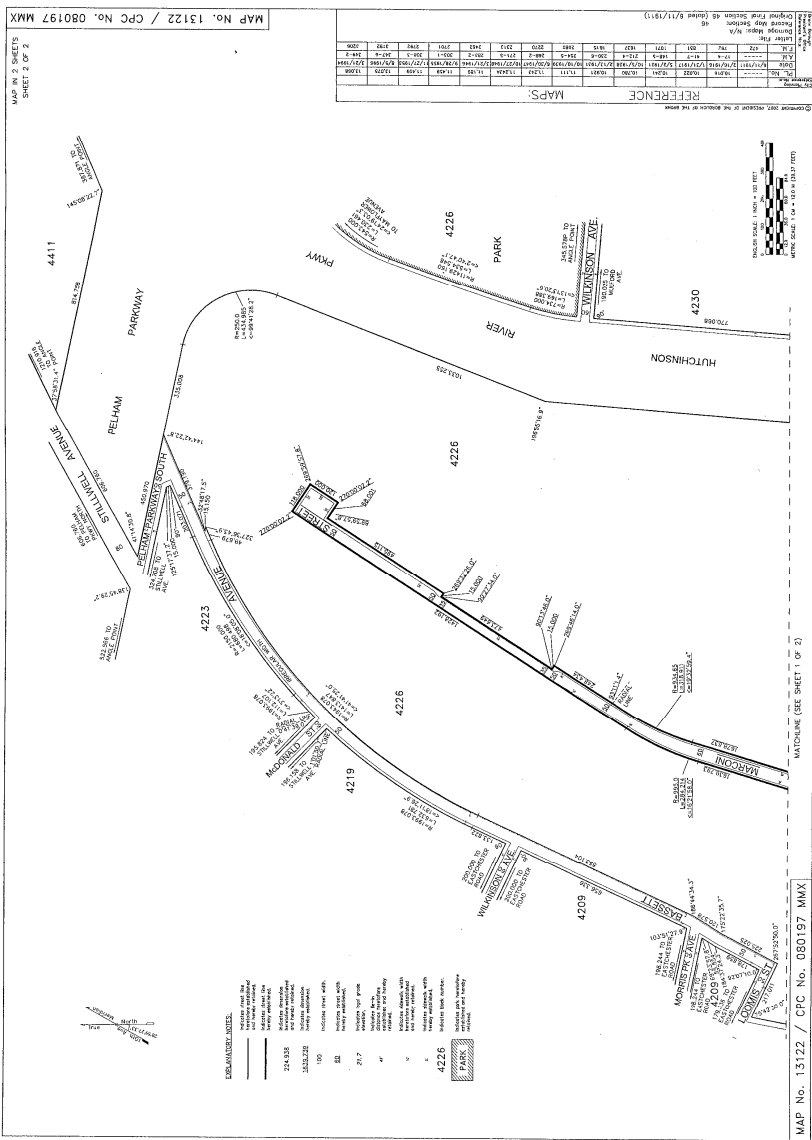
**RESOLVED:**

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the New York City Charter, the Council approves the Decision to amend the City Map with modification to reduce a portion of Marconi Street from a width of 50 to 35 feet in accordance with Map No. 13122 dated February 17, 2009, attached hereto and incorporated therein.





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

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

**RESOLVED**, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicant's Report*

Name	Address	District #
Anna Maria Borelli	100 Pitt Street #8D New York, NY 10002	2
Abigail R. Can	7 Peter Cooper Road #3F New York, NY 10010	4
Julia DiMaggio	41 Seff ell Avenue Staten Island, NY 10312	51
Ronny Estrella	3544 Broadway #25 New York, NY 10031	7
Cindy Garcia	43-19 39th Place #11 Sunnyside, NY 11104	26
Unjuima Rahana K. Hanif	34-43 Crescent Street #3T Queens, NY 11106	26
Yvonne T. Imasuen	139-01231st Street Queens, NY 11413	31

*Approved New Applicants and Reapplicants*

Name	Address	District #
Vincent V. Abate	321 Manhattan Avenue Brooklyn, NY 11211	34
Hayda Gonzalez	5512 Myrtle Avenue #2 Ridgewood, Ni" 11385	34
Hector J. Gonzalez	1065 Seneca Avenue Ridgewood, NY 11385	34
Robert Taylor Jr.	57-34 Catalpa Avenue Ridgewood, NY 11385	34
Maria. E. Vega	30 Montrose Avenue # Brooklyn, NY 11206	34
Maria Abreu	3718 Neptune Avenue Brooklyn, NY 11224	47
Sofiya Oksenkrug	2547 West 2nd Street Brooklyn, NY 11223	47
Niurka M. Almonte	1990 Lexington Avenue #15H New York, NY 10035	8
George R. Alves	2029 2nd Avenue #20F New York, NY 10029	8
Kenneth W. Majerus	372 Central Park West New York, NY 10025	8
Denise Benson	901 Washington Avenue #5F Brooklyn, NY 11225	35
Rawle A. Byer	2314 Holland Avenue Bronx, NY 10467	13
Eleanor Mary Carl	115 Thompson Street New York, NY 10012	3
Rosa Valentin	46 Madison Street #9G New York, NY 10038	3
Lucille Carletta	8215 11th Avenue Brooklyn, NY 11228	43
Sara DiStefano	1263 65 <sup>th</sup> Street Brooklyn, NY 11219	43
Walter E. Clayton Jr.	68-60 76th Street Queens, NY 11379	30
Doris V. Ortiz	361 Grandview Avenue #1 Ridgewood, NY 11385	30
Barbara Clement	790 Concourse Village West #6H Bronx, NY 10451.	16
Yolanda L. Taylor	1315 Prospect Avenue #4C Bronx, NY 10459	16
Lucia Tiburcio	1244 Ogden Avenue Bronx, NY 10452	16
Emil Cohill	50-23 59th Place Woodside, NY 11377	26
Suzanne Donnelly	11-16 123rd Street College Point, NY 11356	19
Lester A. Grossman	91 Rupert Avenue Staten Island, NY 10314	50
James P. Molinaro	85 Lyman Avenue Staten Island, NY 10305	50
Lynnette S. Hill	1035 Bryant Avenue Bronx, NY 10459	17
Maritza McCouneghey	1075 Dr. Martin L. King Blvd Bronx, NY 10452	17
Georgia T. Jackson	3017 Newkirk Avenue Brooklyn, NY 11226	45
Suzan N. Pack	1556 Schenectady Avenue Brooklyn, NY 11234	45
Carole Wilson	638 East 59th Street Brooklyn, NY 11234	45
Tracey Knuckles	1400 5th Avenue #4N New York, NY 10026	9
Julie Leung	65 West 90th Street New York, NY 10024	6
Daniel M. Pierre	95 West 95th Street #22C New York, NY 10025	6
Robert P. Mangieri	82-60 116 Street Kew Gardens, NY 11418	29
Teresa Martin	104-26 199th Street Queens, NY 11412	27

