

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, MAY 6, 2009

THE COUNCIL

*Minutes of the
STATED MEETING*

of

Wednesday, May 6, 2009, 2:20 p.m.

The Public Advocate (Ms. Gotbaum)
Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Tony Avella	Alan J. Gerson	Annabel Palma
Maria Baez	Eric N. Gioia	Domenic M. Recchia, Jr.
Charles Barron	Sara M. Gonzalez	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	Jessica S. Lappin	Eric A. Ulrich
Mathieu Eugene	John C. Liu	James Vacca
Simcha Felder	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Julissa Ferreras	Miguel Martinez	Albert Vann
Lewis A. Fidler	Darlene Mealy	David I. Weprin
Helen D. Foster	Rosie Mendez	Thomas White, Jr.
Daniel R. Garodnick	Kenneth C. Mitchell	David Yassky
James F. Gennaro	Michael Nelson	

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

There were 51 Council Members present at this meeting.

INVOCATION

The Invocation was delivered by Council Member Rev. Larry B. Seabrook.

God of our weary years, God of our silent tears,
Thou who had brought us thus along the way,
as the Creator have given us another day
to do the work of the people
for it is our blessings

that we ask of the Creator
to allow us to do all
that is necessary for those who are in need,
for those who need our prayers
and for those who need our care.

We ask that You give us
the guidance and the wisdom
to do what is right,
to do what is just
and to do what is in Your power and Your will.

These and many other blessings
we ask in Thy name. Amen.

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

Reverend Timothy Wright, 61, pastor of Crown Heights Grace Tabernacle Christian Center Church of God and Christ, who died on April 23, 2009 of injuries suffered ten months ago from a head-on car crash on a Pennsylvania highway. Reverend Wright's wife, Pastor Betty Wright and their 14-year-old grandson, D.J., were also killed in the July 4th, 2008 accident. Reverend Wright, known as the Godfather of Gospel, was a multi-Grammy nominated gospel singer and a composer who inspired many with his up tempo praise songs and powerful choirs. As a New Yorker, he dedicated his life to helping others. He is survived by his five sons and dozens of grandchildren.

Former New York State Senator, John Marchi, 87, who died on April 26, 2009 while vacationing with his family in his hometown in Italy. At his retirement, Republican Senator Marchi was the longest serving lawmaker in New York—he was first elected to the State Senate during the 1956 Eisenhower landslide, served 25 terms totaling fifty years, and often ran with the endorsement of both the Republican and Democratic parties. Senator Marchi was well known as an effective advocate who was forceful in seeking federal loan guarantees. As Senate Finance Chairperson, he helped craft the financial package that helped save New York City from bankruptcy in the mid-1970s. As a champion of Staten Island, he helped lead the unsuccessful fight to win Staten Island's independence from the City. In 1969, he challenged and defeated incumbent Mayor John Lindsay for the Republican Mayoral nomination, but ultimately lost to the Mayor who ran on a Liberal Party line. A Staten Island native and a World War II veteran, Senator Marchi was married for over 60 years to his wife, Maria. He is also survived by his two daughters, two grandchildren and two great-grandchildren.

Jack Jacobs, a long-time staff member of Council Member Alan Gerson, passed away the weekend of June 20-21, 2009 of natural causes. He was instrumental in communicating effectively with local residents in the Council Member's district in the days and months after September 11th.

At this point, Council Member Gerson spoke on the floor in memory of Jack Jacobs. He was followed on the floor by the Minority Leader (Council Member Oddo) who spoke in memory of Senator Marchi and he, in turn, was followed by Council Member James who spoke in memory of Rev. Wright.

ADOPTION OF MINUTES

Council Member Sears moved that the Minutes of the Stated Council Meeting of March 24, 2009 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-1415

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance

M-1416

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance

M-1417

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2010 Community Development Program, the Proposed CFY'10 Budget, the Proposed Reallocations-the CD XXXV Funds, Proposed CD XXXVI Statement of Objectives and Budget, dated May 1, 2009.

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

Referred to the Committee on Finance

M-1418

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2010, pursuant to Section 250 of the New York City Charter.

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

Referred to the Committee on Finance

M-1419

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2010, Volumes I, II and III, pursuant to Section 219(d) of the New York City Charter.

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

Referred to the Committee on Finance

M-1420

Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2010.

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

Referred to the Committee on Finance

M-1421

Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2010, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 1, 2009 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.

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

Referred to the Committee on Finance

M-1422

Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance

M-1423

Communication from the Mayor - Submitting the Ten-Year Capital Strategy, Fiscal Year 2010-2019.

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

Referred to the Committee on Finance

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1424

Communication from the Staten Island Borough President - Submitting the name of Rayann Besser to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Section 192 (a) of the New York City Charter.

April 1, 2009

Honorable Christine Quinn
Speaker
New York City Council
City Hall
New York, New York 10007

Dear Speaker Quinn.

Pursuant to section 192(a) of the New York City Charter, I hereby appoint Ms. Rayann Besser as a member of the New York City Planning Commission subject to the advice and consent of the Council.

Ms. Besser is a licensed real estate salesperson. She is one of the top producers at Robert DeFalco Realty earning awards in 2006, 2007 and 2008.

Currently, she serves on the Board of Governors of the Staten Island Board of Realtors (SIBOR). She also serves on SIBOR's Appraisal Committee, Professional Standards Committee and is the Chairperson of the Commercial Real Estate Committee. In addition to her extensive experience with Staten Island real estate, she is currently completing the *Urban Environment Design, Planning, and Public Service Course* at New York University.

Please consider Ms. Besser's appointment at the Council's earliest convenience.

Sincerely,

James P. Molinaro

Referred to the Committee on Rules, Privileges and Elections

LAND USE CALL UPS

M-1425

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 683 9th Avenue, CB 4, Application no. 20075505 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1426

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 Application no. C 090183 ZSK and C 090184 ZSK, special permits, shall be subject to Council review. These applications are related to application no. C 090181 ZMK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1427

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 Application no. C 050260 ZSM, C 050269 ZSM and C 050271 ZSM, special permits, shall be subject to Council review. These applications are related to application no. N 090170 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

The 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, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, 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) – **51**.

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 Consumer Affairs

Report for Int. No. 380-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring registration for the purchase and possession of etching acid.

The Committee on Consumer Affairs, to which was referred on June 13, 2006 (Minutes, page 2613) the annexed amended proposed local law, respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, May 5, 2009, the Committee on Consumer Affairs, chaired by Council Member Leroy G. Comrie, Jr. will conduct its second hearing on Introductory Bill 380-A (“Intro. 380-A”), a proposal to amend the administrative code of the City of New York, in relation to requiring registration for the purchase and possession of etching acid.

II. BACKGROUND

A. Legislative Efforts to Combat Vandalism

Intro. 380-A is intended to address New York City’s growing problem of acid etching vandalism. Beyond its detrimental aesthetic impact, acid-etching defacement comes at a significant cost to New York City Transit, whose subways are the most frequent target of all forms of graffiti.¹ Also known as “scratchiti,” etching acid permanently scars subway windows,² which must be replaced at a cost to the Metropolitan Transit Authority (“MTA”) of approximately \$11 million annually.³

New York City employs several laws in its ongoing efforts to thwart graffiti. For example, it is illegal to deface public or private property⁴ and to carry spray paint or markers with intent to make graffiti.⁵ Further, spray paint must be displayed behind counter in a locked case⁶ and owners of commercial and certain residential buildings are obliged to keep their buildings free of graffiti.⁷ The City provides funds for removing graffiti from commercial and certain residential buildings, however, if its owner executes a consent.⁸ The City also offers a reward of up to \$500 to any person who provides information leading to the prosecution of persons violating the City’s anti-graffiti laws.⁹

The New York City Police Department also enforces relevant New York State anti-graffiti laws, which include Penal Law §145.60 that criminalizes the act of producing graffiti and Penal Law §145.65 that makes the possession of graffiti instruments with the intent to create graffiti illegal.

In August 2007, Mayor Michael Bloomberg signed into law Local Law 39, which amended the City’s anti-graffiti law, Local Law 124 of 2005, which restricted the possession of graffiti instruments by individuals under the age of 21.¹⁰ Local Law 39 addresses concerns raised by courts on the First Amendment rights implications of the Local Law 124, thus minimizing the burden on the exercise of protected speech. Specifically, Local Law 39 provides exemptions for individuals under 21 who carry graffiti tools in a locked or manufacturer sealed container and those who use the tools with the consent or under the supervision of a property owner, or if the tools are being used for educational or employment purposes.¹¹

for the Lower Ma_____

¹ New York Police Department, “Crime Prevention – Citywide Vandals Task Force,” www.nyc.gov/html/nypd/html/crime_prevention/citywide_vandals_taskforce.shtml

² “Getting Educated About Graffiti,” Vandals Watch Society, City of Abottsford Task Force, www.vandalwatch.citysoup.ca/graffiti/default.htm.

³ Arden, P. “Tag, You’re It,” *Metro New York*, May 23, 2006

⁴ Administrative Code of the City of New York, §10-117(a)

⁵ Administrative Code of the City of New York, §10-117(b)

⁶ Administrative Code of the City of New York, §10-117(d)

⁷ Administrative Code of the City of New York, §10-117.3(b)

⁸ Administrative Code of the City of New York, §10-117.3(c)

⁹ Administrative Code of the City of New York, §10-117.2

¹⁰ Council of the City of New York, “Council to Vote on Legislation Protecting Parents’ Rights to Provide Children With Cellular Phones While Traveling To and From School,” July 25, 2007, Press Release.

¹¹ *Id.*

B. The Uses and Effects of Etching Acid

Readily available in most hardware and art supply stores, etching acid has several commercial and artistic uses.¹² The acid is mildly caustic and can be used to engrave glass and enamel, remove rust, and clean brass and crystal.¹³ Though talented artists have used acid for centuries to create impressions on glass and metal, this technique has been corrupted in recent years and put to use for a less artistic purpose: defacement of public property.

First observed during the anti-globalization demonstrations in Seattle in 1999,¹⁴ damage caused by etching acid has frequently appeared in recent years on New York City's subways and buses, leaving a mark on window panes. Graffiti vandals often mix the etching acid with paint or shoe polish, which compromises the integrity of the glass and leaves a permanent broad, sweeping smear.¹⁵ At a cost of nearly \$130 per window,¹⁶ the problem has become prevalent enough that MTA now replaces windows only when the etching obstructs the view or showcases profanity or racial epithets.¹⁷ In 2006, the MTA initiated plans to spend \$25 million to replace windows with Mylar-coated glass in 5,000 subway cars in order to protect the panes from acid corrosion.¹⁸

In addition to the dollar cost, etching acid graffiti can also directly impact subway riders. Trains that are severely affected by such vandalism can be out of service for over eight hours while replacement windows are installed, and the number of subway cars going out of service for window repair has increased dramatically in recent years.¹⁹ The indelibility of etching acid has also provoked fears among many that the City's subways and buses might soon return to their 1970s and 1980s state, when New York's transit system was plagued by vandalism.²⁰ There is a particular concern that, should the situation not be rectified in a timely manner, vandals may come to believe that the City is not concerned with such destruction of public property, thereby perpetuating and exacerbating the problem.²¹

C. The Dangers of Etching Acid

The presence of etching acid on our subway system also presents a health hazard to the millions of New Yorkers riding the subways each day.²² Whereas vandals using paint often "tag" subway cars by sneaking into tunnels or storage yards during the transit system's off-peak hours, "scratchiti" vandals using etching acid may make their mark in seconds while the train is in service,²³ thereby exposing passengers to a corrosive substance. One form of etching acid comes from the chemical compound hydrogen fluoride²⁴ and, depending on the concentration of acid and the duration of exposure, a passenger who comes into physical contact with freshly applied etching acid may experience a variety of adverse dermatological reactions, including pain, redness of the skin, and slow-healing burns.²⁵ Respiratory exposure to hydrogen fluoride can also adversely affect the nose and throat, causing irritation and inflammation, cough, and narrowing of the bronchi.²⁶

III. SUMMARY OF INTRODUCTORY BILL 380-A

Intro 380-A would track the sale of etching acid by requiring sellers to keep detailed records of purchasers for one year. These records would be made available to the police for the purposes of enforcing anti-graffiti legislation. Purchasers would be required to show valid photo identification prior to buying etching acid and sellers would be required to record the following information:

1. Purchaser's name and address;
2. Type of identification presented;
3. Amount of acid dispensed; and
4. Date of purchase.

Additionally, sellers of etching acid would be required to post a notice stating that all persons purchasing etching acid must present photo identification and that such information will be recorded by the seller.

Civil and criminal fines of up to \$250 could be imposed on anyone found to have violated the bill, although a purchaser who was not asked for identification prior to buying acid would be entitled to use that fact as an affirmative defense.

(The following is from the text of the Fiscal Impact Statement for Int. No. 380-A:)

for the Lower Ma_____

¹² Office of the Mayor, "Remarks by Mayor Bloomberg at a Public Hearing on Local Laws," January 7, 2003, Available at <http://www.nyc.gov>

¹³ U.S. Department of Health and Human Services (DHHS), "Hydrogen Fluoride," August 2007, www.atsdr.cdc.gov/MHMI/mmg11.html.

¹⁴ Perry, T. "Vandalism Etched in Acid," Nograf Network Inc., Available at www.nografitti.com/files/files6/glass.htm

¹⁵ Lueck, T., "Graffiti Back in Subways, Idelibly This Time," *N. Y. Times*, April 25, 2006

¹⁶ *Id.*

¹⁷ Lueck, T., "With \$25 Million, M.T.A. Plans a New War on Subway Graffiti," *N. Y. Times*, May 23, 2006.

¹⁸ "Cheap at Twice the Price," *N. Y. Post*, May, 25, 2006.

¹⁹ Arden, P., *supra* note 3.

²⁰ Haberman, C., "A Stain On Subways and On the City," *N. Y. Times*, January 10, 2006.

²¹ "It's Not Art, It's Urban Decay," *N. Y. Post*, May 8, 2006.

²² Bloomberg, *supra* note 12.

²³ Lueck, T., *supra* note 18.

²⁴ DHHS, *supra* note 13.

²⁵ *Id.*

²⁶ *Id.*

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 no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of this legislation.

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 Consumer Affairs on June 13, 2006. The Committee on Consumer Affairs considered Intro. 380 on September 24, 2007 and the bill was laid over. This legislation was amended and will be considered as Proposed Intro. 380-A on May 6, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 380-A:)

Int. No. 380-A

By Council Members Vallone Jr., Felder, Fidler, Gentile, Gerson, Koppell, Nelson, Recchia, Sears, Weprin, Foster, Jackson, Oddo, Mitchell, Crowley and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for the purchase and possession of etching acid.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended to add a new subchapter 3 to read as follows:

SUBCHAPTER 3

ETCHING ACID

§20-611 Definitions.

§20-612 Requirements for purchase or sale.

§20-613 Posting notice.

§20-614 Records of purchase.

§20-615 Rules.

§20-616 Penalties.

§20-611 Definitions. *Whenever used in this subchapter, the following terms shall have the following meanings:*

1. "Dealer of etching acid" shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.

2. "Dispense" shall mean to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

3. "Etching acid" shall have the same meaning set forth in subdivision e of section 10-117.

4. "Personal information" shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser's name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

5. "Purchasing records" shall mean all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§20-612 Requirements for purchase or sale. 1. Every dealer of etching acid shall request valid photo identification from each purchaser of etching acid at the time of such purchase and contemporaneously record in writing or electronically such purchaser's personal information.

2. No person shall purchase etching acid without first providing his or her personal information to the dealer of etching acid pursuant to this subchapter. It

shall be an affirmative defense to a violation of this subdivision that the dealer failed to request personal information from the purchaser of etching acid.

3. It shall be unlawful for any person to dispense etching acid to any person without recording such purchaser's personal information.