LaSalle S. Miller	22 Halsey Street #3A Brooklyn, NY 11216	36
Richard Monroe	1219 Dean Street Brooklyn, NY 11216	36
Jalal Moeen	4720 Avenue N Brooklyn, NY 11234	46
Michelle Odom	1861 Schieffelin Place Bronx, NY 10466	12
Darla A. Starks	120 Debs Place #23F Bronx, NY 10475	12
Ruthan Williams	716 East 231st Street 1 <sup>st</sup> Floor Bronx, NY 10466	12
Danielle Panza	65 Fraser Street Staten Island, NY 10314	51
Maria Cristina Puebla	94-06 34th Avenue #4H Queens, NY 11372	21
Joyce West	96-15 Jackson Mill Road East Elmhurst, NY 11369	21
Opal E. Roche	176 Benziger Avenue Staten Island, NY 10301	49
Joseph Salamon	1447 56th Street Brooklyn, NY 11219	44
Teresa M. Scantlebury	345 Hinsdale Street Brooklyn, NY 11207	42
Vailussa Smith	580 Sutter Avenue #4H Brooklyn, NY 11207	42
Judith Arlene Schultz	3400 A Paul Avenue #13G Bronx, NY 10468	11
Marlene N. Seara	149-49 114th Street Queens, NY 11420	32
Marie Souffrant-Santiago	241-31 128th Drive Queens, NY 11422	31
Edwina Maria Townes	785 East 181st Street #21 Bronx, NY 10460	15
Thelma N. Wilson	2455 Sedgwick Avenue Bronx, NY 10468	14
Renee R. Wilson	102-28 127 Street Queens, NY 11419	28

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)	<b>M 1382 &amp; Res 1897 -</b>	The Operating Budget of the Council of The City of New York - Fiscal Year 2010.
(2)	<b>M 1383 &amp; Res 1898 -</b>	Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council.
(3)	<b>M 1384 &amp; Res 1921 -</b>	<b>MALINI CADAMBI DANIEL</b> - As a Member of the Equal Employment Practices Commission
(4)	<b>Int 826-A -</b>	Prohibition of activities to prevent access to reproductive health care facilities.
(5)	<b>Int 931-A -</b>	Naming of 18 thoroughfares and public places.
(6)	<b>Int 955-A -</b>	Date of publication by the Mayor of the ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message. <b>(with Message of Necessity requiring affirmative vote of at least two-thirds of the Council for passage)</b>
(7)	<b>Res 1896 -</b>	Approving the new designation and changes in the designation of certain organizations to receive funding.
(8)	<b>SLR 1 -</b>	<b>S. 749, A. 1688</b> , rent regulation laws.
(9)	<b>SLR 2 -</b>	<b>S. 2237-A, A. 2005</b> , constituting the

(10)	<b>SLR 3 -</b>	emergency housing rent control law and relating to vacancy decontrol. <b>S. 3750, A.7328</b> , civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof.
(11)	<b>L.U. 938 &amp; Res 1902 -</b>	App. <b>20095197 HAQ</b> , UDAAP, 111-17 103rd Avenue, Council District no. 32, Borough of Queens.
(12)	<b>L.U. 940 &amp; Res 1903 -</b>	App. <b>20095199 HAM</b> , UDAAP, 1801-05 7th Avenue, Council District no. 9, Borough of Manhattan.
(13)	<b>L.U. 993 &amp; Res 1922 -</b>	ULURP Application no. <b>C 09070 PCX</b> , site selection and acquisition, Community Board 11, Bronx
(14)	<b>L.U. 994 &amp; Res 1923 -</b>	ULURP Application no. <b>C 080197 MMX</b> , amendment to the City Map with modification, Community Board 11, Bronx
(15)	<b>L.U. 1009 &amp; Res 1904 -</b>	App. <b>C 090078 HUK</b> Fresh Creek Urban Renewal Plan, Borough of Brooklyn, Community District 5.
(16)	<b>L.U. 1010 &amp; Res 1905 -</b>	App. <b>C 090079 ZMK</b> New York City Charter for an amendment of the Zoning Map, Section No. 17d.
(17)	<b>L.U. 1011 &amp; Res 1906 -</b>	App. <b>C 090081 ZSK</b> modify the regulations of Section 32-64, Section 32-65 and Section 33-66.
(18)	<b>L.U. 1012 &amp; Res 1907 -</b>	App. <b>C 090082 HAK</b> new mixed use community, Borough of Brooklyn, Community District 5.
(19)	<b>L.U. 1013 &amp; Res 1908 -</b>	App. <b>C 080089 MMK</b> Nehemiah Housing Development fund Corporation for an amendment to the City Map.
(20)	<b>L.U. 1016 &amp; Res 1909 -</b>	ULURP, app. <b>C 090145 HAM</b> , UDAADP, 213 East 99th Street Manhattan, Council District no. 8.
(21)	<b>L.U. 1026 &amp; Res 1910 -</b>	ULURP, app. <b>C 090141 HAK</b> , UDAADP, 1598, 1600 and 1602 Fulton Street Brooklyn, Council District no. 36.
(22)	<b>L.U. 1027 &amp; Res 1911 -</b>	ULURP, app. <b>C 090142 HAK</b> , UDAADP, 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574 and 1576 Fulton Street and 43 Albany Street, Brooklyn, Council District no. 36.
(23)	<b>L.U. 1028 &amp; Res 1912 -</b>	App. <b>N 090252 HAM</b> , UDAADP, 400-402 East 8th Street; 103, 101, 97-99 Avenue D; 281 and 279 East 7th Street, Manhattan, Council District no. 2.
(24)	<b>L.U. 1031 &amp; Res 1913 -</b>	App. <b>20095400 SCQ</b> , 57th Avenue and 74th Street (Block 2803, Lot1) in Council District no. 30, Queens.
(25)	<b>L.U. 1032 &amp; Res 1914 -</b>	App. <b>20095299 HKM</b> (N 090290 HKM), 275 Madison Avenue as a historic landmark, Council District no. 4.
(26)	<b>L.U. 1033 &amp; Res 1915 -</b>	App. <b>20095303 HKM</b> (N 090288 HKM), New York Public Library George Bruce Branch 518 West 125th Street historic landmark, Council District no. 7.
(27)	<b>L.U. 1034 &amp; Res 1916 -</b>	App. <b>20095304 HKM</b> (N 090289 HKM) New York Public Library 125th street Branch, as a historic landmark, Council District 8.
(28)	<b>L.U. 1035 &amp; Res 1917 -</b>	App. <b>20095305 HKR</b> (N 090291 HKR), John H. and Elizabeth J. Elsworth House, 90 Bayview Avenue historic landmark, CD 51.
(29)	<b>L.U. 1036 &amp; Res 1918 -</b>	App. <b>20095306 HKK</b> (N 090292 HKK), Hubbard House 2138 McDonald Avenue historic landmark, Council District no. 47.
(30)	<b>L.U. 1037 &amp; Res 1919 -</b>	ULURP, app. <b>C 070305 ZSM</b> , unattended accessory off-street parking garage, 405-427 West 53rd Street (Block 1063, Lot 17).
(31)	<b>L.U. 1039 &amp; Res 1920 -</b>	App. <b>N 090211</b> Zoning Resolution of the City of New York relating to Sections 93-514 (a), 93-71, 93-81 and 93-82.
(32)	<b>L.U. 1044 &amp; Res 1899 -</b>	1157 Fulton Avenue Bronx, NY Council District No. 16
(33)	<b>L.U. 1045 &amp; Res 1900 -</b>	Negotiated Sale, 567 West 183 <sup>rd</sup> Street, Manhattan, Council District No. 10
(34)	<b>L.U. 1046 &amp; Res 1901 -</b>	Section 202 Supportive Housing, 203-209 West 146 Street, Manhattan, Council District No. 7