§20-613 Posting notice. Every dealer of etching acid shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid shall be required to provide valid photo identification and their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§20-614 Records of purchase. 1. Purchasing records shall be kept in a secure location and made available only to the commissioner and his or her designee, or a police officer, and shall be used solely for the purposes of enforcement of this subchapter and of state and local anti-graffiti laws and rules.

2. a. Purchasing records shall be kept by dealers of etching acid for one year.

b. All purchasing records and any other information pertaining to the purchase or sale of etching acid shall be disposed of by the following methods only:

- i. shredding the records before the disposal of the records; or
- ii. destroying the personal information contained in the records; or
- iii. modifying the records to make the personal information unreadable; or
- iv. taking actions consistent with commonly accepted industry practices reasonably believed to ensure that no unauthorized person will have access to the personal information contained in the records.

§20-615 Rules. The commissioner may make and promulgate such rules and regulations as he or she may deem necessary for the proper implementation and enforcement of this subchapter.

§20-616 Penalties. 1. Any person who violates the provisions of this section shall be guilty of a violation punishable by a fine of not less than one hundred dollars and not more than two hundred fifty dollars.

2. Any person violating this section shall be subject to a civil penalty of not less than one hundred dollars and not more than two hundred fifty dollars. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department.

3. Any person who subsequently violates this section within a period of one year of the date of the first violation shall be guilty of a violation, punishable by a fine not less than five hundred dollars.

§ 2. This local law shall take effect one hundred twenty days after its enactment provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

LEROY G. COMRIE, Chairperson; G. OLIVER KOPPELL, JOHN C. LIU, Committee on Consumer Affairs, May 5, 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 Environmental Protection

Report for Int. No. 506-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection policy for New York city.

The Committee on Environmental Protection, to which was referred on February 1, 2007 (Minutes, page 223) the annexed amended proposed local law, respectfully

REPORTS:

Introduction

On Wednesday May 6, 2009 at 10 a.m., the Committee on Environmental Protection, chaired by Council Member James Gennaro, will hold a hearing on the above-listed bill which is related to protection of wetlands.

I. Background

a. What are Wetlands?

Wetlands are transition areas between uplands and aquatic habitats²⁷. Generally, wetlands include swamps, marshes, bogs and wet meadows.²⁸ The New York State Department of Environmental Conservation ("DEC") defines wetlands as "areas where land and water meet. As transitional areas between aquatic and upland plant and animal communities, wetlands often have some of the qualities of both kinds of animal and plant communities. Wetlands also occur where the groundwater occurs near or at the surface, saturating the soil and the root zone of the plants that grow there."²⁹ These most prevalent and widely distributed wetlands in North America are non-tidal marshes, which are mostly freshwater marshes.³⁰ Tidal marshes are freshwater, brackish (somewhat salty), or saline (salty), and...are most prevalent in the United States on the eastern coast from Maine to Florida and continuing on to Louisiana and Texas along the Gulf of Mexico."³¹

b. What are the benefits of Wetlands?

There are many functions that tidal marshes perform which are beneficial to bodies of water. For example, tidal marshes, buffer stormy seas and prevent flooding, slow shoreline erosion, and absorb excess nutrients before they reach the oceans and estuaries. High concentrations of nutrients can result in oxygen levels low enough to harm wildlife.³² Wetlands also provide vital food and habitat for clams, crabs, and juvenile fish, as well as offering shelter and nesting sites for species of migratory waterfowl.³³

The marshes of New York are of great ecological importance and perform an essential role in controlling floods and in protecting a vast swath of the City's shorefront from storms and erosion.³⁴ Furthermore, wetlands "are vital for protection of the environment and public health. Wetlands are transitional areas that act as buffers between open waters and uplands and provide functions that: filter pollution, purifying our drinking water, and protecting rivers, lakes, and coastal waters from pollution, such as sediment, nutrients, chemical contaminants, and bacteria..."³⁵ Moreover, "[i]n the New York City drinking water watershed, the pollution filtration and aquifer recharge provided by wetlands is extremely important for protecting the quality of water that serves over nine million people. Wetland environments act as buffers for streams, rivers, lakes, and drinking reservoirs because they trap, uptake and transform harmful nutrients, heavy metals, pesticides, and organic pollutants before they can flow into downgradient water bodies."³⁶

Coastal wetlands are said to be the most productive ecosystems on Earth.³⁷ The bidirectional movement of water caused by tides is believed to augment this productivity.³⁸ More than half of the commercially harvested fish in the United States spent some portion of their life cycle in estuaries and coastal waters³⁹. Coastal habitats are spawning grounds and provide habitat and shelter for finfish, shellfish and other wildlife.⁴⁰ Coastal habitats also provide resting, spawning and breeding habitat for eighty-five percent of waterfowl and migratory birds and forty-five percent of the nation's endangered and threatened species.⁴¹ Studies show that the economic value of coastal habitats is likely in the hundreds of billions of dollars.⁴² Coastal fisheries generate more than one billion dollars annually from recreational fishing and approximately twenty-five percent of all recreational fishing in New York takes place in coastal waters.⁴³

Finally, wetlands provide areas for recreation, education and research.⁴⁴ Often wetlands are the only green space remaining in an increasingly developed urban area.⁴⁵ Without wetlands, birds like the American Oystercatcher, on the Audubon Society's 2007 Watchlist for habitat loss, may become locally extinct.⁴⁶

c. Wetlands Loss in New York City

New York City once contained 224,000 acres of freshwater wetlands. This valuable ecosystem was able to slow erosion, prevent flooding by retaining storm waters, filter and decompose pollutants, and would have even been able to slow global warming by converting carbon dioxide into oxygen at a prodigious rate. In the past 200 years most of this land has been filled for construction, development or dredged for transport. Only 2,000 acres of freshwater wetland, or less than one

for the Lower Ma_____

²⁷ www.dec.gov.ny.gov/lands/4937.html

²⁸ <http://www.epa.gov/cgi-bin/epaprintonly.cgi>, id.

²⁹ <http://www.dec.state.ny.us/website/dfwmr/habitat/fwwprog.htm>

³⁰ <http://www.epa.gov/cgi-bin/epaprintonly.cgi>

³¹ <http://www.epa.gov/cgi-bin/epaprintonly.cgi>

³² Id. Marshes filter and clean water through the marsh vegetation and microorganisms that "...use excess nutrients for growth that can otherwise pollute surface water[,] such as nitrogen and phosphorus from fertilizer." Id.

³³ Id.

³⁴ "Jamaica Bay", Eric Goldstein of the Natural Resources Defense Council (NRDC), GothamGazette.com - Environment, August, 2002 <http://www.gothamgazette.com/environment/aug.o2.shtml>

³⁵ New York State Wetlands Legislation Proposed, Riverkeeper, p. 4 at http://www.riverkeeper.org/campaign.php/watershed/you_can_do/672

³⁶ Id.

³⁷ Stedman, S. T.E. Dahl. 2008. Status and Trends of Wetlands in the Coastal Watersheds of the Eastern United States (1998-2004), at p. 3, National Oceanic and Atmospheric Administration, National marine Fisheries Service, U.S. Department of Interior, Fish and Wildlife Service. p.3.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ www.nmfs.noaa.gov/habitat/habitatconservation/publications/habitatconnections, Wetlands, Fisheries and Economics, Part Five: Wetlands, Fisheries and Economics in the MidAtlantic.

⁴⁴ www.dec.gov.ny.gov/lands/4937.html

⁴⁵ Id.

⁴⁶ www.nyhistory.org/ Engandered and Extinct Birds Come to Life in Rare Audubon Watercolors on Display at the New York Historical Society.

percent of the historical freshwater wetlands remain in the City today, and many species that once called these wetlands home have been lost forever.⁴⁷ Coastal wetlands in New York historically covered approximately 100,000 acres but seventy-five percent of coastal wetlands in New York City, including salt fresh tidal marshes, have also been lost. The loss of these wetlands has resulted in the loss of the species that inhabited them, but the loss of species diversity, pales in comparison to the loss of ecosystem diversity, which is the loss of variation in the collection of assemblages, communities and habitats within a region. The loss of ecosystem diversity presents the gravest threat to local biological diversity because it involves the loss of habitat and that threatens to eliminate the entire community and all the species that inhabit the habitat.⁴⁸

Development presents a significant threat to the remaining wetlands but an even greater threat is posed by sea level rise. According to the United States Environment Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA) and the United State Geological Survey (USGS), three respected scientific agencies, global sea level is rising, and there is evidence that the rate is accelerating.⁴⁹ Increasing atmospheric concentrations of greenhouse gases, primarily from human contributions, are warming the atmosphere and oceans.⁵⁰ Warmer temperatures raise sea level by expanding ocean water, melting glaciers, and thereby increasing the rate at which ice sheets discharge ice and water into the oceans. Rising sea level and the potential for stronger storms present an increasing threat to coastal cities and their infrastructure, beaches, wetlands, and ecosystems.⁵¹ The Intergovernmental Panel on Climate Change (IPCC) predicts that the average rate of global sea-level rise during the twenty-first century is very likely to exceed the average rate over the last four decades.⁵² For New York, acceleration in sea-level rise by 2 millimeters per year will cause many wetlands to become stressed and some to be lost entirely. The just released EPA synthesis report indicated with a good deal of certainty that New York City will lose some tidal wetlands even if sea level rise does not increase at 2 millimeters per year.⁵³ Yet coastal regions are generally managed under the premise that sea level is stable, shorelines are static, and storms are regular and predictable.⁵⁴ New York State does not have written policies or regulations pertaining specifically to

sea-level rise in relation to coastal zone management, although sea-level rise is becoming recognized as a factor in coastal erosion and flooding by New York State Department of State (DOS) in the development of regional management plans.⁵⁵ As such, development of a plan to address the inevitability of sea rise in New York City would seem prudent.

These wetland habitats may continue to exist elsewhere, but they may be permanently lost to New York City without additional measures to preserve them. The companion bills being heard today are directed at protecting the less than one percent of freshwater wetlands and twenty-five percent of coastal wetlands that remain.

II. Statutory Authority Governing Wetlands and Coastal Areas Protection

The primary statutes governing wetlands protection in New York, the Freshwater Wetlands Act⁵⁶ and the Tidal Wetlands Act⁵⁷ regulate development in wetlands but acknowledge the traditional authority of local governments in this area and authorize local laws that may operate in tandem with state regulation.⁵⁸ The State Freshwater Wetlands Act, Article 24 of the New York State Environmental Conservation Law (ECL), protects freshwater wetlands that are 12.4 acres in size or larger but smaller freshwater wetlands are designated as being of “unusual local importance” are also protected.⁵⁹ The Freshwater Wetlands Act identifies wetlands by the vegetation that grows there because certain types of plants are good indicators of wet conditions over time⁶⁰. These plants include trees such as willows, emergent plants such as cattails and sedges and aquatic plants such as water-lily and bog mat vegetation.⁶¹ The Tidal Wetlands Act, on the other hand, is applicable to tidal wetlands of any size. Tidal wetlands are classified by the amount of water covering the area at high and low tides and the vegetation present in these areas.⁶² The Tidal

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⁴⁷ New York City Department of Parks and Recreation, www.nycgovparks.org/parks/prospectpark.

⁴⁸ Robin Kundis Craig, Protecting International Marine Biodiversity: International Treaties and National Systems of Marine Protected Areas, Florida State University Journal of Land Use & Environmental Law, 20 J. Land Use & Envtl. Law, 333-338 (2005).

⁴⁹ K. Eric Anderson, USGS; Donald R. Cahoon, USGS; Stephen K. Gill, NOAA;

Benjamin T. Gutierrez, USGS; E. Robert Thieler, USGS; James G. Titus, U.S. EPA;

S.Jeffress Williams, USGS, U.S. Climate Change Science Program, Synthesis and Assessment Product 4.1, VCoastal Sensitivity to Sea Level rise: A Focus on the Mid-Atlantic Region, U. S. Environmental Protection Agency, U.S. Geological Survey, National oceanic and Atmospheric Administration, Department of Transportation (January 15, 2009) at p. 19..

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

⁵³ Id. at p. 26.

⁵⁴ Id. at p.

⁵⁵ Id. at p. 592.

⁵⁶ N.Y. Envtl. Conserv. Law Art 24(McKinney 2008).

⁵⁷ N.Y. Envtl. Conserv. Law Art 25. (McKinney 2008).

⁵⁸ Phillip Weinberg, Esq., Local Environmental Laws: Forging a New Weapon in Environmental Protection, 20 Pace Envtl. L. Rev. 89, 98-99 (2002).

⁵⁹ N.Y. Envtl. Conserv. Law 24-0301 (1) (McKinney 2008).

⁶⁰ www.dec.gov.ny.gov/lands/4937.html

⁶¹ Id.

⁶² www.dec.ny.gov/lands/5120.html

Wetlands Act states that the State Department of Environmental Conservation Tidal Wetlands permits shall be in addition to such permits as may be required by a municipality.⁶³ Local freshwater wetlands laws, as is typical with tandem jurisdiction, must be at least as protective as the state law.⁶⁴

Finally pursuant to the Federal Clean Water Act, structures placed in, on or over navigable water of the United States as defined in the federal Clean Water Act may require a permit under Section 404 (Permits for Dredged or Fill Material) from the US Army Corps of Engineers. Structures requiring a Section 404 permit also require a Section 401 Water Quality Certification from the NYSDEC.⁶⁵ With the many different agencies that may require permits for development in and near New York City wetlands, coordination is key to making sure that all appropriate permits or approvals are obtained in order to prevent damage to the existing wetlands. The future of New York City’s remaining wetlands depends on all of us and our commitment to protect what is left.

a. **Proposed Int. No. 506-A**

Proposed Int. No. 506-A requires the City of New York to identify the location and remaining wetlands in New York City through a satellite or aerial imagery survey and then mandates the development of a comprehensive wetlands protection strategy.

Section 1 finds that the preservation of wetlands in New York City is in the best interest of the City, that existing wetlands law does not sufficiently protect the City’s wetlands, and that a comprehensive City wetlands protection policy would help to fill this gap.

Section 2 adds a new section 24-528 to Chapter 5 of Title 24 of the Administrative Code of the City of New York. Subdivision (a) defines terms used in the bill. In order to facilitate the development of the wetlands strategy.

Subdivision (b) requires the Mayor’s Office of Long-Term Planning and Sustainability (Office) to undertake a preliminary survey of likely wetland areas based upon satellite or aerial imagery. The preliminary satellite or aerial imagery survey shall be for the purpose of indicating the overall size and location of remaining wetlands within the City and shall to be submitted to the Mayor and the Speaker of the Council no later than September 1, 2010.

Subdivision (c) requires that a preliminary Comprehensive Wetlands Protection Strategy (CWPS) that meets the requirements of this subdivision be developed. The goals of the CWPS shall be to conserve, protect, enhance, stabilize, restore and expand City wetlands; to achieve no net loss of wetlands in the city; and to standardize the City’s approach regarding wetlands management, improve the management of wetlands and associated buffer areas and balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing. The strategy is required to consider current protections as well as the value of wetlands to the City in terms of economic value, ecological functions, and aesthetics.

Paragraph (1) of subdivision (d) requires that the preliminary CWPS be submitted to the Mayor, the Speaker of the Council and the public for review and comment no later than December 31, 2011 and paragraph (2) of this subdivision requires the Office to submit a final CWPS that meets the requirements of this subdivision to the Mayor, the Speaker of the Council and the public no later than March 1, 2012.

Paragraph (3) of subdivision (d) requires that the Comprehensive Wetlands Protection Strategy must include consideration standardization of City agencies’ approaches to wetlands, coordination with federal and state entities, land acquisition and land use planning designed to accommodate wetlands retreat, opportunities to allow for wetlands retreat and retention as sea level rises a protocol for coordination with appropriate federal, state and city governmental entities that have jurisdiction over or other property interest in wetlands or associated buffer areas including, reporting mechanisms for wetlands indicators; and a public education program to increase awareness about the ecological, economic, aesthetic and other values of wetlands and their associated buffer areas, which shall include information presented on the city’s website and such other means as the office deems appropriate.