**(35) Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. Gotbaum) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

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

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

The following was the vote recorded for **Int No. 826:**

**Affirmative** – Arroyo, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gerson, Gioia, Jackson, James, Katz, Koppell, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) –**40**.

**Negative** – Avella, Felder, Ignizio, Mitchell, Oddo, Ulrich, Vacca, Vallone, Jr. – **8**.

The following was the vote recorded for **Res No. 1896:**

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

**Negative** – Koppell – **1**.

The following was the vote recorded for **LU No. 1031 & Res No. 1913:**

**Affirmative** – Arroyo, Baez, Barron, Brewer, Comrie, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Foster, Garodnick, Gennaro, Gerson, Gioia, Jackson, James, Katz, Koppell, Liu, Mark-Viverito, Martinez, Mendez, Mitchell, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) –**38**.

**Negative** – Avella, Crowley, Fidler, Ignizio, Mealy, Nelson, Oddo, Ulrich, Vacca, and Vallone, Jr. – **10**.

The following was the vote recorded for **SLR No. 1:**

**Affirmative** – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gerson, Gioia, Jackson, James, Katz, Koppell, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) –**44**.

**Negative** – Felder, Ignizio, Oddo and Ulrich – **4**.

The following was the vote recorded for **SLR No. 2:**

**Affirmative** – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gerson, Gioia, Jackson, James, Katz, Koppell, Liu, Mark-Viverito, Martinez, Mealy, Mendez,

Mitchell, Nelson, Palma, Reyna, Sanders, Seabrook, Sears, Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) –**38**.

**Negative** – Felder, Ignizio, Oddo, Ulrich, and Vallone, Jr. – **5**.

**Abstention** – Dilan, Fidler, Recchia, Stewart, and Vacca – **5**.

The following was the vote recorded for **SLR No. 3:**

**Affirmative** – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gerson, Gioia, Jackson, James, Katz, Koppell, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) –**45**.

**Negative** – Ignizio, Oddo, and Ulrich – **3**.

*The following three Introductions were sent to the Mayor for his consideration and approval: Int Nos. 826-A, 931-A, 955-A (passed under a Message of Necessity from the Mayor).*

**INTRODUCTION AND READING OF BILLS**

SLR. No. 3

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Dilan and Stavisky, S. 3750, and Assembly Member Silver, A.7328 , “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to certain traffic-control indications; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof”.**

By Council Members Baez, Brewer, Comrie, Liu and Weprin.

**Whereas**, bills have been introduced in the New York State Legislature by Senators Dilan and Stavisky, S. 3750, and Assembly Member Silver, A. 7328, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to certain traffic-control indications; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof”; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered by the Committee on State and Federal Legislation.)

Int. No. 957

By Council Members de Blasio, Brewer, Mark-Viverito, The Public Advocate (Ms. Gotbaum) and Council Members James, Barron, Comrie, Fidler, Liu, Mealy, Nelson, Sanders, Weprin, Lappin, Foster, Yassky and Sears.

**A Local Law to establish a website to track funds received by New York city from the American Recovery and Reinvestment Act of 2009.**

*Be it enacted by the Council as follows:*

Section 1. American Recovery and Reinvestment Act of 2009 transparency and accountability website. a. (1) For the purposes of this section, the term “agency” shall mean a city, county, borough, or other office, position, administration, department, bureau, board or commission, or a corporation, institution or agency of the government, the expenses of which are paid in whole or in part from the city treasury.

(2) The term “recipient” shall include any agency that has received federal funding from any source as a result of the American Recovery and Reinvestment Act of 2009, and any entity that has received federal funding directly or indirectly from an agency as a result of the American Recovery and Reinvestment Act of 2009.

b. There shall be an interactive website operated by the office of operations to be known as the SunlightNYC website. A link to such website shall be prominently displayed on the nyc.gov website or any successor site.

c. (1) On or before May 1, 2009 each agency shall identify and report to the office of operations all projects that such agency believes may be eligible to receive funds as a result of the American Recovery and Reinvestment Act of 2009 by federal or state discretion or by competitive grant. Such report shall be updated at least every month thereafter until March 2, 2010.

(2) Each agency shall report to the office of operations all projects for which they have applied for funds and all projects for which they have received an award of funds originating from the American Recovery and Reinvestment Act of 2009 within three days of such application or award. Such report shall include: the name of the agency applying for or receiving an award; the award amount sought or the amount received; the state and/or federal agency funding the award; the expected impact of the project funded with an emphasis on employment and wages, economic growth and other economic indicators; other intended benefits including, but not limited to, energy efficiency, positive environmental impact, and academic achievement; whether the funds sought or awarded are in addition to funds already budgeted or are replacing funds due to budget shortfalls; the written contracts or memoranda of agreement by which awarded funds are disbursed; contact information through which the public may solicit additional information about the project; and any other information that the office of operations shall require.