Paragraph (4) of subdivision (d) provides for the comprehensive wetlands protection strategy to include a schedule and milestones for implementing the strategy and achieving its goals.

Paragraph (5) of subdivision (d) provides that to the extent that any element of the comprehensive wetlands protection strategy is provided for in any other planning or management initiative undertaken by or on behalf of the city, such element may be incorporated by reference.

Subdivision (e) requires that the Comprehensive wetlands Protection Strategy developed pursuant to this section be reviewed and revised as necessary to achieve its goals with the first review to be undertaken within three years and thereafter no less often than every four years. Subdivision (e) also requires by April 22, 2015, the submission of a report to the Mayor and the Speaker of the Council that provides an update on the comprehensive Wetlands Protection Strategy developed pursuant to this section including the implementation status of the measures included in such strategy, as it may have been revised pursuant to this subdivision; and specific progress towards each of the strategy’s goals.

Section 3 of Proposed Int. No. 506-A provides that this local law will take effect immediately.

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⁶³ N.Y. Envtl. Conserv. Law 24-401 (1) (McKinney 2008).

⁶⁴ N.Y. Envtl. Conserv. Law 24-509. (McKinney 2008).

⁶⁵ Id.

(The following is from the text of the Fiscal Impact Statement for Int. No. 506-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 no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: The aerial and satellite survey described above will be conducted by the Mayor’s Office of Long-term Planning and Sustainability and will be funded by a federal grant totaling \$100,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Federal Grant

SOURCE OF INFORMATION: Mayor’s Office of Operations and the City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Nathan Toth, Assistant Director

HISTORY: This legislation was introduced as Int. 506 to the Full Council and referred to the Committee on Environmental Protection on February 1, 2007. The Committee on Environmental Protection held a hearing on Int. 506 on February 26, 2007 and laid over. On January 22, 2009 a hearing was held on an earlier version of Int. 506-A, and the bill was laid over. The bill is scheduled to be considered by the Committee on Environmental Protection and full City Council on May 6, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 506-A:)

Int. No. 506-A

By Council Members Gennaro, Brewer, Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Sanders, Weprin, Gerson, White Jr., Martinez, DeBlasio, Vann, Felder, Mitchell, Eugene, Recchia, Vallone Jr., Crowley, Garodnick, Lappin and Katz.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that wetlands serve a variety of critical functions important to the residents of New York City. These functions include filtration of pollutants, surface water storage, flood control, shoreline stabilization and prevention of erosion, stream flow maintenance including maintaining the aquatic habitat and opportunities for aesthetic appreciation of streams, groundwater recharge, sediment removal and nutrient recycling, promoting aquatic species productivity, biodiversity and provision of plant and wildlife habitat and enhancing recreational opportunities. Draining and filling wetlands impairs their functions and destroys native habitats. New York City has lost the majority of its wetlands to development, over time. The Council finds that to the maximum extent possible in consideration of competing land uses, preserving the remaining wetlands, creating new wetlands and undertaking actions designed to improve the functions of wetlands to the maximum extent possible is in the best interests of the City, and offers a way to respond to the challenges that will be presented by climate change and rising sea levels.

The Council further finds that the existing law leaves gaps in wetlands protection and that it is necessary for the City to develop and implement a comprehensive wetlands protection strategy.

The Council further finds that existing maps of wetlands in the City are outdated and incomplete. For all of these reasons, the City must take steps to conduct a preliminary satellite or aerial imagery survey that will provide an overview of the remaining wetlands in the City, and provide a basis to develop and implement a wetlands strategy that will address challenges or obstacles to wetlands protection.

§2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-528 to read as follows:

§24-528 New York city comprehensive wetlands study and protection strategy.

a. Definitions.

1. “City” shall mean the geographic area constituting the city of New York, including wetlands, shorelines and underwater lands.

2. “Office” shall mean the mayor’s office of long-term planning and sustainability.

3. “Wetlands” shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

b. Preliminary satellite or aerial imagery survey. No later than September 1, 2010, the office shall submit to the mayor and the speaker of the council a preliminary survey of likely wetland areas based upon satellite or aerial imagery. The preliminary satellite or aerial imagery survey shall be for the purpose of indicating the overall size and location of remaining wetlands within the city and therefore to inform the development of an overall strategy for wetlands in the city.

c. Development of a comprehensive wetlands strategy. The office shall complete a preliminary wetlands protection strategy the overall goals of which shall be to (1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing. Such strategy shall consider (1) the ecological, hydrological, economic, aesthetic and habitat functions of wetlands including, but not limited to future protection from storm surges and other effects of rising sea levels; (2) the current condition and protections afforded wetlands in the city, including wetlands smaller than 12.4 acres in size; and (3) the wetlands policies, laws, rules and regulations that have been adopted by other municipalities in New York state.

d. (1) No later than December 31, 2011, the office shall submit a preliminary comprehensive wetlands protection strategy that meets the requirements of this subdivision to the mayor, the speaker of the council and the public for review and comment. Access to the public shall include posting such preliminary strategy on the city’s website and such other measures as the office deems appropriate to increase notice.

(2) No later than March 1, 2012, the office shall submit a final comprehensive wetlands protection strategy that meets the requirements of this subdivision to the mayor, the speaker of the council and the public. Submission to the public may include posting such final strategy on the city’s website and such other measures as the office deems appropriate to increase notice.

(3) The comprehensive wetlands protection strategy shall include, but not be limited to, the following:

(i) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives to conserve, protect, enhance, restore, stabilize and expand wetlands and associated buffer areas in the city, whether publicly or privately owned;

(ii) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives regarding management of wetlands in the city by public and private owners to ensure their consistency and best practices;

(iii) land acquisition and land use planning practices and opportunities to provide for wetlands retreat;

(iv) strategies for adaptation to sea level rise that involve wetlands to the extent not provided for in any other planning or management initiatives undertaken by or on behalf of the city;

(v) opportunities to improve the implementation of wetlands mitigation and creation activities;

(vi) a protocol for coordination with appropriate federal, state and city governmental entities that have jurisdiction over or other property interest in wetlands or associated buffer areas including, but not limited to, coordination in the development of a comprehensive list of wetland mitigation opportunities and notification procedures regarding proposed development projects that may adversely impact wetlands or associated buffer areas;

(vii) reporting mechanisms for wetlands indicators; and

(viii) a public education program to increase awareness about the ecological, economic, aesthetic and other values of wetlands and their associated buffer areas, which shall include information presented on the city’s website and such other means as the office deems appropriate.

(4) The comprehensive wetlands protection strategy shall include a schedule and milestones for implementing the strategy and achieving its goals. .

(5) To the extent that any element of the comprehensive wetlands protection strategy is provided for in any other planning or management initiative undertaken by or on behalf of the city, such element may be incorporated by reference.

e. The comprehensive wetlands protection strategy developed pursuant to this section shall be reviewed and revised as necessary to achieve its goals, the first such

review to be undertaken within three years and thereafter no less often than every four years. No later than April 22, 2015 and no later than every fourth year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council that provides an update on the comprehensive wetlands protection strategy developed pursuant to this section which shall include, but not be limited to:

(1) the implementation status of the measures included in such strategy, as it may have been revised pursuant to this subdivision; and

(2) specific progress towards each of the strategy's goals.

§3. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; BILL DEBLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE, THOMAS WHITE JR., MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, May 6, 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 Environmental Protection and have been favorably reported for adoption.

Report for Res. No. 1962

Report of the Committee on Environmental Protection in favor of approving a Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

The Committee on Environmental Protection, to which was referred on May 6, 2009 the annexed resolution, respectfully

REPORTS:

Preconsidered Res. No. 1962 is a determination that the enactment of Proposed Int. No. 506-A is an action, as defined in 617.2(b) of the New York Official Compilation of Codes, Rules and Regulations and subject to environmental review. Pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, the Council of the City of New York and the Office of the Mayor, are designated as co-lead agencies for purposes of compliance with the State Environmental Quality Review Act (Environmental Conservation Law Article 8), have considered the relevant environmental issues attendant to the enactment of Proposed Int. No. 506-A.

After such consideration, the Council and the Office of the Mayor have determined that a negative declaration should be issued. They have also reviewed the accompanying Negative Declaration and determined that the Negative Declaration satisfies the requirements of the State Environmental Quality Review Act (6 N.Y.C.R.R. Part 617), and that consistent with environmental, social, economic and other essential considerations, the proposed action is one that will not result in any significant adverse environmental impacts, and that the Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis for this determination.

Those findings are set forth in Preconsidered Res. No. 1962 which is annexed.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 1962:)

Res. No. 1962

Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

By Council Members Gennaro, Recchia, Vallone Jr., Eugene, Crowley, Weprin, Nelson, Sears and White.

Whereas, The enactment of Proposed Int. No. 506-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and

Regulations of the State of New York; and

Whereas, The Council, and the Office of the Mayor, as co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, have considered the relevant environmental issues attendant to such enactment; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the Council and the Office of the Mayor have determined that a Negative Declaration should be issued; and

Whereas, The Council and the Office of the Mayor have examined and considered the Negative Declaration that was prepared; now, therefore, be it

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

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

ATTACHMENT:



NEGATIVE DECLARATION

CEQR No. 09CCO002Y

Date Issued: May 6, 2009

NAME: A local law to amend the administrative code of the City of New York, in relation to the creation of a comprehensive wetlands protection strategy.

LOCATION: Citywide

SEQR CLASSIFICATION: The project is classified as an Unlisted action pursuant to 6NYCRR Part 617.2(ak)

DESCRIPTION:

The action consists of the passage of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York that would require creation of a Comprehensive Wetlands Protection Strategy. Discretionary actions that require environmental review include passage of the law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council.

The proposed local law would amend Chapter 5 of Title 24 of the Administrative Code by adding a new section 24-528 to create a Comprehensive Wetlands Protection Strategy ("CWPS") and to place responsibility for it within the Mayor's Office of Long-Term Planning and Sustainability ("Office"). Pursuant to the proposed law, the Office would undertake a satellite or aerial imagery survey of the City of New York in order to determine the location and size of all of the wetlands within the City and based upon the analyses performed on the data derived from this survey, develop and implement a comprehensive wetlands protection strategy in accordance with the elements recited in the proposed local law consistent with a prescribed schedule. The overall goals of the strategy are to (1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with

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other, competing land uses that are in the public interest, such as the construction of schools or affordable housing."

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York, the Office of the Mayor and the New York City Council assumed the role of co-lead agencies for the purpose of conducting the environmental review pursuant to 62 RCNY §5-03(d). Based on an examination of information about the project contained in an Environmental Assessment Statement dated May 5, 2009 pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.7, the Office of the Mayor and the New York City Council have determined that the proposed action will not have a significant adverse effect on the environment.

Reasons Supporting this Determination

The above determination is based on an Environmental Assessment Statement (EAS) dated May 5, 2009 and incorporated by reference herein. The EAS finds that:

- 1. The proposed action is the passage of a local law to conduct a satellite or aerial imagery survey and use the results of that survey to inform the development and implementation of a Comprehensive Wetlands Management Strategy. As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:

- Community Facilities and Services
Shadows
Historic Resources
Urban Design/Visual Resources
Solid Waste and Sanitation Services
Hazardous Materials
Waterfront Revitalization Program
Energy
Traffic and Parking
Transit and Pedestrians
Air Quality
Noise
Construction Impacts.

- 2. Because the action is generic in nature, creating a new citywide comprehensive wetland protection strategy, there are no specific sites proposed. The creation of this strategy would have the potential to impact the following technical analysis areas: Land Use/Neighborhood Character, Open Space, Natural Resources, Infrastructure, Public Health and Socioeconomic Conditions. However, because this program would (1)

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facilitate the conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest it would not have the potential to affect socioeconomic conditions because there would be no direct or indirect displacement of residential populations or businesses.

- 3. Because the proposed action would lead to identification of the location and size of the City's wetlands and result in development of a strategy that has among its goals the conservation, protection, stabilization, restoration of those wetlands there would be a beneficial effect of the program.
4. No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable.
5. This Negative Declaration was prepared in accordance with Article 8 of the New York State Environmental Conservation Law.

Signature of Robert R. Kulikowski, Ph.D., Assistant to the Mayor

May 6, 2009

Signature of Jeffrey Haberman, Deputy Director, Infrastructure Division

May 6, 2009

ATTACHMENT to the Committee Report:



City Environmental Quality Review ENVIRONMENTAL ASSESSMENT STATEMENT PART I, GENERAL INFORMATION

Reference Numbers

1. 09CC0002Y (CEQR REFERENCE NUMBER) BSA REFERENCE NO. IF APPLICABLE

Lead Agency & Applicant Information

2a. Co-lead Agencies: Office of the Mayor/City Council
2b. Applicant Information: Robert Kulikowski, Ph.D./Jeffrey Haberman

Action Description

3a. NAME OF PROPOSAL: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy.
3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):

Required Action or Approvals

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S): See Attachment A
4. CITY PLANNING COMMISSION [] Yes [X] No
5. UNIFORM LAND USE PROCEDURE (ULURP) [] Yes [X] No

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL.

Action Type

6. BOARD OF STANDARDS AND APPEALS [] Yes [X] No
7. DEPARTMENT OF ENVIRONMENTAL PROTECTION [] Yes [X] No
8. OTHER CITY APPROVALS [X] Yes [] No

Analysis Year

9. STATE ACTIONS/APPROVALS/FUNDING [] Yes [X] No
10. FEDERAL ACTIONS/APPROVALS/FUNDING [] Yes [X] No
11a. [X] Unlisted; or [] Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):
11b. [] Localized action, site specific [] Localized action, change in regulatory control for small area [X] Generic action
12. Identify the analysis year (or build year) for the proposed action: 2009 - the law would be effective upon enactment

Directly Affected Area

13a. LOCATION OF PROJECT SITE: City-wide

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT: TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT: N/A

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION: Action would apply city-wide

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? [X] Yes [] No

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

PART II, SITE AND ACTION DESCRIPTION

1. GRAPHICS Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8 1/2 x 14 inches in size. N/A
2. PHYSICAL SETTING (both developed and undeveloped areas) N/A
3. PRESENT LAND USE N/A
4. EXISTING PARKING N/A
5. EXISTING STORAGE TANKS N/A

3

SEE CEQR TECHNICAL MANUAL CHAPTER III F, HISTORIC RESOURCES

6. CURRENT USERS N/A
7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A

SEE CEQR TECHNICAL MANUAL CHAPTER III K, WATERFRONT REVITALIZATION PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM
Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? [X] Yes [] No

Project Description
THIS SUBPART SHOULD GENERALLY BE COMPLETED ONLY IF YOUR ACTION INCLUDES A SPECIFIC OR KNOWN DEVELOPMENT AT PARTICULAR LOCATIONS

9. CONSTRUCTION N/A
10. PROPOSED LAND USE N/A
Residential
Commercial
Manufacturing/Industrial
Community facility
Vacant land

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Publicly accessible open space
Is there any existing publicly accessible open space to be removed or altered? [] Yes [] No

Is there any existing publicly accessible open space to be added? [] Yes [] No

Other land use
Gross floor area (sq. ft.) _____ No. of stories _____ Type of use: _____

11. PROPOSED PARKING N/A

Garages
No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots
No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate. No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS N/A

Gas or service stations? [] Yes [] No Oil storage facility? [] Yes [] No Other? [] Yes [] No
If yes, specify: _____ Location and depth of tanks: _____

13. PROPOSED USERS N/A

No. of residents: _____ No. and type of businesses: _____
No. and type of workers by businesses: _____ No. and type of non-residents who are not workers: _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A
Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? [] Yes [] No

15. DIRECT DISPLACEMENT N/A
Will the action directly displace specific business or affordable and/or low income residential units? [] Yes [] No

16. COMMUNITY FACILITIES N/A
Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? [] Yes [] No

SEE CEQR TECHNICAL MANUAL CHAPTER III B, SOCIO-ECONOMIC CONDITIONS

SEE CEQR TECHNICAL MANUAL CHAPTER III C, COMMUNITY FACILITIES & SERVICES

Zoning Information

17. What is the zoning classification(s) of the directly affected area? N/A
18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use. N/A
19. What is the proposed zoning of the directly affected area? N/A
20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use. N/A
21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action? N/A

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Additional Information

Analyses

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.
23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
a. LAND USE, ZONING, AND PUBLIC POLICY
b. SOCIOECONOMIC CONDITIONS
c. COMMUNITY FACILITIES AND SERVICES
d. OPEN SPACE
e. SHADOWS
f. HISTORIC RESOURCES
g. URBAN DESIGN/VISUAL RESOURCES
h. NEIGHBORHOOD CHARACTER
i. NATURAL RESOURCES
j. HAZARDOUS MATERIALS
k. WATERFRONT REVITALIZATION PROGRAM
l. INFRASTRUCTURE
m. SOLID WASTE AND SANITATION SERVICES
n. ENERGY
o. TRAFFIC AND PARKING
p. TRANSIT AND PEDESTRIANS
q. AIR QUALITY
r. NOISE
s. CONSTRUCTION IMPACTS
t. PUBLIC HEALTH

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. Robert Kulikowski, Ph.D./Jeffrey Haberman
PREPARER NAME PRINCIPAL
Assistant to the Mayor/Deputy Director
PREPARER TITLE NAME OF PRINCIPAL REPRESENTATIVE
PREPARER SIGNATURE TITLE OF PRINCIPAL REPRESENTATIVE
May 5, 2009 DATE SIGNATURE OF PRINCIPAL REPRESENTATIVE
DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

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Impact Significance

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

- For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	No
SOCIOECONOMIC CONDITIONS	No
COMMUNITY FACILITIES AND SERVICES	No
OPEN SPACE	No
SHADOWS	No
URBAN DESIGN/VISUAL RESOURCES	No
NEIGHBORHOOD CHARACTER	No
NATURAL RESOURCES	No
HAZARDOUS MATERIALS	No
WATERFRONT REVITALIZATION PROGRAM	No
INFRASTRUCTURE	No
SOLID WASTE AND SANITATION SERVICES	No
ENERGY	No
TRAFFIC AND PARKING	No
TRANSIT AND PEDESTRIANS	No
AIR QUALITY	No
NOISE	No
CONSTRUCTION IMPACTS	No
PUBLIC HEALTH	No
- Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.
- If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.
- If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.
- If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

Lead Agency Certification

PREPARER NAME	Robert Kulikowski, Ph.D./Jeffrey Haberman
PREPARER TITLE	Assistant to the Mayor/Deputy Director
PREPARER SIGNATURE	
DATE	May 5, 2009

shorelines, but New York City has lost the vast majority of its wetlands to development, over time.

The proposed local law requires the development of a local Comprehensive Wetlands Protection Strategy that will allow the City to maximize the benefits of wetlands that are noted above, whether privately or publicly owned, in a way that is not provided for by other laws. For example, the State's Environmental Conservation Law provides for significant protection of wetlands only if they are at least 12.4 acres in size unless they are designated a "critical environmental area" or a wetland of "unusual local importance".

A Comprehensive Wetlands Protection Strategy is also consistent with other existing City programs such as the Bluebelt Program administered by the Department of Environmental Protection, and previous actions taken to protect the City's wetlands, such as establishing the Wetlands Transfer Task Force that was formed to assess available City-owned properties that contain wetlands (Local Law 13 of 2007), the creation of the Jamaica Bay Task Force (Local Laws 71 of 2005 and 36 of 2006), coordination in the issuance of construction permits in or adjacent to wetlands or coastal zone hazard areas (Local Law 21 of 2009) and be a vehicle for sustainable growth consistent with recently passed legislation relating to a Local Brownfield Cleanup Program (Proposed Int. No. 21-A, passed by the Council on April 22, 2009 and awaiting the Mayor's signature).

23. ANALYSES

The proposed action is the passage of a local law in accordance with which the Mayor's Office of Long-Term Planning and Sustainability will develop a Comprehensive Wetlands Protection Strategy (CWPS). As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:

- Community Facilities and Services
- Shadows
- Historic Resources
- Urban Design/Visual Resources
- Neighborhood Character
- Hazardous Materials
- Infrastructure
- Solid Waste and Sanitation Services
- Energy
- Traffic and Parking
- Transit and Pedestrians
- Air Quality
- Noise
- Construction Impacts

**ATTACHMENT A
ENVIRONMENTAL ASSESSMENT STATEMENT**

Re: A local law to amend the Administrative Code of the City of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

CEQR Number: 09CCO002Y
Location: Citywide
Type of Action: Unlisted

3b. PROJECT DESCRIPTION:

The action consists of the passage of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York by adding a new section 24-528 that would create a Comprehensive Wetlands Protection Strategy. Discretionary actions that require environmental review include passage of a local law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council.

Proposed Int. No. 506-A requires the Mayor's Office of Long-Term Planning and Sustainability (OLTPS) to undertake a satellite or aerial imagery survey of the City of New York in order to determine the location and size of all of the wetlands within the City and based upon the analyses performed on the data derived from this survey, develop and implement a comprehensive wetlands protection strategy in accordance with the elements recited in the proposed local law consistent with a prescribed schedule. The overall goals of the strategy are to "(1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing."

Other portions of new section 24-528 provide for periodic review and necessary revision of the elements of the strategy and periodic reporting of the results of those reviews.

3c. STATEMENT OF PURPOSE AND NEED

Creation of a Comprehensive Wetlands Protection Strategy

Wetlands serve a variety of critical functions important to the residents of New York City including filtration of pollutants, surface water storage, flood control, maintaining aquatic and wildlife habitats and opportunities for aesthetic appreciation of streams and verdant

Given the generic nature of the proposed action, there would be no site-specific effects due to the enactment of this law and solely the creation of the CWPS. However, the implementation of the CWPS as required by the proposed local law may have the potential to affect the following technical areas: Land Use, Zoning and Public Policy, Neighborhood Character, Open Space, Natural Resources, Socioeconomic Conditions, and Public Health. The effects in these areas would be expected to be positive, as discussed below. Further, actions associated with any specific sites that were directly affected by the CWPS would be subject to project-specific environmental reviews, as appropriate.

23(a) Land Use, Zoning and Public Policy/Neighborhood Character

The proposed action would not have any significant adverse impacts on land use, zoning and public policy or on neighborhood character and would likely have a beneficial impact on land uses because, among the goals of the legislation is the conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and may result in maintenance of existing zoning and land uses.

Wetlands in the City are found primarily along the City's shoreline, but there are interior wetlands. A critical element of this local law is the performance of a satellite or aerial imagery survey to properly identify as specifically as possible the City's wetlands by their location and size. The analyses of the data acquired from the survey will permit the development of the CWPS in accordance with the prescribed elements. Until such survey is performed and the necessary analyses performed, no specific actions or activities are required to be undertaken. However, following this, the proposed local law requires the development of the CWPS and its implementation. Further, as noted above, proposed Int. No. 506-A is not site-specific. Any site-specific action that would be required under the CWPS that requires a discretionary action by the City would be subject to environmental review would undergo such review at the appropriate time and in the appropriate manner. As-of-right actions would not require further environmental review.

23(b) Socioeconomic Conditions

The enactment of Proposed Int. No. 506-A will not have a significant adverse impact on socioeconomic conditions. While the proposed local law provides for data collection, analyses of those data and development of a CWPS with prescribed elements based upon those analyses, will not in and of itself result in either direct or indirect residential, commercial or institutional displacement. Projects that would be undertaken subsequent to the specific provisions of the CWPS that involve activities that have the potential for indirect displacement effects on businesses or residents in the area surrounding any area identified as a wetland as a result of the imaging survey undertaken pursuant to this proposed local law, such site-specific projects would occur either as-of-right (in which case no further environmental review is required) or would require a separate, project-specific environmental review.

The proposed action of enactment of Proposed Int. No. 506-A to develop a CWPS would, therefore, not adversely effect socioeconomic conditions.

23(d) Open Space

Proposed Int. No. 506-A will likely have a beneficial impact on public open space in the City, particularly for recreational uses such as coastal hiking, and more particularly for water-dependent uses, such as boating or swimming. This is consistent with such existing policies and programs as the Bluebelt program and the transfer of jurisdiction of City-owned wetlands to the City's Department of Parks and Recreation from other agencies.

23(i) Natural Resources

The enactment of Proposed Int. No. 506-A will have no significant adverse impact on natural resources. As noted elsewhere, the action is citywide, rather than site-specific, and the only discreet activity associated with the action is the collection of data using satellite or aerial imaging techniques, which would not directly or indirectly disturb the natural resources that are the subject of Proposed Int. No. 506-A or that themselves inhabit such resources. That imagery survey and the analyses of the data derived from such survey may lead to a set of specific activities that will implemented to satisfy the discrete elements of the CWPS, but could in fact result in no action needing to be undertaken different from what is currently being undertaken in accordance with the existing regulatory schemes. Any project, whether or not involving the construction of any structures, to be taken in the future, will itself be either an as-of-right project or be subject to a project-specific independent environmental review.

The action consisting of the enactment of Proposed Int. No. 506-A would likely not: (1) render a water resource unfit for one or more uses for which it is classified and/or cause or exacerbate a water quality violation; (2) directly or indirectly adversely affect a significant, sensitive, or designated resource; (3) diminish habitat for a resident or migratory endangered, threatened, or rare animal species or species of special concern; (4) result in the loss of plant species that are endangered, threatened, rare, or vulnerable; result in the loss of part or all of a resource that is important because it is large, unusual, or the only one remaining in the area where the action is to take place; (5) either directly or indirectly, cause a noticeable decrease in a resource's ability to serve one or more of the following functions: wildlife habitat, food chain support, physical protection (flood protection, e.g.), water supply, pollution removal, recreational use, aesthetic or scenic enhancement, commercial productivity, or microclimate support; nor is the enactment of Proposed Int. No. 506-A likely, either directly or indirectly, to contribute to a cumulative loss of habitat or function which diminishes that resource's ability to perform its primary functions.

23(t) Public Health

For similar reasons, Proposed Int. No. 506-A, by creating a local CWPS, promises to have a beneficial impact on public health. To the extent that the surface water filtered by

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wetlands enters the City's receiving waters, there can only be a beneficial impact on those receiving waters which may enhance the opportunity to use those waters for swimming or other recreational uses in which participants are or may be exposed to those receiving waters.

To the extent that Proposed Int. No. 506-A will filter pollutants that would otherwise enter the City's receiving waters, individuals who eat any of the marine creatures in such waters, such as clams, crabs or fish, will be eating food that is at least marginally safer for humans, and certain no more harmful.

2.8 Waterfront Revitalization Program

The local law would create a local Comprehensive Wetlands Protection Strategy that would be applicable citywide. Because this action is not a site-specific action, much of the WRP Consistency Form is not applicable because it addresses specific sites. However, most of the City's remaining wetlands are located along the coast, rather than inland. Coastal wetlands affected by the CWPS developed in accordance with this proposed local law under this program would be consistent with all ten policies of the New Waterfront Revitalization Program.

This local law requires the identification of the remaining wetlands in New York City by satellite or aerial imagery survey and then mandates the development and implementation of a comprehensive wetlands protection strategy. The goals of the strategy include conservation, protection, enhancement, stabilization, restoration and expansion of wetlands and associated buffer areas in the City. This strategy is intended to avoid and minimize wetlands losses and achieve no net loss of wetlands in the City. This strategy will also standardize and improve the management of wetlands and associated buffer areas as it balances the need for wetlands protection with other, competing land uses that are in the public interest.

Because this is not a site specific action, much of the WRP Consistency form is not applicable because it addresses site specific issues. Similarly since this local law is intended protect wetlands and encourage habitat restoration and expand wetlands and associated buffers in the City, some of the WRP policies, such as policies 1, 2, 3, 7 and 10 are not applicable to this local law and others, such as policies 4, 5, 6, 8 and 9 are inherently consistent actions that directly foster the goals set for waterfront functional areas.

For example, Policy 1 is inapplicable because this local law is intended facilitate freshwater and tidal wetlands identification and protection and not commercial and residential redevelopment except to the extent such development may be determined to be in the public interest after balancing the need for the development with the need to protect New York City's remaining wetlands. Policy 2 is similarly inapplicable because the local law is not intended to facilitate or deter water dependent uses in the Significant Maritime and Industrial Areas. Policy 3 is inapplicable because this local law addresses

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land based activities and not waterborne activities such as commercial or recreational boating or water dependent transportation activities. Policy 7 is not applicable because this local law does not involve any handling, management, transportation of discharge of hazardous or solid waste. Finally, Policy 10 is not applicable because this local law does not pertain to historical, archeological or cultural resources.

By contrast, this local law is specifically drafted to protect and restore tidal and freshwater wetlands, ecological quality within the New York city coastal area, including component habitats that serve vulnerable plant, fish and wildlife species, to protect the quality of groundwater streams and sources of water for wetlands, to minimize loss of life, structures and natural resources caused by flooding and anticipated sea level rise, to preserve and protect existing physical, visual and recreational access to the waterfront and to protect scenic values associated with natural resources. As these actions are inherently consistent with five of the nine policies of the Waterfront Revitalization Program, they would not require a consistency review since these activities have already been determined to be consistent within the applicable Waterfront Revitalization Program policies.

The New York City Waterfront Revitalization Program Consistency Assessment Form is appended as ATT A1.

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ATTACHMENT A1

ATT A1

For Internal Use Only: Date Received: _____	WRP no. _____ DOS no. _____
--	--------------------------------

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form**

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: City Council/Office of the Mayor

2. Address: 250 Broadway/253 Broadway, New York, NY 10007

3. Telephone: 212.788.9122/2937 Fax: _____ E-mail: jhaberman@council.nyc.gov; rkulikowski@cityhall.nyc.gov

4. Project site owner: N/A

B. PROPOSED ACTIVITY

1. Brief description of activity:
The action consists of a local law that amends Chapter 5 of Title 24 of the Administrative Code of the City of New York to add a new section 24-528 that requires performing a satellite or aerial imagery survey of the City's likely wetlands areas. These data would be used to develop and implement a comprehensive wetlands protection strategy for the City of New York. Discretionary actions that require environmental review include passage of the proposed local law by the City Council and the approval of the law by the Mayor of the City of New York, or in the case of a Mayoral veto, an override of such veto by the Council.

2. Purpose of activity:
The proposed local law will cause the identification of the locations and sizes of the City's wetlands and use these data to develop and implement a City Comprehensive Wetlands Protection Strategy (CWPS) that will lead to the conservation, protection, stabilization and restoration of the City's wetlands.

3. Location of activity: (street address/borough or site description):
City-wide in areas where wetlands are identified.

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Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	_____
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	_____
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	✓	_____
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	_____
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	_____
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	_____
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	_____
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	✓	_____
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	_____
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	_____
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	_____
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	✓	_____
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	✓	_____
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	✓	_____
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✓	_____
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	_____
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	_____
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	_____
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	_____
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	_____
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	_____
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	_____

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Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
No

6. Will the proposed project require the preparation of an environmental impact statement?
Yes _____ No If yes, identify Lead Agency: _____

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
Passage of the proposed local law by the City Council and the approval of the law by the Mayor of the City of New York, or in the case of a Mayoral veto, an override of such veto by the Council.