(3) On or before July 1, 2009, and every thirty days thereafter, each recipient shall report on the utilization of federal funds to the office of operations for each project for which the recipient received federal funds originating from federal or state discretion or competitive grant, and for each project that was funded through entitlement or other mandatory programs. Such report shall be certified as accurate by the recipient’s senior accountable official or their designee, and shall be retained by the office of operations, and shall include: the total amount of the awarded funds; how the awarded funds have been spent to date; how the agency intends to spend the remaining awarded funds; detailed information on all subcontracts or subgrants awarded by the recipient; the number of jobs created or retained by each such project, disaggregated by contractor and subcontractor working on the same project; the hours worked; the type of work; demographic characteristics of workers as defined in the United States equal employment opportunity commission’s EEO-1 survey; the wages paid based on actual payroll expenditures; the expected local economic impact based on the regional input/output modeling system, known as RIMS-II, or other credible model; whether the project is on track to achieve or has achieved its expected local economic impact; the status of any other intended benefits; the timeline for completion of the project; and any other information that the office of operations shall require.

d. The office of operations shall make all of the information reported pursuant to subdivision c. of this section available to the public on SunlightNYC within three days of receipt of such information in a format compatible with the recovery.gov website maintained by the federal government, including the utilization of the identifiers used by recovery.gov for all recipients, projects, geographic regions, and program areas. All information on the website should be easily searchable and sortable by web users.

e. The SunlightNYC website should provide an easy-to-use online form and toll-free telephone number for anonymous whistleblowers and others to report allegations of waste, fraud, and abuse.

f. All information contained on the SunlightNYC website relating to the funds allocated as a result of the American Recovery and Reinvestment Act of 2009 shall be made available for download in extensible markup language in addition to any other format the office of operations shall deem appropriate. The office of operations shall operate a syndicated web feed to notify interested parties of changes or updates to the information contained on the SunlightNYC website.

g. The office of operations shall monitor federal, state and municipal websites that track the funds allocated by the American Recovery and Reinvestment Act, and shall solicit feedback from the public on the performance of the SunlightNYC website. On July 1, 2009 and every six months thereafter, the office of operations shall issue a memorandum to the mayor and the council on the best practices of such federal, state and municipal websites, and shall implement such best practices within thirty days of the issuance of such memorandum.

§2. This local law shall take effect immediately and expire on January 1, 2013.

Referred to the Committee on Technology in Government

Res. No. 1889

**Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, by establishing siting procedures for charter schools, or alternatively to pass legislation allowing New York City to enact such a law locally.**

By Council Members Dilan, Comrie, Dickens, Fidler, Gennaro, Jackson, James, Liu, Mealy and Lappin.

**Whereas**, In 1998, the New York Charter Schools Act allowed the creation of independent public schools; and

**Whereas**, According to the New York City Department of Education, as of September 2008, New York City has 78 charter schools which serve approximately 23,577 students; and

**Whereas**, According to the New York City Charter Center, each charter school receives approximately 12,432 dollars in state funding for each child it educates during the 2008-2009 school year; and

**Whereas**, Like all public schools, charter schools must meet state standards and Regents requirements as well as state and federal laws regarding health, safety and civil rights; and

**Whereas**, According to the New York State Education Law (“SEL”), a charter school may be located in part of an existing school building, in space provided on a private work site, in a public building or in any other suitable location; and

**Whereas**, The SEL requires that before a charter school may be located in any part of an existing school building, the charter entity must provide notice to the parents or guardians of the students then enrolled in the existing school building; and

**Whereas**, The SEL also requires that a public hearing be held for the purposes of discussing the location of the charter school; and

**Whereas**, A charter school may own, lease or rent its space; and

**Whereas**, For the purposes of local zoning, land use regulation and building code compliance, a charter school is deemed a non-public school and thus lacks a formal siting process; and

**Whereas**, The lack of a legally mandated siting process has caused dissension among some New York City residents; and

**Whereas**, Establishing mandated siting procedures for charter schools would ensure more community participation in charter school siting; now, therefore, be it

**Resolved**, That the New York City Council calls upon the New York State Legislature to amend the State Education Law, in relation to charter schools, by establishing siting procedures for charter schools, or alternatively to pass legislation allowing New York City to enact such a law locally.

Referred to the Committee on Education

Res. No. 1890

**Resolution calling on the Department of City Planning, pursuant to New York City Charter section 197-c, to commence the process to change the official New York City Map to designate Parks Department GreenThumb Community Gardens as City Parks.**

By Council Members Foster, Barron, Jackson and James.

**Whereas**, GreenThumb Community Gardens play a vital role for New Yorkers who lack access to green spaces; and

**Whereas**, GreenThumb Community Gardens provide underserved neighborhoods with fresh fruits and vegetables, community building and after school activities for local children; and

**Whereas**, The existence of 114 of the more than 700 community gardens in New York were threatened with sale and destruction in 1998; and

**Whereas**, Although these community gardens were saved, the existence of many community gardens remains at risk; and

**Whereas**, Approximately 86 existing GreenThumb Community Gardens on 225 lots are currently under the jurisdiction of the New York City Parks Department; and

**Whereas**, Although pursuant to a September 17, 2002 agreement between the City of New York and the State of New York a protocol for the preservation and development of City-Owned GreenThumb Community Gardens was established, such gardens were not designated as city parks; and

**Whereas**, Although GreenThumb has been a program of the New York City Parks Department since 1995, the gardens lack the protection given to mapped City parkland including protection under the public trust doctrine; and

**Whereas**, Although GreenThumb Community Gardens are currently offered a small degree of protection, they deserve the protection given to mapped city parks, such as requiring state legislative authorization before such parkland may be alienated; and

**Whereas**, The mapping of GreenThumb Gardens as parkland is required to go through the Uniform Land Use Review Procedure, pursuant to section 197-c of the New York City Charter; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Department of City Planning pursuant to New York City Charter section 197-c, to commence the process to change the official New York City Map to designate GreenThumb Community Gardens as City parkland, under the jurisdiction of the Department of Parks and Recreation.

Referred to the Committee on Parks and Recreation

Int. No. 958

By Council Members Garodnick, Barron, Comrie, Fidler, Jackson, James, Liu, Nelson, Stewart, Lappin and Foster.

**A Local Law to amend the administrative code of the city of New York, in relation to posting the most recent food vendor inspector letter grades received.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-306 of the Administrative Code of the city of New York is amended by adding a new subsection t to read as follows:

*t. "Inspection results placard". A laminated placard, the form and manner of which shall be determined by rule of the commissioner, issued by the department to the vendor within 72 hours after the completion of a food service establishment inspection. Such placard shall contain a letter grade corresponding to the results of the inspection.*

§2. Section 17-311 of the Administrative Code of the city of New York is amended by adding a new subsection e to read as follows:

*e. The most recent inspection results placard received by the vendor shall be posted conspicuously on the vending vehicle or pushcart at all times.*

§3. This local law shall take effect 120 days after its enactment into law, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Health

Int. No. 959

By Council Members Garodnick, Brewer, Comrie, Fidler, James, Nelson, White, Avella and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to responsibilities of entities commencing action to recover real property in foreclosure actions.**

*Be it enacted by the Council as follows:*

Section 1. Article 2 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2109.3 to read as follows:

*§27-2109.3 Requirements of entities commencing foreclosure actions. a. Any entity or individual which initiates an action for foreclosure of one or more buildings with six or more dwelling units in total must notify all tenants residing in any or all such buildings in such a foreclosure proceeding within ten days of the bringing of such action. Such notification shall be done by mail, return receipt requested, as well as by affixing such notice prominently at each such building. The commissioner shall promulgate rules with regard to what is required to be written on such notice and the precise location where such notice may be placed. However, at a minimum, such notification shall include a copy of the notice of default in payment of the mortgage being foreclosed upon that was served on the defendant or defendants of such action, along with a copy of any such summonses filed in the foreclosure action regarding such building. In addition, such notification shall also include at a minimum, a statement of the rights of the tenants under all laws relating to mortgage foreclosures, and at least one appropriate governmental entity to which tenants may direct any questions. The commissioner shall promulgate rules to determine precisely which rights shall be listed and what governmental entity shall be listed on such notice.*

*b. Any individual or entity who fails to provide notice as required by this section shall be subject to a civil penalty not to exceed one thousand dollars for each day that there is such failure. However, a failure to provide such notice shall not in any way be deemed to affect an action to foreclose a mortgage pending in a court of competent jurisdiction, and any orders of such a court shall be deemed to take precedence over this section.*

*c. The provisions of this section shall not apply to any foreclosure actions brought by any governmental entity.*

§2. This local law shall take effect immediately after enactment.

Referred to the Committee on Housing and Buildings

Res. No. 1891

**Resolution calling upon the New York State Legislature to pass Bill No. A06138, which would authorize the City of New York to privately sell certain property that cannot be independently developed.**

By Council Members Ignizio, Sears and Oddo.

**Whereas**, The Department of Citywide Administrative Services (“DCAS”) is responsible for selling the City’s real estate holdings; and

**Whereas**, DCAS is required by New York State law to sell city-owned property through public auctions or other competitive bidding processes; and

**Whereas**, DCAS has identified approximately 1,000 lots of land throughout the five boroughs that cannot be independently developed because of size, shape, zoning, configuration and topography; and

**Whereas**, These lots – mostly small strips of land – generally go unused and are not well maintained, consequently detracting from the beauty of the neighborhoods in which they are located; and

**Whereas**, In some cases, adjacent property owners use the land without permission from the City; and

**Whereas**, Because of the size, shape, zoning, configuration and topography of these lots, the land can only be fully utilized by adjacent property owners; and

**Whereas**, DCAS therefore believes it is in the city’s interest to forego the public auction process for such parcels, and, instead, sell these properties directly to the abutting property owners; and

**Whereas**, During public auctions, bidders who do not own property adjacent to the lot being auctioned may outbid those who live adjacent to the property so that they can re-sell the land at a higher price on the private market; and

**Whereas**, The City stands to benefit more in the long term from selling the land directly to adjacent property owners than at public auction because adjacent property owners have a stake in using the land to not merely make money, but also to improve their neighborhoods; and

**Whereas**, Since selling these lots directly to adjacent property owners is beneficial to both property owners and the people of the City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass Bill No. A06138, which would authorize the City of New York to privately sell certain property that cannot be independently developed.

Referred to the Committee on Governmental Operations

Res. No. 1892

**Resolution calling upon the Department of Education to revise the Chancellor’s regulations to eliminate the waiver of parental involvement in school Principal and Assistant Principal selection committees and to provide for a transparent and public list of candidates who are selected to advance from the first to the second level of the Principal and Assistant Principal selection process.**

By Council Members Katz, Barron, Brewer, James, Liu, Mealy, Sanders and Foster.

**WHEREAS**, Public schools are responsible for educating the children of New York City; and

**WHEREAS**, Principals and Assistant Principals play a crucial role in creating and running the public schools of the city; and

**WHEREAS**, It is important that Principals and Assistant Principals be chosen because of their skills as educators and administrators; and

**WHEREAS**, It is also important that the community members whose children are being educated by city public schools be allowed to provide input into their child’s education; and

**WHEREAS**, State Education Law states that Principals shall be selected in a manner consistent with the regulations of the Chancellor establishing a process that promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates; and

**WHEREAS**, The Chancellor’s regulations govern the process for selecting Principals and Assistant Principals; and

**WHEREAS**, The Chancellor’s regulations provide for a two-tiered review process of the candidates for Principal or Assistant Principal, which is called the C-30 process and which consists of a “level one” and “level two” review; and

**WHEREAS**, Pursuant to the Chancellor’s regulations, parents from the School Leadership Team are to be selected to serve on the level one committee in order to interview candidates; and

**WHEREAS**, Should no parent from the School Leadership Team be available, the Chairperson of the level one committee is to offer the officers of the school’s Parent Association the opportunity to serve on the selection committee; and

**WHEREAS**, If parents from the School Leadership Team and Parent Association officers are not available to serve, the parental involvement requirement may be waived, or alternative methods of designating parents to serve on the committee may be authorized; and

**WHEREAS**, When the waiver option is used, parents do not serve as members of the committee that provides input on selecting the Principal or Assistant Principal; and

**WHEREAS**, The names of the candidates who are chosen to progress from level one to level two are not made public; and

**WHEREAS**, Making public the names of candidates who reach the level two review would add transparency to the process of selecting a Principal or Assistant Principal; and

**WHEREAS**, Providing transparency to the Principal and Assistant Principal selection process would allow parents to be more knowledgeable and involved in their children’s schools; now, therefore, be it

**RESOLVED**, That the Council of the city of New York calls upon the Department of Education to revise the Chancellor’s regulations to eliminate the waiver of parental involvement in school Principal and Assistant Principal selection committees and to provide for a transparent and public list of candidates who are selected to advance from the first to the second level of the Principal and Assistant Principal selection process.

Referred to the Committee on Education

Res. No. 1893

**Resolution calling upon the New York State Legislature to pass A.08688, a bill that would amend the State Education Law, in relation to strengthening early childhood education by requiring full-day kindergarten and lowering the age of compulsory attendance in New York State to age five, or**

**alternatively, to pass legislation allowing New York City to enact such a law locally.**

By Council Members Katz, Dickens, James, Liu, Mealy, Sanders, Weprin, Lappin and Foster.