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	✓	_____
2. Does the proposed project require a waterfront site?	_____	✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	✓

Policy Questions	Yes	No
The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new <u>Waterfront Revitalization Program</u> offers detailed explanations of the policies, including criteria for consistency determinations.		
Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.		
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	_____
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	_____	_____
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	_____

WRP consistency form - January 2003 2

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	_____
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	_____
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	_____
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	_____	_____
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	_____
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	_____	_____
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	_____
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	_____
37. Would the proposed project affect a non-renewable source of sand? (6.3)	_____	_____
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	_____	_____
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	_____
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	_____	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	_____
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	_____
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	✓	_____
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	_____	_____
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	_____
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	_____
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	✓	_____
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	✓	_____
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	_____
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	_____

WRP consistency form - January 2003 4

ATTACHMENT B

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	_____	_____
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	_____	_____

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: City Council/Office of the Mayor

Address: 250 Broadway/253 Broadway, New York, NY 10007

Telephone: 212.788.9122/2937

Applicant/Agent Signature: [Signature] Date: May 6, 2009

WRP consistency form - January 2003 5

ATTACHMENT B

Proposed Int. No. 506-A

By Council Members Gennaro, Brewer, Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Sanders Jr., Weprin, Gerson, White Jr., Martinez, DeBlasio, Vann, Felder and Mitchell

A Local Law

To amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that wetlands serve a variety of critical functions important to the residents of New York City. These functions include filtration of pollutants, surface water storage, flood control, shoreline stabilization and prevention of erosion, stream flow maintenance including maintaining the aquatic habitat and opportunities for aesthetic appreciation of streams, groundwater recharge, sediment removal and nutrient recycling, promoting aquatic species productivity, biodiversity and provision of plant and wildlife habitat and enhancing recreational opportunities. Draining and filling wetlands impairs their functions and destroys native habitats. New York City has lost the majority of its wetlands to development, over time. The Council finds that to the maximum extent possible in consideration of competing land uses, preserving the remaining wetlands, creating new wetlands and undertaking actions designed to improve the functions of wetlands to the maximum extent possible is in the best interests of the City, and offers a way to respond to the challenges that will be presented by climate change and rising sea levels.

The Council further finds that the existing law leaves gaps in wetlands protection and that it is necessary for the City to develop and implement a comprehensive wetlands protection strategy.

The Council further finds that existing maps of wetlands in the City are outdated and incomplete. For all of these reasons, the City must take steps to conduct a preliminary satellite or aerial imagery survey that will provide an overview of the remaining wetlands in the City, and provide a basis to develop and implement a wetlands strategy that will address challenges or obstacles to wetlands protection.

§2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-528 to read as follows:

§24-528 New York city comprehensive wetlands study and protection strategy. a.

Definitions.

1. "City" shall mean the geographic area constituting the city of New York, including wetlands, shorelines and underwater lands.

2. "Office" shall mean the mayor's office of long-term planning and sustainability.

3. "Wetlands" shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

b. Preliminary satellite or aerial imagery survey. No later than September 1, 2010, the office shall submit to the mayor and the speaker of the council a preliminary survey of likely wetland areas based upon satellite or aerial imagery. The preliminary

satellite or aerial imagery survey shall be for the purpose of indicating the overall size and location of remaining wetlands within the city and therefore to inform the development of an overall strategy for wetlands in the city.

c. Development of a comprehensive wetlands strategy. The office shall complete a preliminary wetlands protection strategy the overall goals of which shall be to (1) conserve, protect, enhance, stabilize, restore and expand wetlands and associated buffer areas in the city; (2) avoid and minimize wetlands losses and achieve no net loss of wetlands in the city; (3) standardize and improve the management of wetlands and associated buffer areas and (4) balance the needs for wetlands protection with other, competing land uses that are in the public interest, such as the construction of schools or affordable housing. Such strategy shall consider (1) the ecological, hydrological, economic, aesthetic and habitat functions of wetlands including, but not limited to future protection from storm surges and other effects of rising sea levels; (2) the current condition and protections afforded wetlands in the city, including wetlands smaller than 12.4 acres in size; and (3) the wetlands policies, laws, rules and regulations that have been adopted by other municipalities in New York state.

d. (1) No later than December 31, 2011, the office shall submit a preliminary comprehensive wetlands protection strategy that meets the requirements of this subdivision to the mayor, the speaker of the council and the public for review and comment. Access to the public shall include posting such preliminary strategy on the city's website and such other measures as the office deems appropriate to increase notice.

(2) No later than March 1, 2012, the office shall submit a final comprehensive wetlands protection strategy that meets the requirements of this subdivision to the

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mayor, the speaker of the council and the public. Submission to the public may include posting such final strategy on the city's website and such other measures as the office deems appropriate to increase notice.

(3) The comprehensive wetlands protection strategy shall include, but not be limited to, the following:

(i) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives to conserve, protect, enhance, restore, stabilize and expand wetlands and associated buffer areas in the city, whether publicly or privately owned;

(ii) appropriate legal requirements, management mechanisms, funding mechanisms, enforcement mechanisms and incentives regarding management of wetlands in the city by public and private owners to ensure their consistency and best practices;

(iii) land acquisition and land use planning practices and opportunities to provide for wetlands retreat;

(iv) strategies for adaptation to sea level rise that involve wetlands to the extent not provided for in any other planning or management initiatives undertaken by or on behalf of the city;

(v) opportunities to improve the implementation of wetlands mitigation and creation activities;

(vi) a protocol for coordination with appropriate federal, state and city governmental entities that have jurisdiction over or other property interest in wetlands or associated buffer areas including, but not limited to, coordination in the development of a comprehensive list of wetland mitigation opportunities and notification procedures

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regarding proposed development projects that may adversely impact wetlands or associated buffer areas;

(vii) reporting mechanisms for wetlands indicators; and

(viii) a public education program to increase awareness about the ecological, economic, aesthetic and other values of wetlands and their associated buffer areas, which shall include information presented on the city's website and such other means as the office deems appropriate.

(4) The comprehensive wetlands protection strategy shall include a schedule and milestones for implementing the strategy and achieving its goals.

(5) To the extent that any element of the comprehensive wetlands protection strategy is provided for in any other planning or management initiative undertaken by or on behalf of the city, such element may be incorporated by reference.

e. The comprehensive wetlands protection strategy developed pursuant to this section shall be reviewed and revised as necessary to achieve its goals, the first such review to be undertaken within three years and thereafter no less often than every four years. No later than April 22, 2015 and no later than every fourth year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council that provides an update on the comprehensive wetlands protection strategy developed pursuant to this section which shall include, but not be limited to:

(1) the implementation status of the measures included in such strategy, as it may have been revised pursuant to this subdivision; and

(2) specific progress towards each of the strategy's goals.

§3. This local law shall take effect immediately.

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JAMES F. GENNARO, Chairperson; BILL DEBLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE, THOMAS WHITE JR., MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, May 6, 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

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. 1095

Report of the Committee on Finance in favor of approving Dorothy McGowan, 555 West 159th Street, Manhattan Council District No. 10.

The Committee on Finance, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

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

May 6, 2009

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

FROM: Tanisha Edwards, Finance Division

RE: Finance Committee Agenda of May 6, 2009-Resolution approving a full tax exemption for one reconsidered Land Use Item (Council District 10).

HPD has submitted a request to the Council to approve a full property tax exemption for the following property: Dorothy McGowan Supportive Housing, 555 West 159th Street Manhattan, Community District No. 12. This item is located in Council Member Martinez's district. The following summarizes the description of the project:

Dorothy McGowan Supporting Housing contains 1 multiple dwelling that will provide 7 units of rental housing to low income and formerly homeless individuals. The sponsor, Dorothy McGowan Housing Development Fund Company acquired the dwelling from HUD on September 29, 2006 for \$1. HUD is providing a grant to the Sponsor to finance a gut rehabilitation of the building. The multiple dwelling will provide housing accommodations for persons of low income, at least 60% of whom will be formerly homeless individuals. Residents of this building will receive on-site supportive services.

In order to make the rehabilitation economically viable, the Sponsor is requesting a tax exemption pursuant to Article XI of the Private Housing Finance Law, section 577. The regulatory agreement ("Interparticipant Agreement") between HUD, HPD, and the Dorothy McGowan Housing Development Fund Company will require that the multiple dwelling must be used exclusively as housing accommodations for persons of low income, not less than sixty percent of whom shall be formerly homeless tenants for a term of 30 years. This Article XI exemption would commence as of September 29, 2006, and expire on the earlier to occur of (i) a date which is thirty years from the Completion of Construction, (ii) a date which is forty years from the Effective Date, (iii) the date of the expiration or termination of the Interparticipant Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

This item has the approval of Council Member Martinez.

In connection herewith, Council Weprin offered the following resolution:

Res. No. 1965

Resolution approving a full exemption from real property taxes for property located at 555 West 159th Street (Block 2118, Lot 62) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1095)

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 28, 2009 that the Council take the following action regarding a housing project to be located at **555 West 159th Street (Block 2118, Lot 62)** Borough of Manhattan ("Exemption Area"): Approve a full exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

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

WHEREAS, the Council held a hearing on the Project on May 6, 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.

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

- a. "Certificate of Completion" shall mean the document in recordable form issued by HUD or HPD certifying that (i) rehabilitation of the Exemption Area has been substantially completed in accordance with the requirements of HUD or HPD; and (ii) HUD or HPD has made a final inspection of the Exemption Area and has determined that HDFC has fulfilled all of its construction obligations.
- b. "Completion of Construction" shall mean the date upon which HUD or HPD issues a Certificate of Completion.
- c. "Effective Date" shall mean September 29, 2006, the date of conveyance of the Exemption Area to the HDFC and the date that HDFC, HUD, and HPD entered into the Interparticipant Agreement.
- d. "Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
- e. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2118, Lot 62 on the Tax Map of the City of New York.
- f. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty years from the Completion of Construction, (ii) a date which is forty years from the Effective Date, (iii) the date of the expiration or termination of the Interparticipant Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- g. "HDFC" shall mean Dorothy McGowan Housing Development Fund Corporation.
- h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- i. "HUD" shall mean the United States Department of Housing and Urban Development.
- j. "Interparticipant Agreement" shall mean the regulatory agreement among HDFC, HUD, and HPD, entered into on September 29, 2006, providing that, unless otherwise approved by HPD, the Exemption Area must be used exclusively as housing accommodations for persons of low income, not less than sixty percent of whom shall be formerly homeless tenants, for a term of thirty years.

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

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Interparticipant Agreement, (iii) the Exemption Area is not being operated in accordance with any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and arrangement of the building on the Effective Date.

4. In consideration of the Exemption, the HDFC, for itself, its successors and assigns, and for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or real property 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, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 6, 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. 1096

Report of the Committee on Finance in favor of approving Section 202 Supportive Housing Program, Marien-Heim of Sunset Park, Brooklyn, Council District No. 38.

The Committee on Finance, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

(For text of the memo, please see the Report of the Committee on Finance for LU No. 1098 printed in these Minutes)

Accordingly, Your Committee recommends the adoption of LU Nos. 1096, 1097, 1098, and 1099 along with their respective coupled resolutions.

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

Res. No. 1966

Resolution approving a partial exemption from real property taxes for property located at (Block 746, Lots 28, 30, 39) and (Block 755, Lot 39), Brooklyn, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 1096).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 3, 2009 that the Council take the following action regarding a housing project to be located at (Block 746, Lots 28, 30, 39) and (Block 755, Lot 39), Brooklyn ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 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 Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on May 6, 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 date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 746, Lots 28, 30, and 39; and Block 755, Lot 39 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Marien-Heim of Sunset Park Housing Development Fund Corporation.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan is secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the Board of Estimate on September 28, 1978 (Cal. No. 138).
- (j) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
- (k) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is forty years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is forty years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.
- (l) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent not-for-profit owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date; provided, however, that the HDFC shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$373,804, plus (ii) an additional amount equal to twenty-five percent 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 property tax payment by the HDFC shall not at any time exceed the lesser of either (i) seventeen percent of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due and payable 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.
5. Notwithstanding any provision hereof to the contrary:
- (a) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, 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, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 6, 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. 1097

Report of the Committee on Finance in favor of approving Section 202 Supportive Housing Program, Seagirt Housing, Queens, Council District No. 31.

The Committee on Finance, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

(For text of the memo, please see the Report of the Committee on Finance for LU No. 1098 printed in these Minutes)

Accordingly, Your Committee recommends the adoption of LU Nos. 1096, 1097, 1098, and 1099 along with their respective coupled resolutions.

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

Res. No. 1967

Resolution approving a partial exemption from real property taxes for property located at (Block 15810, Lot 30), Queens, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 1097).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 23, 2009 that the Council take the following action regarding a housing project to be located at (Block 15810, Lot 30), Queens ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 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 Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on May 6, 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 date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15810, Lot 30 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Seagirt Housing Development Fund Corporation.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan is secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the Board of Estimate on September 15, 1983 (Cal. No. 183).

- (j) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
 - (k) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is thirty years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.
 - (l) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent not-for-profit owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date; provided, however, that the HDFC shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$265,164, plus (ii) an additional amount equal to twenty-five percent 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 property tax payment by the HDFC shall not at any time exceed the lesser of either (i) seventeen percent of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due and payable 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.
 5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its

successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, 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, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 6, 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. 1098

Report of the Committee on Finance in favor of approving 457 East 187th Street, 2825 Webb Avenue, Bronx, Council District No. 14, 15.

The Committee on Finance, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

May 6, 2009

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

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of May 6, 2009-Resolution approving tax exemptions for four preconsidered Land Use Items (Council District's 42, 38, 14, and 15).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: 457 East 187th Street and 2825 Webb Avenue in Council Members' Baez and Rivera's District; 358 and 360 45 Street, 4502 and 4602 4 Avenue in Council Member Gonzalez District; and the Gateway Estates II Large Scale Project in Council Member Barron's District.

457 East 187th Street and 2825 Webb Avenue are 2 buildings with 93 units that provide rental housing for low income families. Under the City's Participation Loan Program and the New York City Housing Trust Fund the Uptown Bronx Housing Development Fund Corporation acquired and rehabilitated the exemption area which will provide 60 units of rental housing to families whose incomes do not exceed 90% of AMI and 33 units that do not exceed 165% of AMI. 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 \$125,366 in the first year of the exemption and \$9.4 million over the 40-year length of the exemption.

The Seagirt Housing for the Elderly is a multiple dwelling that provides 151 units of rental housing for elderly persons of low income. The sponsor, Seagirt Housing Development Fund Corporation developed 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. The project now wishes to refinance its original HUD mortgage in order to fund needed repairs and decrease debt service. In order to facilitate this refinancing the current exemption must be terminated and replaced with a new partial exemption that is coterminous with the new HUD loan. The value of the tax exemption is projected at \$280,641 in the first year of the exemption and \$13.3 million over the 30-year length of the exemption.

The Marien-Heim of Sunset Park is a multiple dwelling that provides 168 units of rental housing for elderly persons of low income. The sponsor, Marien-Heim of Sunset Park Housing Development Fund Corporation developed 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. The project now wishes to refinance its original HUD mortgage in order to fund needed repairs and decrease debt service. In order to facilitate this refinancing the current exemption must be terminated and replaced with a new partial exemption that is coterminous with the new HUD loan. The value of the tax exemption is projected at 809,816 in the first year of the exemption and \$61 million over the 40-year length of the exemption.

The Gateway Estates II Large Scale Project will consist of 653 buildings containing 2,208 residential units of homeownership and rental housing for low and moderate income families. Under HPD's Nehemiah Program the project sponsors, Related Companies, Hudson Companies, and East Brooklyn Congregations Inc., purchased City-owned land together with State-owned land in order to construct a mixed-use project which will include affordable homeownership to households with incomes up to 130% of AMI and rental units to households earning up to 90% of AMI. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 696 of the General Municipal Law. The value of the tax exemption is projected at \$2.6 million in the first year of the exemption and \$64.4 million over the 20-year length of the exemption.

These items have the approval of Council Members' Barron, Baez, Gonzalez, Sanders and Rivera

Accordingly, Your Committee recommends the adoption of LU Nos. 1096, 1097, 1098, and 1099 along with their respective coupled resolutions.