**WHEREAS**, Currently, State law mandates that a child begin his or her education at six years of age; and

**WHEREAS**, The New York State Legislature is considering A.08688, sponsored by Assemblywoman Catherine Nolan, a bill that would amend the State Education Law to require full-day kindergarten and lower the age of compulsory attendance throughout the state to five years of age; and

**WHEREAS**, A.08688 would require that all school districts provide full day kindergarten by the 2010-2011 school year and that parents shall have the option to delay their children's entry into kindergarten by one year, if they so choose; and

**WHEREAS**, Currently, early childhood education has been shown to provide a positive benefit throughout a child's formative years and educational years, however, not every child has the opportunity to access that advantage; and

**WHEREAS**, Requiring full-day kindergarten throughout New York State would ensure that each child has the benefit to begin his or her education earlier and thus be more prepared for elementary school; and

**WHEREAS**, A.08688 would also benefit lower-income and immigrant parents who may be unable to access or unaware of, alternative means to provide kindergarten study material for their children if it is not automatically provided; and

**WHEREAS**, The New York City Council alternatively calls upon the New York State legislature to pass a bill that would allow New York City to adopt a local law that would require compulsory attendance and full-day kindergarten for children who are five years of age; and

**WHEREAS**, state law also permits the City of Syracuse to require full day kindergarten at age five for its residents, and the City of New York has no such requirement; and

**WHEREAS**, Requiring full-day kindergarten for all five year olds would ensure that more young children in New York City would reap the benefits of early childhood education; now, therefore, be it

**RESOLVED**, That the New York City Council calls upon the New York State Legislature to pass A.08688, a bill that would amend the State Education Law, in relation to strengthening early childhood education by requiring full-day kindergarten and lowering the age of compulsory attendance in New York State to age five, or alternatively, to pass legislation allowing New York City to enact such a law locally.

Referred to the Committee on Education

Res. No. 1894

**Resolution urging the Chancellor of the New York City Department of Education to make full-day kindergarten mandatory for children five years of age and to mandate that Community School Districts accommodate kindergartners so that they may attend their locally zoned school.**

By Council Members Katz, Brewer, James, Liu, Mealy, Sanders, Weprin, Lappin and Foster.

**WHEREAS**, The New York State Education Law ("SEL") and the regulations of the Commissioner of the State Education Department contain a requirement that a child who becomes six years of age on or before the first day of December in any school year shall be required to attend full-time instruction from the first day that school is in session; and

**WHEREAS**, According to the State law, a child who reaches the age of five by December first is entitled, but not required, to attend kindergarten in the home district where the child lives; and

**WHEREAS**, The SEL does not require full-day kindergarten for all such students in New York State; and

**WHEREAS**, Attendance of kindergartners at their locally zoned school is preferable to having young children travel outside of their community which presents safety issues and child welfare risks; and

**WHEREAS**, The No Child Left Behind Act supports local efforts to enhance the early language, literacy and pre-reading development of pre-school aged children; and

**WHEREAS**, The No Child Left Behind Act also places a high priority on closing the achievement gap between disadvantaged children and other children; and

**WHEREAS**, Imposing full-day kindergarten requirements can help to narrow that achievement gap; and

**WHEREAS**, According to a June 2005 report by the Education Commission of the States entitled "Full Day Kindergarten: a Study of State Policies on the United States," children in full-day kindergarten programs experience statistically significant short term gains in both reading and math, and generally enjoy better

cognitive development, as well as improved physical, social and emotional development; and

**WHEREAS**, According to a July 2007 survey conducted in Washington State by the Economic Opportunity Institute, full day kindergarten produces cost savings to schools because fewer students will require remedial services in later grades; and

**WHEREAS**, According to the New York State Early Childhood Data report, released in June 2008, approximately 47% of all New York State children age five years and younger live in New York City; and

**WHEREAS**, According to that same New York State Early Childhood Data report, more than half of these children have all available parents in the workplace, which makes it difficult for parents to be the primary educators of their children and hence increases the significance and importance of ensuring that young children accrue the benefits of a full-day early childhood education; and

**WHEREAS**, Mandating that all New York City five year olds attend kindergarten would ensure greater opportunities for these children now and in the future; and

**WHEREAS**, New York City children who attend full-day programs would likely have an easier transition into first grade; and

**WHEREAS**, New York City's children deserve to have a high level of academic preparedness; now, therefore, be it

**RESOLVED**, That the Council of the City of New York urges the Chancellor of the New York City Department of Education to make full-day kindergarten mandatory for children five years of age and to mandate that Community School Districts accommodate kindergartners so that they may attend their locally zoned school.

Referred to the Committee on Education

Res. No. 1895

**Resolution calling upon the federal government to put retroactive and prospective restrictions and consumer protections on federal bailout funds.**

By Council Members Katz, Brewer, James, Liu and Foster.

**WHEREAS**, On October 3, 2008, President Bush signed into law the Troubled Assets Relief Program ("TARP"), a \$700 billion financial rescue plan intended to help mitigate the economic crisis by, among other things, stabilizing the credit market and enabling banks to lend more; and

**WHEREAS**, On November 10, 2008, the Federal Reserve approved American Express's request to transition from a credit card company into a bank holding company; and

**WHEREAS**, According to the Federal Financial Institutions Examination Council, a bank holding company is "a company that owns and/or controls one or more U. S. banks;" and

**WHEREAS**, Becoming a bank holding company allows a financial institution to benefit from TARP, affording it flexibility in lending and in acquiring other banks; and

**WHEREAS**, Because bank holding companies are under federal supervision, businesses like American Express are now eligible for a greater amount of financing under TARP than they could have received as credit card companies or investment banks; and

**WHEREAS**, Bank holding companies are also able to assume the debt of shareholders without incurring taxes, borrow money and issue stock more easily; and

**WHEREAS**, Due to its status as a bank holding company, American Express eventually received \$3.4 billion in bailout money from the federal government in December 2008; and

**WHEREAS**, In the same month that it became a bank holding company, American Express announced that it was going to raise its interest rates by 2 to 3 percentage points on many of its credit card accounts, with no opt-out opportunity for its customers; and

**WHEREAS**, In addition to raising rates, American Express – as well as other financial institutions – has begun to dramatically decrease customers' credit limits; and

**WHEREAS**, It is inherently unfair for a financial institution to be allowed to increase customers' interest rates when those very customers' tax dollars subsidize the benefits it accrues as a bank holding company; now, therefore, be it

**RESOLVED**, That the Council of the City of New York calls upon the Federal government to put retroactive and prospective restrictions and consumer protections on federal bailout funds.

Referred to the Committee on Consumer Affairs

Int. No. 960

By Council Members Koppell, Felder, Garodnick, Brewer, James and Stewart.

**A Local Law to amend the administrative code of the city of New York, in relation to mandating bulletproof glass and necessary security inside bank buildings.**

*Be it enacted by the Council as follows:*

Section one. Legislative Findings and Intent. According to NYPD statistics, the number of bank robberies for the year 2008 is 50% greater than the previous year. In recent statements to the press, Police Commissioner Kelly cited several possible reasons for the upward trend, including the banking industry's increased efforts at offering customers more convenient banking by extending daily and weekend hours as well as not having tellers behind bullet-proof glass. The combination of these factors results in banks becoming increasingly vulnerable to would-be criminals.

Any banking institution doing business within the City has a responsibility to take reasonable and proportional measures to provide a safe and secure environment for its customers and employees. Banks employ many New York City residents and are an integral part of New York City consumers' lives, being used by millions of New Yorkers on a daily basis. It is the Council's intent and objective to ensure the safety and security of banking facilities, customers, and bank employees by establishing basic security measure requirements for bank teller windows.

§ 2. Chapter 1 of Title 10 of the administrative code of the city of New York is amended by adding a new section 10-160.1 to read as follows:

§ 10-160.1 Additional Security Measures at Banks. a. A bank, as defined in section 10-160, shall comply with and maintain the following security measures:

(1) *Install bulletproof glass and/or partitions that meet or exceed Underwriters Laboratories Level II ballistics standards at all teller windows. Banks shall provide sufficient documentation such as contractor certification or building inspector certification as proof that this requirement has been met. Underwriters Laboratories Level II ballistics standards partitions must be constructed in such a manner so as to prevent an individual from breaching such partition to gain access to the protected area where the tellers transact business.*

(2) *Adopt and implement a security program that provides for a schedule of inspecting, testing and servicing of the bulletproof glass and/or partitions installed pursuant to this section.*

b. *Violations and penalties. (1) A bank found to be in violation of any provision of subdivision (a) of this section shall be subject to a civil penalty of not more than one thousand five hundred dollars for each violation. (2) Any bank found to be in violation of subdivision (a) of this section shall correct the violation within two weeks after such finding. Failure to correct the violation within two weeks of such finding shall subject the bank to a civil penalty, in addition to the civil penalty provided for in paragraph (1) of this subdivision, of not less than one thousand dollars and not more than one thousand five hundred dollars and an additional civil penalty of one thousand dollars for each day such violation continues.*

c. *Enforcement.* The police department and the department of buildings shall be authorized to enforce this section.

d. *Exemptions.* Notwithstanding the foregoing, the provisions of this section shall not apply at banks where transactions are conducted primarily by cash-dispensing machines.

§ 3. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on Public Safety

Int. No. 961

By Council Members Oddo, Ignizio, Ulrich, Fidler, Comrie, Avella, Felder, Stewart, Vallone Jr., Gentile, Reyna, Vacca, Nelson and Mitchell.

**A Local Law to amend the New York City Charter, in relation to requiring an affirmative vote of at least two-thirds of all council members for the passage of any local law or resolution that raises taxes.**

*Be it enacted by the Council as follows:*

Section 1. Section 34 of Chapter 2 of the New York City Charter is amended to read as follows:

§34 Vote required for local law or resolution. a. Except as otherwise provided by law, no local law or resolution shall be passed except by at least the majority affirmative vote of all the council members.

b. *A local law or resolution shall not be passed except by an affirmative vote of at least two-thirds of all council members if such local law, as determined by the council's director of finance or his or her designee, provides for a net increase in city revenues in the form of:*

1. *The imposition of any new tax.*

2. *An increase in a tax rate or rates.*

3. *A reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability.*

4. *An increase in a statutorily prescribed city fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee.*

5. *The imposition of any new city fee or assessment or the authorization of any new administratively set fee.*

6. *The elimination of an exemption from a statutorily prescribed city fee or assessment.*

c. *The requirements contained in paragraph b shall not apply to:*

1. *The effects of inflation, increasing assessed valuation or any other similar effect that increases city revenue but is not caused by an affirmative act of the council.*

2. *Fees and assessments that are authorized by law, but are not prescribed by formula, amount or limit, and are set by a city officer or agency.*

§ 2. This local law shall take effect immediately upon approval by the electorate at the next succeeding general election.

Referred to the Committee on Governmental Operations

Res. No. 1896

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 Expense Budget.**

By Council Member Weprin.

**WHEREAS**, On June 29, 2008, the Council of the City of New York (the "City Council") adopted the Fiscal 2009 Expense Budget with various programs and initiatives (the "Adopted Fiscal 2009 Budget"); and

**WHEREAS**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the addition of fiscal conduits for certain organizations receive local and youth discretionary funding; and

**WHEREAS**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget; and

**RESOLVED**, That the City Council approves the new designation and changes in the designation of, and the addition of a fiscal conduit for, certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

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

**RESOLVED**, That the City Council approves the new designation and changes in the designation of, and the addition of a fiscal conduit for, of certain organizations receiving youth discretionary funding as set forth in Chart 3, attached hereto as Exhibit C; and be it further

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

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

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti

Illegal Eviction and SRO Legal Services Contracts Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Financial Literacy Initiative, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative, as set forth in Chart 13, attached hereto as Exhibit M; and be it

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Initiative, as set forth in Chart 14, attached hereto as Exhibit N; and be it further

**RESOLVED**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-HRA Initiative, as set forth in Chart 15, attached hereto as Exhibit O.

Adopted by the Council (preconsidered by the Committee on Finance). For text of the Attachment to the resolution, please see the Report of the Committee on Finance for Res No. 1896 printed earlier in these Minutes.

L.U. No. 1044

By Council Member Weprin:

**1157 Fulton Avenue Bronx, NY Council District No. 16**

Adopted by the Committee on Finance (preconsidered and approved by the Committee on Finance).

L.U. No. 1045

By Council Member Weprin:

**Negotiated Sale, 567 West 183rd Street, Manhattan, Council District No. 10**

Adopted by the Committee on Finance (preconsidered and approved by the Committee on Finance).

L.U. No. 1046

By Council Member Weprin:

**Erbograph Section 202 Supportive Housing, 203-209 West 146 Street, Manhattan, Council District No. 7**

Adopted by the Committee on Finance (preconsidered and approved by the Committee on Finance).