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

Res. No. 1968

Resolution approving an exemption from real property taxes for property located at 457 East 187th Street (Block 3041, Lot 28), 2825 Webb Avenue (Block 3250, Lot 46) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 1098).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 11, 2009 that the Council take the following action regarding a housing project to be located at 457 East 187th Street (Block 3041, Lot 28), 2825 Webb Avenue (Block 3250, Lot 46) the Bronx ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 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 Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on May 6, 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) "Amended Regulatory Agreement" shall mean, collectively, the Regulatory Agreement and the Regulatory Agreement Amendment. (b) "Effective Date" shall mean June 25, 2007.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as

Block 3250, Lot 46 and Block 3041, Lot 28 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 Amended Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (e) "HDFC" shall mean Uptown Bronx Housing Development Fund Corporation.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "J-51 Benefits" shall mean the exemption from and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law currently received by a portion of the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
 - (i) "Regulatory Agreement" shall mean the regulatory agreement, dated June 25, 2007, between HPD and the HDFC, which provides that, for a term of 40 years, 60 of the 95 dwelling units in the Exemption Area must be rented to families whose incomes do not exceed 90% of the area median income, with 19 of those 60 units further restricted to families whose incomes are not less than 61% of area median income.
 - (j) "Regulatory Agreement Amendment" shall mean an amendment to the Regulatory Agreement providing that the 33 dwelling units in the Exemption Area that were not income-restricted pursuant to the Regulatory Agreement and are not occupied by superintendents must be rented upon vacancy to families whose incomes do not exceed 165% of area median income.
2. All of the value of the property in the Exemption Area, including both the land and improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall not become effective until both HPD and the HDFC enter into the Regulatory Agreement Amendment.
 - b. The amount of the New Exemption shall be reduced by the amount of any concurrent J-51 Benefits.
 - c. The New Exemption shall terminate if HPD determines at any time that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Amended Regulatory Agreement and such non-compliance constitutes an event of default under the Amended Regulatory Agreement, or (iii) the demolition of an existing multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - c. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 - d. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the date of the Amended Regulatory Agreement.
4. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement

and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the preceding sentence, the concurrent J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits as provided herein.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 6, 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. 1099

Report of the Committee on Finance in favor of approving Gateway Estates II Large Scale Project, Brooklyn, Community District No. 5, Council District No. 42.

The Committee on Finance, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

(For text of the memo, please see the Report of the Committee on Finance for LU No. 1098 printed in these Minutes)

Accordingly, Your Committee recommends the adoption of LU Nos. 1096, 1097, 1098, and 1099 along with their respective coupled resolutions.

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

Res. No. 1969

Resolution approving an exemption from real property taxes for property located at (Blocks 4444, 4445, 44446, 4448, 4452, 4586, Lots p/o 1, p/o 170 and p/o 400), Brooklyn, pursuant to Section 696 of the General Municipal Law (Preconsidered L.U. No. 1099).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 25, 2009 that the Council take the following action regarding property located at (Blocks 4444, 4445, 44446, 4448, 4452, 4586, Lots p/o 1, p/o 170 and p/o 400), Borough of Brooklyn (the "Project"):

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

WHEREAS, the Council held a hearing on the Project on May 6, 2009;

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

RESOLVED:

The Council hereby approves, pursuant to Section 696 of the General Municipal Law, a tax exemption for the Project as follows:

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

2. Approve the designation of the Project Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law as follows:
 - a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.
 - b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 6, 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. 1041

Report of the Committee on Land Use in favor of approving Application no. 20095069 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for Silver Moon Bakery, Inc. to continue to maintain and operate an unenclosed sidewalk café located at 2740 Broadway, Borough of Manhattan, Council District no. 8.

The Committee on Land Use, to which was referred on March 24, 2009 (Minutes, page 939) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

20095069 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Silver Moon Bakery, Inc., to continue to maintain and operate an unenclosed sidewalk café at 2740 Broadway, Borough of Manhattan.

INTENT

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

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 30, 2009

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

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

Res. No. 1970

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 2740 Broadway, Borough of Manhattan (20095069 TCM; L.U. No. 1041).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 17, 2009 its approval dated March 17, 2009 of the petition of Silver Moon Bakery, Inc., for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 2740 Broadway, Community District 7, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 30, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 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. 1047

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which was referred on April 2, 2009 (Minutes, page 1180) the annexed Land Use item, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 080008 ZMM

City Planning Commission decision approving an application 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 property bounded by West 54th Street, a line 470 feet easterly of Eleventh Avenue, West 53rd Street and Eleventh Avenue, as shown on a diagram (for illustrative purposes only) dated October 27, 2008.

INTENT

To facilitate the development of a mixed-use building in the Clinton neighborhood of Manhattan.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: May 4, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission with modifications. The Committee further recommends that the modifications be sent back first to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1048

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which was referred on April 2, 2009 (Minutes, page 1180) the annexed Land Use item, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

N 080009 ZRM

City Planning Commission decision approving an application 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 II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and relating to Article IX, Chapter 6 (Special Clinton District).

INTENT

To facilitate the development of a mixed-use building in the Clinton neighborhood of Manhattan.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: May 4, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission with modifications. The Committee further recommends that the modifications be sent back first to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1049

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which was referred on April 2, 2009 (Minutes, page 1180) the annexed Land Use item, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 080010 ZSM

City Planning Commission decision approving an application 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 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) to facilitate the construction of a mixed use development on property located at 770 Eleventh Avenue (Block 1082, Lot 1), in a C6-3X District, within the Special Clinton District (Excluded Area), in a general large-scale development.

INTENT

To facilitate the development of a mixed-use building in the Clinton neighborhood of Manhattan.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: May 4, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission with modifications. The Committee further recommends that the modifications be sent back first to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1050

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which was referred on April 2, 2009 (Minutes, page 1180) the annexed Land Use item, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 080011 ZSM

City Planning Commission decision approving an application 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 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 set forth in Section 32-42 (Location within Buildings) and Section 74-744(c) to modify the sign regulations of Section 32-67 (Special Provisions Applying along District Boundaries) to facilitate the construction.

INTENT

To facilitate the development of a mixed-use building in the Clinton neighborhood of Manhattan.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: May 4, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission with modifications. The Committee further recommends that the modifications be sent back first to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1053

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which was referred on April 2, 2009 (Minutes, page 1182) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

20095082 TCQ

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Plaza Patisserie, Inc., d/b/a Plaza Lounge, to continue to maintain and operate an unenclosed sidewalk café at 29-20 30th Avenue, Borough of Queens.

INTENT

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

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION****DATE:** April 30, 2009

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

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

Res. No. 1971

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 29-20 30th Avenue, Borough of Queens (20095082 TCQ; L.U. No. 1053).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 17, 2009 its approval dated March 17, 2009 of the petition of Plaza Patisserie, Inc., d/b/a Plaza Lounge, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 29-20 30th Avenue, Community District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 30, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 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. 1064

Report of the Committee on Land Use in favor of approving Application no. C 090179 ZMK submitted by the Brighton Development LLC. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.28d, by establishing within an R7-1 district a C2-4 District.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1733) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT**

BROOKLYN CB - 13

C 090179 ZMK

City Planning Commission decision approving an application submitted by the Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R7-1 District a C2-4 District bounded by a line 100 feet southerly of Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line perpendicular to the easterly street line of Coney Island Avenue distant 340 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Brighton Beach Avenue, and Coney Island Avenue, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

INTENT

To facilitate a residential development in the Coney Island section of Brooklyn.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION****DATE:** April 30, 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. 1972

Resolution approving the decision of the City Planning Commission on ULURP No. C 090179 ZMK, a Zoning Map amendment (L.U. No. 1064).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2009 its decision dated April 1, 2009 (the "Decision"), on the application submitted by Brighton Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090179 ZMK) (the "Application");

WHEREAS, the Application is related to Application Number M 910478 (E) ZMK (L.U. No. 1065), a modification of a Restrictive Declaration D-131;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 30, 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 (CEQR No. M89-299K) as follows:

A Notice of Minor Modification was issued on November 14, 2008, which concluded that the action represents a minor modification and does not alter the conclusions of the earlier review. Therefore, the Notice of Completion of the FEIS issued on July 10, 1992 and the subsequent technical memorandums in 1998, 2002, or 2005 remain valid.

RESOLVED:

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

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28d, establishing within an existing R7-1 District a C2-4 District bounded by a line 100 feet southerly of Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line perpendicular to the easterly street line of Coney Island Avenue distant 340 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Brighton Beach Avenue, and Coney Island Avenue, as shown on a diagram (for illustrative purposes only) dated November 17, 2008, Community District 13, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 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. 1065

Report of the Committee on Land Use in favor of approving Application no. M910478 (E) ZMK submitted by the Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the modification of Restrictive Declaration D - 131 and its subsequent amendments.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1733) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

M 910478 (E) ZMK

City Planning Commission decision approving an application submitted by Brighton Development, LLC for the modification of Restrictive Declaration D -131 and its subsequent amendments, pursuant to Section 2b of that Restrictive Declaration (1998 Declaration) which was previously approved as part of an application for a modification of Restrictive Declaration D-131 (C 910478(A) ZMK), and originally approved as part of an application for a Zoning Map Amendment (C 910478 ZMK) for a residential development on property generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue (Block 8720, part of Lot 14), in an R7-1 District.

INTENT

To facilitate a residential development in the Coney Island section of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 30, 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. 1973

Resolution approving the decision of the City Planning Commission on ULURP No. M 910478 (E) ZMK, for the modification of Restrictive Declaration D-131 and its subsequent amendments, pursuant to Section 2b of that Restrictive Declaration (1998 Declaration) which was previously approved as part of an application for a modification of Restrictive Declaration D-131 (C 910478(A) ZMK), and originally approved as part of an application for a Zoning Map Amendment (C 910478 ZMK) for a residential development on property generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue (Block 8720, part of Lot 14), in an R7-1 District (L.U. No. 1065).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2009 its decision dated April 1, 2009 (the "Decision"), on the application submitted by Brighton Development, LLC for the modification of Restrictive Declaration D -131 and its subsequent amendments, pursuant to Section 2b of that Restrictive Declaration (1998 Declaration) which was previously approved as part of an application for a modification of Restrictive Declaration D-131 (C 910478(A) ZMK), and originally approved as part of an application for a Zoning Map Amendment (C 910478 ZMK) for a residential development on property generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue (Block 8720, part of Lot 14), in an R7-1 District (ULURP No. M 910478 (E) ZMK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090179 ZMK (L.U. No. 1064), a Zoning Map amendment;

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 subject application is a request by Brighton Development, LLC, to modify Restrictive Declaration D-131 as it relates to the subject property so as to permit the construction of a residential development;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 30, 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 (CEQR No. M 89-299K) as follows:

A Notice of Minor Modification was issued on November 14, 2008, which concluded that the action represents a minor modification and does not alter the conclusions of the earlier review. Therefore, the Notice of Completion of the FEIS issued on July 10, 1992 and the subsequent technical memorandums in 1998, 2002, or 2005 remain valid.

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, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 2009.

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

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

Report for L.U. No. 1100

Report of the Committee on Land Use in favor of approving Application no. 20095202 SCK, a proposed site for a new, approximately 415-Seat Primary School facility, known as P.S. 69-K Annex to be located at 942 62nd Street, Council District no. 38, Borough of Brooklyn.

The Committee on Land Use, to which was referred on May 6, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 10

20095202 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 327-Seat Primary School Facility, known as P.S. 69-K Annex, to be located at 942 62nd Street (Tax Block 5729, Tax Lot 24) in Community School District No. 20, in the Dyker Heights section of Brooklyn.

INTENT

To facilitate the development of a new, approximately 327-seat primary school facility to serve students in pre-kindergarten through grade five.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: April 30, 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. 1974

Resolution approving the site plan for a new, approximately 327-Seat Primary School Annex Facility to be located at 942 62nd Street (Tax Block 5729, Tax Lot 24), Borough of Brooklyn (Non-ULURP No. 20095202 SCK; Preconsidered L.U. No. 1100).

Council Members Katz and Lappin.

WHEREAS, the New York City School Construction Authority submitted to the Council on April 24, 2009, a site plan dated April 24, 2009 pursuant to Section 1732 of the New York State Public Authorities Law for the proposed site selection for a new, approximately 327-Seat Primary School Facility, known as P.S. 69-K Annex, to be located at 942 62nd Street (Tax Block 5729, Tax Lot 24) in the Dyker Heights section of Brooklyn to serve students in pre-kindergarten through grade five, Community Board No. 10, Borough of Brooklyn in Community School District No. 20 (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 April 30, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on April 16, 2009 (SEQR Project Number 09-013); and

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

RESOLVED:

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, May 4, 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

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 #
Dane Buchanan	377 Darlington Avenue Staten Island, NY 10312	51
Kathleen Deignan	28 Peare Place Staten Island, NY 10312	51
Maritza Collazo-Velez	11 Continental Place Staten Island, NY 10303	49
Samuel Cortoreal	1425 Townsend Avenue #603 Bronx, NY 10452	14
Ina Pecani	1875 West 5th Street #2R Brooklyn, NY 11223	47
John Perricone	20-13 Himrod Street #3 Queens, NY 11385	30
Anntoinette H. Peterson	320 Wadsworth Avenue Bsmt New York, NY 10040	10
Annette Porter	144-15 228th Street Queens, NY 11413	31
Sonja Rucnov	366 West 116th Street #4B New York, NY 10026	9
Andrew J. Slater	542 West 113th Street #3F New York, NY 10025	9
Natalie O. Spence	3301 Palmer Avenue Bronx, NY 10475	12

Nicole Weinstock 49 8th Avenue #3C 3
New York, NY 10014

Approved New Applicants and Reapplicants

Name	Address	District #
Joseph R. Aievoli, Jr.	1054 83rd Street Brooklyn, NY 11228	43
Donald Frangipani	6912 17th Avenue Brooklyn, NY 11214	43
Mary Jane Hubener	1853 73rd Street Brooklyn, NY 11204	43
Madalene D. Potter	1218 76th Street Brooklyn, NY 11228	43
John Quaglione	138 82nd Street Brooklyn NY 11209	43
Mary Anne Zoleo	8701 Shore Road #324 Brooklyn, NY 11209	43
Doris A. Altabet	2424 Kings Highway #6E Brooklyn, NY 11229	48
George Muller	3135 Bedford Avenue Brooklyn, NY 11210	48
Kelly Ilene Steier	1730 East 14 Street #3A Brooklyn, NY 11229	48
George M. Augustine	2881 Harding Avenue Bronx, NY 10465	13
JoAnn Auletti	90 Blythe Place Staten Island, NY 10306	51
Lisa DeGratto	1778 Arthur Kill Road Staten Island, NY 10312	51
Harry Helfenbaum	64 Annadale Road Staten Island, NY 10312	51
Gina-Marie Zupo	29 Luke Court Staten Island, NY 10306	51
Edward Aviles	156 Newman Avenue Bronx, NY 10473	18
Josue Irizarry	1970 East Tremont Avenue Bronx, NY 10462	18
Cesar A. Riofrio	1369 Leland Avenue Bronx, NY 10460	18
Katrina E. Banks	361 Wortman Avenue #1 E Brooklyn, NY 11207	42
Gaspar Burgos	350 Sheffield Avenue Brooklyn, NY 11207	42
Lorraine Richards-Hanberry	357 Weitman Avenue #4A Brooklyn, NY 11207	42
Dennis A. Campanaro	100 Beekman Street New York, NY 10038	1
Lin Yong Luo	207 Madison Street #16 New York, NY 10002	1
Delores Crawford	730 Gates Avenue #2B Brooklyn, NY 11221	36
Margaret Myers	110 Van Buren Street Brooklyn, NY 11221	36
Angela Patruno	14 Stuyvesant Avenue Brooklyn, NY 11221	36
Jessica Diaz	149-76 258th Street Rosedale, NY 11422	31
Frederick Allen Lewis	11 23-28 Camp Road #2 Far Rockaway, NY 11691	31
Pandit Ramlall	129-20 Hook Creek Blvd. Queens, NY 11422	31
Kimberly Eldridge	174-31 128th Avenue Queens, NY 11434	27
Victor Fontana	35-11 102nd Street Queens, NY 11368	21
Ena Hanna	27-35 Ericsson Street Queens, NY 11369	21
Lelia Frison	170 South Portland Avenue Brooklyn, NY 11217	35

Mayra A. Torres	82 St. Edwards Street Brooklyn, NY 11205	35
Debbie Williams	217 Washington Avenue Brooklyn, NY 11205	35
Edalio Galarza	233 56th Street #1R Brooklyn, NY 11220	38
Elent Mantoulides	1074 64th Street Brooklyn, NY 11219	38
Boris Geker	259-10 62 Avenue Queens, NY 11362	23
Annette M. Hill	93-07 210th Place Queens, NY 11428	23
Lavinia D. Gibson	180 West 152nd Street #1B New York, NY 10039	9
Barbara Dantzer Julius	5 West 121st Street New York, NY 10027	9
Marilyn Goodacre	256 Watchogue Road Staten Island, NY 10314	49
Renee Parham	78 Pleasant Valley Avenue Staten Island, NY 10304	49
Nickcole Darnelle Rivera	1077 Castleton Avenue #1F Staten Island, NY 10310	49
Marcia Greenblatt	2765 West 5th Street #20E Brooklyn, NY 11224	47
Maxine J. Stern	460 Neptune Avenue #23B Brooklyn, NY 11224	47
Yvonne Greenidge	78 Cooper Street Brooklyn, NY 11207	37
Willie G. Mack	173 Van Siclen Avenue Brooklyn, NY 11207	37
Graciela M. Gutierrez	78-32 68th Avenue Middle Village, NY 11379	30
Sanders Mendez	55-38 Metropolitan Avenue Ridgewood, NY 11385	30
Stephanie D. Jones	155 East 43rd Street Brooklyn, NY 11203	41
Myra Radden	816 Putnam Avenue Brooklyn, NY 11221	41
Ruth Thomas	788 Hancock Street Brooklyn, NY 11233	41
Leslie Kalmowitz	63-70 Austin Street #3A Rego Park, NY 11374	29
Nicholas A. Lembo	19 Montgomery Place Brooklyn, NY 11215	33
Marion L. MacQueen	230 Central Park South #5A New York, NY 10019	4
Aida I. Menendez	1806 First Avenue New York, NY 10028	4
Robert W. Schaffer	3 Peter Cooper Road #11 E New York, NY 10010	4
Diana Martinez	457 West 166th Street #3C New York, NY 10032	7
Joann Mendez	32-43 91st Street #403 Queens, NY 11369	25
Susan Nwosu	1730 Montgomery Avenue #4E Bronx, NY 10453	16
Serena Vivians	1750 Sedgwick Avenue #12J Bronx, NY 10453	16
Gloria Ortiz	2070 First Avenue New York, NY 10029	8
Andrea Sargent	58 East 117th Street #4C New York, NY 10035	8
Margarita M. Schreiber	147 East 97th Street New York, NY 10029	8
Walter L. Spencer	2110 1st Avenue #1607 New York, NY 10029	8
Beverly Parris	202-31 45th Road Bayside, NY 11361	19
Anna Radcliffe	14 A Debs Place Bronx, NY 10475	12
Suzanne G Rose	1 I Kansas Place	46

Andrea J Thompson	Brooklyn, NY 11234 1123 East 53rd Street	46
Marina Tkachuk	Brooklyn, NY 11234 2432 East 28th Street #2	46
Marina Urman	Brooklyn, NY 11235 2056 East 56th Street	46
Dylene Schifando	Brooklyn, NY 11234 360 Burgher Avenue	50
Sergey Shimon	Staten Island, NY 10305 110- 35 63rd Avenue	24
Gamaliel M. Silva	Queens, NY 11375 420 East 146 Street #308	17
Mary Grace Tejada	Bronx, NY 10455 1050 Hoe Avenue #3B	17
Diane Stein	Bronx, NY 10459 160 Ocean Parkway #6	39
Sofia Zoulis	Brooklyn, NY 11218 62 Louisa Street	39
Jessica Troche	Brooklyn NY 11237 462 Suydam Street #1	34
Willie Williams	Brooklyn, NY 11221 144 Palmetto Street	34
Antoinette Witherspoon	Queens, NY 11101 41-11 12th Street	26

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **Int 380-A -** Requiring registration for the purchase and possession of etching acid.
- (2) **Int 506-A -** Creation of a comprehensive wetlands protection policy for New York city.
- (3) **Res 1962 -** Finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment.
- (4) **L.U. 1041 & Res 1970 -** App. **20095069 TCM**, Silver Moon Bakery, Inc. unenclosed sidewalk café 2740 Broadway, Manhattan, Council District no. 8.
- (5) **L.U. 1053 & Res 1971 -** App. **20095082 TCQ**, Plaza Patisserie Inc., unenclosed sidewalk café, 29-20 30th Avenue, Queens, Council District no. 22.
- (6) **L.U. 1064 & Res 1972 -** App. **C 090179 ZMK** Brighton Development LLC. Zoning Map, establishing within an R7-1 district a C2-4 District.
- (7) **L.U. 1065 & Res 1973 -** App. **M910478 (E) ZMK** Brighton Development LLC Restrictive Declaration D – 131 and its subsequent amendments.
- (8) **L.U. 1095 & Res 1965 -** Dorothy McGowan, 555 West 159th Street, Manhattan Council District No. 10
- (9) **L.U. 1096 & Res 1966 -** Section 202 Supportive Housing Program, Marien-Heim of Sunset Park, Brooklyn, Council District No. 38
- (10) **L.U. 1097 & Res 1967 -** Section 202 Supportive Housing Program, Seagirt Housing, Queens, Council District No. 31
- (11) **L.U. 1098 & Res 1968 -** 457 East 187th Street, 2825 Webb Avenue, Bronx, Council District No. 14, 15
- (12) **L.U. 1099 & Res 1969 -** Gateway Estates II Large Scale Project, Brooklyn, Community District No. 5, Council District No. 42
- (13) **L.U. 1100 & Res 1974 -** App. **20095202 SCK**, 415-Seat Primary School facility, 942 62nd Street, Council District no. 38, Brooklyn.
- (14) **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, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, 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) – **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 380-A:**

Affirmative —Arroyo, Avella, Baez, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, 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) – **49**.

Negative – Barron and Mark-Viverito - **2**.

The following two Introductions were sent to the Mayor for his consideration and approval: Int Nos. 380-A and 506-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 1227-A

Report of the Committee on Youth Services in favor of approving, as amended, a Resolution calling upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and calling upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

The Committee on Youth Services, to which was referred on January 30, 2008 (Minutes, page 226) the annexed amended resolution, respectfully

REPORTS:

SUBJECT:

Resolution calling upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and calling upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

On April 29, 2009, the Committee on Youth Services, chaired by Council Member Lewis A. Fidler, will hold a hearing on Proposed Resolution No. 1227-A. Those invited to testify include The Honorable Jeanne Mullgrav, Commissioner, the Department of Youth and Community Development (DYCD), service providers, community-based organizations (CBOs), and other advocates.

Proposed Resolution No. 1227-A

Proposed Resolution No. 1227-A would note that the age at which runaway and homeless youth are eligible for services under the Federal Runaway and Homeless Youth Act is under 18 years of age for crisis programs and under 22 years of age for transitional services, and for services under the State Runaway and Homeless Youth Act, the maximum age for service eligibility is under 21 years of age. The Proposed Resolution would state that these maximum ages should be increased to 24 years of age, in order to allow more youth to successfully break out of the cycle of homelessness and decrease the potential economic burden on social service systems and society as a whole in the future as these youth grow older.

The Proposed Resolution would point out that capping the eligible age for services at 21 and 22 years of age has created serious services gaps for a critical portion of the runaway and homeless youth (RHY) population who are between the ages of 21 and 24. It would note that research studies indicate that the majority of RHY continue to need services at least up to age 24, due to a time lag that these youth experience in the development of the emotional and educational foundations necessary to successfully live independently, in large part because of the trauma and other crises these youth have experienced. The Proposed Resolution would also point out that RHY, therefore, need sufficient time to become fully capable of sustaining themselves independently, and service providers note that the ages of 21 to 24 is a key period of time when most RHY are thinking about planning for the future and are focused on developing life skills for self-sufficiency.

The Proposed Resolution would also state that in addition to increasing the age limit at which RHY are eligible for services, State laws should be amended to recognize lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth by clarifying residential shelter gender requirements. The Proposed Resolution would note that under State regulations, all RHY residential apartments must be male-only or female-only, which is a major concern for providers serving LGBTQ youth. It would indicate that according to the 2007 City Council-funded census of RHY, LGBTQ youth make up approximately 28 percent of the City's total RHY population. It would also point out that current State regulations make no mention of LGBTQ youth and do not provide guidelines to shelter providers on how to comply with statutory gender requirements in the context of LGBTQ shelters, which results in situations where LGBTQ youth are put together in precisely the type of living situations that the regulations were intended to prevent.

The Proposed Resolution would also state that Federal law should also be amended to recognize the unique needs of LGBTQ youth as well.

The Proposed Resolution would note that one of the last stages of RHY services is a Transitional Independent Living program (TIL), during which youth have available to them a place to live and services that help them make the transition from shelter living to an independent life of their own. It would also note that currently under State law, youth are allowed to remain in TIL for only 18 months, or until they reach their 21st birthday, whichever comes first. It would also note that extensions beyond the maximum length of stay are only permissible if the youth is under 18 years of age at the time the maximum is reached, in which case such youth may stay an additional 180 days or until the youth's 18th birthday, whichever is earlier.

The Proposed Resolution would point out that, therefore, youth who enter the program at 20 years of age must leave on their 21st birthday without the benefit of a full 18-month stay to come to a point where they can successfully transition to living on their own. The Proposed Resolution would indicate that this has the counterproductive result of forcing TIL programs to release youth who are not mentally and emotionally ready to be independent, who often fail and become homeless again, enter the criminal system, or engage in other harmful behavior.

The Proposed Resolution would point out that State regulations should also be amended to ease the State certification requirement that residential RHY shelters be staffed 24 hours per day. It would note that for many providers, the 24-hour staffing requirement may be excessive and represents a significant financial burden on already tight budgets. It would also note that the Federal RHY Act includes a less stringent requirement, mandating only "adequate supervision" for residential facilities.

The Proposed Resolution would point out that State regulations also require organizations that may provide residential services to young people not classified as

RHY (i.e., foster care youth), to maintain separate direct care staff, programs and recreation areas. It would note that the required separation also represents a financial burden for some providers by forcing duplication of services and not allowing providers to maximize their resources by allowing young people with similar needs to share staff, common space and programming.

The Proposed Resolution would point out that the State RHY regulations should also be amended to provide start-up grants to State certification applicants for use during the waiting period for RHY providers who have applied for certification. It would also indicate that in order to receive State or local funding, RHY programs must be certified by the New York State Office of Children & Family Services (OCFS), and State certification is a difficult, expensive and time-consuming process that may deter some New York City RHY programs from applying for certification.

The Proposed Resolution would note that applicants awaiting certification decisions may face waiting periods as long as a year, which may pose serious budgeting problems because providers must maintain the space they are trying to certify, including making payments on leased space and updating the space to ensure that it meets the State's facility requirements. It would also state that providing start-up grants for applicants could minimize the financial risk of expanding services and encourage more New York City RHY providers to apply for State certification, thus increasing the services available to this population.

Finally, the Proposed Resolution would call upon the United States Congress and the New York State Legislature to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth. The Proposed Resolution would also call upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and provide start-up grants for State certification applicants to use during the certification waiting period.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1227-A:)

Res. No. 1227-A

Resolution calling upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and calling upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

By Council Members Fidler, Mark-Viverito, Brewer, James, Sanders, Weprin, White, Gerson, Jackson, de Blasio, Dickens, Eugene and Gonzalez.

Whereas, The maximum age at which runaway and homeless youth are eligible for services under the Federal Runaway and Homeless Youth Act is under 18 years of age for crisis programs and under 22 years of age for transitional services; and

Whereas, The maximum age at which runaway and homeless youth are eligible for services under the State Runaway and Homeless Youth Act is under 21 years of age; and

Whereas, Such maximum ages should be increased to 24 years of age, in order to allow more youth to successfully break out of the cycle of homelessness and decrease the potential economic burden on social service systems and society as a whole in the future as these youth grow older; and

Whereas, Capping the eligible age for services at 21 and 22 years of age has created serious services gaps for a critical portion of the runaway and homeless youth (RHY) population who are between the ages of 21 and 24; and

Whereas, Research studies indicate that the majority of RHY continue to need services at least up to age 24, due to a time lag that these youth experience in the development of the emotional and educational foundations necessary to successfully live independently, in large part because of the trauma and other crises these youth have experienced; and

Whereas, RHY therefore need sufficient time to become fully capable of sustaining themselves independently, and service providers note that the ages of 21

to 24 is a key period of time when most RHY are thinking about planning for the future and are focused on developing life skills for self-sufficiency; and

Whereas, In addition to increasing the age limit at which RHY are eligible for services, State laws should be amended to recognize lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth by clarifying residential shelter gender requirements; and

Whereas, Under State regulations, all RHY residential apartments must be male-only or female-only, which is a major concern for providers serving LGBTQ youth; and

Whereas, According to the 2007 City Council-funded census of RHY, LGBTQ youth make up approximately 28 percent of the City's total RHY population; and

Whereas, Current State regulations make no mention of LGBTQ youth and do not provide guidelines to shelter providers on how to comply with statutory gender requirements in the context of LGBTQ shelters, which results in situations where LGBTQ youth are put together in precisely the type of living situations that the regulations were intended to prevent; and

Whereas, Federal law should also be amended to recognize the unique needs of LGBTQ youth; and

Whereas, One of the last stages of RHY services is a Transitional Independent Living program (TIL), during which youth have available to them a place to live and services that help them make the transition from shelter living to an independent life of their own; and

Whereas, Currently, under State law, youth are allowed to remain in a TIL for only 18 months, or until they reach their 21st birthday, whichever comes first; and

Whereas, Extensions beyond the maximum length of stay are only permissible if the youth is under 18 years of age at the time the maximum limit is reached, in which case such youth may stay an additional 180 days or until the youth's 18th birthday, whichever is earlier; and

Whereas, Therefore, under State law, youth who enter the program at 20 years of age must leave on their 21st birthday without the benefit of a full 18-month stay to come to a point where they can successfully transition to living on their own; and

Whereas, This has the counterproductive result of forcing TIL programs to release youth who are not mentally and emotionally ready to be independent, and who often fail and become homeless again, enter the criminal system, or engage in other harmful behavior; and

Whereas, State regulations should also be amended to ease the State certification requirement that residential RHY shelters be staffed 24 hours per day; and

Whereas, For many providers, the 24-hour staffing requirement may be excessive and represents a significant financial burden on already tight budgets; and

Whereas, It should be noted that the Federal RHY Act includes a less stringent requirement, mandating only "adequate supervision" for residential facilities; and

Whereas, In addition, State regulations also require organizations that may provide residential services to young people not classified as RHY (i.e., foster care youth), to maintain separate direct care staff, programs and recreation areas; and

Whereas, The required separation also represents a financial burden for some providers by forcing duplication of services and not allowing providers to maximize their resources by allowing young people with similar needs to share staff, common space and programming; and

Whereas, In addition, the State RHY regulations should also be amended to provide start-up grants to State certification applicants for use during the waiting period for RHY providers who have applied for certification; and

Whereas, In order to receive State or local funding, RHY programs must be certified by the New York State Office of Children & Family Services (OCFS), and State certification is a difficult, expensive and time-consuming process that may deter some New York City RHY programs from applying for certification; and

Whereas, Applicants awaiting certification decisions may face waiting periods as long as a year, which may pose serious budgeting problems because providers must maintain the space they are trying to certify, including making payments on leased space and updating the space to ensure that it meets the State's facility requirements; and

Whereas, Providing start-up grants for applicants could minimize the financial risk of expanding services and encourage more New York City RHY providers to apply for State certification, thus increasing the services available to this population; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and, be it further

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

LEWIS A. FIDLER, Chairperson; ALAN J. GERSON, MIGUEL MARTINEZ, MELISSA MARK-VIVERITO, DARLENE MEALY, ERIC A. ULRICH, Committee on Youth Services, April 29, 2009.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. Gotbaum) declared **Res. No. 1227-A** to be adopted.