L.U. No. 1047

By Council Member Katz:

**Application no. C 080008 ZMM, submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-3X District.**

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

L.U. No. 1048

By Council Member Katz:

**Application no. N 080009 ZRM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District) Community District 4, in the Borough of Manhattan.**

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

L.U. No. 1049

By Council Member Katz:

**Application no. C 080010 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 (a) of the Zoning Resolution to modify the height and setback regulations of Section 35-24.**

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

L.U. No. 1050

By Council Member Katz:

**Application no. C 080011 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Section 74-744 (b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the third floor level without regard for the regulations in Section 32-42 and Section 74-744 (c) modifying sign regulations of Section 32-67.**

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

L.U. No. 1051

By Council Member Katz:

**Application no. C 090132 ZMM, submitted by 150 Amsterdam Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, establishing within an existing R8 District a C2-5 District.**

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

L.U. No. 1052

By Council Member Katz:

Application no. C 070396 ZMK, submitted by ESP Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District.

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

L.U. No. 1053

By Council Member Katz:

Application no. 20095082 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Plaza Patisserie Inc., to continue to maintain and operate an unenclosed sidewalk café at 29-20 30th Avenue, Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 1054

By Council Member Katz:

Application no. 20095054 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Egg White Inc., to continue to maintain and operate an unenclosed sidewalk café at 1563 Second Avenue, Borough of Manhattan, Council District no. 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Friday, April 3, 2009

Committee on LOWER MANHATTAN REDEVELOPMENT jointly with the Committee on WATERFRONTS.....11:00 A.M. Oversight – New Developments at Governor’s Island Council Chambers – City Hall..... Alan Gerson, Chairperson ..... Michael C. Nelson, Chairperson

Monday, April 6, 2009

Committee on PUBLIC SAFETY.....10:00 A.M. Oversight - Recent Crime Statistics-Keeping New Yorkers Safe

Council Chambers – City Hall ..... Peter Vallone, Chairperson

Committee on EDUCATION ..... 1:00 P.M. Oversight – Charter School Expansion in New York City Council Chambers – City Hall ..... Robert Jackson, Chairperson

Tuesday, April 7, 2009

★ Note Location Change

Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M. Int 820 - By Council Members Reyna, Mendez, Martinez, Barron, Brewer, Jackson, James, Mark-Viverito, Mealy, Nelson, Palma, Sanders Jr., Dilan, Gerson, Seabrook, de Blasio, Arroyo, Vann, Rivera, Foster, Comrie, Baez, Liu and Garodnick - A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the number of misdemeanor and felony cases an attorney can handle in representing indigent defendants. ★ Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson

★ Deferred

Committee on AGING jointly with the Subcommittee on PUBLIC HOUSING and Subcommittee on SENIOR CENTERS ..... 10:00 A.M. Oversight – The Status of Senior Centers in New York City Housing Authority Developments Committee Room – City Hall ..... Maria del Carmen Arroyo, Chairperson ..... Rosie Mendez, Chairperson ..... Melissa Mark Viverito, Chairperson

★ Note Time Change

Committee on TECHNOLOGY IN GOVERNMENT jointly with the Committee on CONSUMER AFFAIRS and Committee on LAND USE..... ★ 10:00 A.M. Oversight – Who are you going to call? – New York City Cable Franchisee Customer Service Issues Council Chambers – City Hall ..... Gale Brewer, Chairperson ..... Leroy Comrie, Chairperson ..... Melinda Katz, Chairperson

Committee on SANITATION AND SOLID WASTE MANAGEMENT ..... 10:00 A.M. Proposed Int 701-A - By Council Members Koppell, Brewer, Gerson, Mealy and Nelson - A Local Law to amend the administrative code of the city of New York in relation to prohibiting obstructing signs on sidewalks, flagging and curbstone whether or not abutting the offending property. Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Simcha Felder, Chairperson

★ Note Location Change

Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M. Oversight - Implementation of the Sustainable Stormwater Management Plan ★ Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... James F. Gennaro, Chairperson

Monday, April 20, 2009

Subcommittee on ZONING & FRANCHISES ..... 9:30 A.M. See Land Use Calendar Available Wednesday, April 15, 2009, in Room 5 City Hall Committee Room – City Hall ..... Tony Avella, Chairperson

Committee on CIVIL SERVICE AND LABOR.....10:00 A.M. Int 714 - By Council Members Brewer, Dickens, Fidler, Gennaro, Gentile, James, Katz, Koppell, Liu, Martinez, Weprin, Gerson, Vallone Jr., and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to healthcare expenses for certain 9/11 workers. Council Chambers – City Hall..... Miguel Martinez, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Wednesday, April 15, 2009, in Room 5 City Hall Committee Room – City Hall ..... Jessica Lappin, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M.



See Land Use Calendar Available Wednesday, April 15, 2009, in Room 5 City Hall  
Committee Room – City Hall .....Daniel Garodnick, Chairperson

Committee on **VETERANS** ..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor James Sanders, Chairperson

**Tuesday, April 21, 2009**

Committee on **LAND USE**.....**10:00 A.M.**  
All items reported out of the subcommittees  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – City Hall .....Melinda R. Katz, Chairperson

Committee on **CONSUMER AFFAIRS** .....**10:00 A.M.**  
Proposed Int 708-A - By Council Members Comrie, Reyna, Dilan, Fidler, Gonzalez,  
James, Koppell, Liu, Martinez, Nelson, Stewart and Gerson - A Local Law to amend  
the administrative code of the city of New York, in relation to rates for the towing of  
motor vehicles.  
Council Chambers – City Hall ..... Leroy Comrie, Chairperson

Committee on **JUVENILE JUSTICE**.....**10:00 A.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Sara M. Gonzalez, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor..... James F. Gennaro, Chairperson

Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**  
Agenda to be announced  
Council Chambers – City Hall ..... Erik Martin-Dilan, Chairperson

Committee on **IMMIGRATION** ..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – City Hall ..... Kendall Stewart, Chairperson

**Wednesday, April 22, 2009**

*Stated Council Meeting*..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Quinn), the Clerk of the  
Council adjourned these proceedings to meet again for the Stated Meeting on  
Wednesday, April 22, 2009.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

**Editor’s Local Law Note:**

*Int Nos. 57-A, 660-A, (adopted by the Council at the March 11, 2009 Stated  
Council Meeting Int Nos. 684-A, 818-A (adopted by the Council at the February 26,  
2009 Stated Council Meeting), and Int No. 919-A (adopted by the Council at the  
February 26, 2009 Stated Council Meeting) were signed by the Mayor into law  
on March 18, 2009, respectively, as Local Law Nos. 14, 15, 16, 17, 18, 19, 20, and  
21 of 2009.*

*Int Nos. 906 and 926, adopted by the Council at the March 24, 2009 Stated  
Council Meeting, were signed by the Mayor into law on March 30, 2009,  
respectively, as Local Law Nos. 22 and 23 of 2009.*









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