The following Council Members formally **objected** to the passage of this item: Council Member Felder.

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1959

Resolution declaring the fourth Wednesday in May as "Stroke Awareness Day" in the City of New York.

By Council Members Eugene, Avella, Barron, Gennaro, Gentile, James, Nelson, Sears, Weprin, White and Ferreras.

Whereas, The National Institute of Neurological Disorders and Stroke (NINDS) defines stroke, also known as a cerebrovascular accident, as an event that occurs when the blood supply to part of the brain is suddenly interrupted or when a blood vessel in the brain bursts, spilling blood into the spaces surrounding brain cells; and

Whereas, NINDS indicates that brain cells die when they no longer receive oxygen and nutrients from the blood or there is sudden bleeding into or around the brain; and

Whereas, Stroke is the third leading cause of death nationwide, killing 160,000 people each year, and the leading cause of adult disability; and

Whereas, Approximately 780,000 strokes occur annually of which 500,000 could be prevented; and

Whereas, Two million brain cells die every minute during a stroke, increasing the risk of permanent brain damage, disability or death; and

Whereas, Recognizing stroke symptoms and acting fast to get medical attention can save a life and limit any potential disabilities; and

Whereas, Almost every minute in the United States, a person experiences a stroke; and

Whereas, About 33 percent of people who have had a stroke and survived will have another stroke within five years; and

Whereas, The risk of having a stroke increases with age and 72 percent of all strokes occur in people over the age of 65, and

Whereas, Persons over age 55, males, African-Americans, persons with diabetes, and those with a family history of stroke are at a greater risk of having a stroke; and

Whereas, Few Americans know the symptoms of a stroke, however learning to recognize such symptoms and knowing what to do when they occur could save lives; and

Whereas, Prevention includes learning about lifestyle and medical risk factors that may contribute to stroke such as smoking, being overweight, drinking too much alcohol, high cholesterol, high blood pressure, heart disease, and carotid artery disease; and

Whereas, The month of May is National Stroke Awareness Month; now, therefore, be it

Resolved, That the Council of the City of New York declares the fourth Wednesday in May as "Stroke Awareness Day" in the City of New York.

Referred to the Committee on Health

Res. No. 1960

Resolution declaring the first Tuesday in May as World Asthma Day in New York City.

By Council Members Eugene, Avella, Barron, Gennaro, Gentile, James, Liu, Nelson, Sanders, Sears, Weprin and White.

Whereas, According to the United States Centers for Disease Control and Prevention (CDC), asthma is a disease that affects the lungs and may cause wheezing, chest tightness, coughing and breathlessness; and

Whereas, Every year, approximately 504,000 Americans are hospitalized for asthma-related symptoms; and

Whereas, In 2004 asthma contributed towards 13.6 million doctor visits, 1.1 million hospital outpatient visits and 1.8 million emergency department visits; and

Whereas, It is estimated that asthma affects 22 million people throughout the United States, including 6.5 million children; and

Whereas, Asthma is one of the most common long-term diseases in children and accounts for approximately 14.7 million missed school days; and

Whereas, This disease disproportionately affects minorities, low-income populations and children living in inner cities; and

Whereas, Asthma can be controlled by adhering to a medical management plan and by avoiding contact with certain environmental triggers, including dust, mold, smoke, insects, and other chemicals; and

Whereas, According to the Department of Health and Mental Hygiene (DOHMH), approximately one million New Yorkers have been diagnosed with asthma at some point in their lifetime; and

Whereas, DOHMH recommends that patients and providers partner to create a treatment plan, and that providers follow the recently updated National Asthma Education and Prevention Program Guidelines to promote self-management including education and the joint development of treatment goals; and

Whereas, DOHMH administers multiple programs to combat asthma including the New York City Asthma Initiative which is working to improve medical standards to treat asthma patients, reduce triggers in homes and communities, enhance individuals' ability to self-manage their condition, enhance citywide education, create asthma friendly schools and day care centers and monitor individuals with asthma; and

Whereas, Due to the impact of asthma throughout the City and the country, many advocacy groups both nationally and internationally have emerged to reduce the negative impact of this disease; and

Whereas, The Global Initiative for Asthma (GINA) began in 1993, in collaboration with the National Heart, Lung, and Blood Institute, the United States National Institutes of Health and the World Health Organization, to partner with health care officials and professionals throughout the world to reduce asthma prevalence, morbidity and mortality; and

Whereas, Notably, GINA commemorates World Asthma Day, a day to raise awareness and advocate for ways in which asthma can be better treated and managed; and

Whereas, 2009 marks the 11th year anniversary for World Asthma Day and this year's theme is "You Can Control Your Asthma," with a special emphasis on controlling child asthma; and

Whereas, Given the prevalence and impact of asthma, specifically on children, New York City should increase all public and private efforts to expand education to ensure that more individuals have an asthma management plan and to reduce the factors that trigger or contribute to asthma; now, therefore, be it

Resolved, That the Council of the City of New York declares the first Tuesday in May as World Asthma Day in New York City.

Referred to the Committee on Health

Int. No. 977

By Council Members Felder, Brewer, Vallone Jr., Barron, Comrie, Dickens, Fidler, Gentile, James, Lappin, Liu, Mark-Viverito, Mealy, Mitchell, Nelson, Sanders, Sears, Vacca, White and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting fees for the use of a credit card in city transactions.

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of Section 11-105 of Title 11 of Chapter 1 of the administrative code of the city of New York is amended to read as follows:

3. Notwithstanding any other provision of law to the contrary, any agency or department of the city which, pursuant to an agreement entered into under this section, accepts credit cards as a means of payment of fines, civil penalties, taxes, fees, rent, rates, charges or other amounts owed by a person to the city shall *not* [be authorized to] charge *or* [and] collect from any person offering a credit card as a means of payment of a fine *any* [a reasonable and uniform] fee as a condition of accepting such credit card in payment of a fine, civil penalty, tax, fee, rent, rate, charge or other amount. [Such fee shall not exceed the cost incurred by the agency

or department in connection with such credit card transaction, which cost shall include any fee payable by the city to the financing agency.]

§ 2. This local law shall take effect ninety days after enactment.

Referred to the Committee on Finance

Res. No. 1961

Resolution calling on President Obama to issue an Executive Order that would prohibit discrimination in federally-assisted housing on the basis of sexual orientation or gender identity.

By Council Members Garodnick, Mendez, Barron, Brewer, Dickens, Ferreras Fidler, Gennaro, Koppell, Liu, Mark-Viverito, Mealy, Nelson, Sanders, Sears, Weprin and White.

Whereas, In 1962, President John F. Kennedy issued Executive Order 11063, which prohibited discrimination in federally assisted housing on the basis of race, color, creed or national origin; and

Whereas, Executive Order 11063 was amended in 1980 to include discrimination on the basis of sex, and in 1994 to include discrimination on the basis of disability and familial status; and

Whereas, In 1968, the U.S. Congress passed the Fair Housing Act, which prohibited discrimination in housing-related transactions on the basis of race, color, national origin, religion, sex, familial status or disability; and

Whereas, Despite progressive housing laws that have been enacted since the birth of the civil rights movement, members of the lesbian, gay, bisexual and transgender ("LGBT") community routinely face discrimination when seeking housing throughout the United States; and

Whereas, There are more than four million units of federally assisted housing in the United States; and

Whereas, LGBT residents of cities and states that have not enacted protections against discrimination in housing for sexual orientation and gender identity may find themselves at a severe disadvantage should they ever encounter economic hardship; and

Whereas, Denial of federal housing assistance to qualified individuals on the basis of their sexual orientation or gender identity is an affront to anyone who believes in equal rights and is a grave injustice to all members of the LGBT community; and

Whereas, Access to federal housing assistance is a right that should be made available to all qualifying individuals; and

Whereas, The federal government has a special responsibility to make certain that such discrimination plays no role with respect to housing units that are federally assisted; and

Whereas, Human rights laws in New York City and New York State already preclude discrimination in housing on the basis of sexual orientation and gender identity; and

Whereas, The New York City Housing Authority also has a policy of nondiscrimination on the basis of sexual orientation and gender identity; and

Whereas, New York State and New York City's prohibition against discrimination in housing on the basis of sexual orientation and gender identity can serve as a model upon which other municipalities' laws could be based; and

Whereas, A federal ban on discrimination in housing on the basis of sexual orientation and gender identity would also help strengthen existing nondiscrimination laws in our City and State; and

Whereas, Just as President Kennedy initiated the government's participation in the modern civil rights movement, so too must President Obama continue along that path and expand protections to include people with different sexual orientations and gender identities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President Obama to issue an Executive Order that would prohibit discrimination in federally-assisted housing on the basis of sexual orientation or gender identity.

Referred to the Committee on Civil Rights

Int. No. 978

By Council Members Gennaro, Comrie, Nelson, Sanders, Sears, Stewart and White (by request of the Mayor).

A Local Law to amend section 5 of local law number 21 for the year 2006 amending the administrative code of the city of New York relating to applying certain fuel and technology exemptions and requirements to

department of correction vehicles specially equipped for emergency response and to buses purchased for use by the department of correction, in relation to extending an exemption from purchasing requirements.

Be it enacted by the Council as follows:

Section 1. Section 5 of local law number 21 for the year 2006 amending the administrative code of the city of New York, in relation to applying certain fuel and technology exemptions and requirements to department of correction vehicles specially equipped for emergency response and to buses purchased for use by the department of correction, is amended to read as follows:

§5. This local law shall take effect immediately upon its enactment into law, provided that subparagraph (iii) of paragraph one of subdivision d of section 24-163.2, as added by section two of this local law, shall expire on the date that the report due January 1, [2010] 2013 pursuant to that paragraph is submitted as required, and provided further that paragraph three of subdivision g of section 24-163.2, as added by section three of this local law, shall expire on June 30, [2009] 2012.

§2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection

Res. No. 1962

Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

By Council Members Gennaro, Recchia, Vallone Jr., Eugene, Crowley, Weprin, Nelson, Sears and White.

Whereas, The enactment of Proposed Int. No. 506-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Council, and the Office of the Mayor, as co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, have considered the relevant environmental issues attendant to such enactment; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the Council and the Office of the Mayor have determined that a Negative Declaration should be issued; and

Whereas, The Council and the Office of the Mayor have examined and considered the Negative Declaration that was prepared; now, therefore, be it

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

- (1) the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York have been met; and
- (3) consistent with environmental, social, economic and other essential considerations, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Environmental Protection; for Negative Declaration Attachment to Res No. 1962, please see the Report of the Committee on Environmental Protection for Res No. 1962 printed in these Minutes).

Int. No. 979

By Council Members Katz, Comrie, Felder, Sears, Stewart and White (by request of the Mayor).

A Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 378 of the New York city charter, as amended by local law 30 for the year 2008, is amended to read as follows:

b. Not later than the first day of March, nineteen hundred ninety, the mayor shall designate a single agency as the responsible agency for each type of franchise currently granted by the city. If such an agency intends to continue granting any such type of franchise, the agency shall submit to the council a proposed authorizing resolution for such type of franchise at least two years, or such shorter period as may be approved by the franchise and concession review committee, prior to the earliest expiration date of any existing franchise of that type; provided, however, that the department of transportation, with the approval of the franchise and concession review committee, may extend the expiration date of the operating authority of any private bus company that does not receive a subsidy from the city to a date not later than the thirtieth day of June, two thousand and [nine] ten. Notwithstanding the provisions of section three hundred seventy-one, the public notice and hearing requirements of the franchise and concession review committee with respect to an approval of an extension of the operating authority of a private bus company shall be fully satisfied by a public hearing held after notice of such hearing shall have been published at least one day prior thereto in the City Record.

§2. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2009.

Referred to the Committee on Land Use

Int. No. 980

By Council Members Lappin, Avella, Barron, Brewer, Fidler, Gennaro, James, Koppell, Sears, White, Mendez, Liu and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to create a plan for parking motorcycles.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Persons cannot park motor vehicles in areas controlled by muni-meters without first purchasing the amount of parking time desired from the meter, and displaying a payment receipt in the vehicle windshield if such requirement is indicated. The council finds that persons parking motorcycles have little to no means of securing such payment receipt on the vehicle for display. Thus, payment receipts for motorcycles are often lost, damaged or stolen. This bill would address this problem by requiring the Department of Transportation to create a plan to address motorcycle parking in areas controlled by muni-meters.

§2. Subchapter two of chapter one of title nineteen of the administrative code of the city of New York is amended by adding a new section 19-175.2 to read as follows:

§ 19-175.2 *Plan for street parking of motorcycles in areas controlled by municipal meters. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:*

1. “Motorcycle” shall have the same meaning as defined in section 123 of the New York state vehicle and traffic law.

2. “Muni-meter” shall have the same meaning as defined in section 19-167.1 of the code.

b. *No later than one hundred twenty days after the effective date of the local law that added this section, the department shall create and implement a plan to address motorcycle parking in areas controlled by muni-meters. Such plan shall include, but not be limited to, providing a solution for securing muni-meter receipts on motorcycles parked at such meters.*

§3. This local law shall take effect immediately upon enactment.

Referred to the Committee on Transportation

Int. No. 981

By Council Members Stewart, Lappin, James, Liu, Foster, Martinez, Palma, Barron, Seabrook, White, Brewer, Eugene, Ferreras, Gonzalez, Mealy and Sears.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice of food allergens in food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§ 17-196 *Notice of food allergens. a. Definitions. 1. “Food service establishment” shall have the meaning as such term is defined in section 81.03 of*

the health code of the city of New York, except that it shall apply exclusively to places where food is sold and space is designated specifically as an eating area.

2. "Major food allergen" shall include milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans and any other food determined by the department.

b. Every food service establishment that uses as an ingredient any major food allergen shall either (1) post, in a conspicuous place, in accordance with rules promulgated by the department, a sign made available by the department pursuant to subdivision c of this section, which notifies patrons that food served in the establishment contains major food allergens or (2) indicate on its menu, in such size, style and manner as determined pursuant to rules promulgated by the department, a printed notice advising patrons that some of the foods served contain major food allergens.

c. The department shall make available upon request to the owner, operator or manager of every food service establishment signs that provide notification to patrons as to whether any food served in such establishment contains a major food allergen. The department shall promulgate rules with respect to the size, style and posting of such signs and may charge a fee to cover printing, postage and handling expenses.

d. Any food service establishment that violates subdivision b of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed one hundred dollars for each such violation.

§ 2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health

Int. No. 982

By Council Member Stewart, James, Felder, Martinez, Barron, Seabrook, White, Gentile, Gonzalez and Mark-Viverito.

A Local Law to amend the New York city plumbing code, in relation to the availability of public restrooms in buildings and spaces that are accessible to the public.

Be it enacted by the Council as follows:

Section 1. Section 102.2 of the New York city plumbing code is amended to read as follows:

§ 102.2 Existing installations. [Plumbing] *Except as specifically provided for in this code, plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system.*

§ 2. Section 403 of the New York city plumbing code is amended by adding a new section 403.6.3 to read as follows:

§ 403.6.3 *Applicability. After January 1, 2013, all structures and spaces accessible to the public shall comply with the provisions of Sections PC 403.6 and PC 403.6.1 of this code including those structures and spaces in existence at the time of the adoption of this code.*

§ 403.6.3.1 *Waiver of requirements. The commissioner may waive the requirements of Section PC 403.6.3 of this code provided that such waiver is based upon a specific finding that strict compliance with the requirement would:*

- (1) create an undue economic burden; or
- (2) be physically or legally impossible; or
- (3) create an undue security risk; or

(4) be unnecessary in light of alternatives which achieve the intended objective more efficiently, effectively or economically.

§ 403.6.3.2 *Application for waiver. Each application for a waiver under Section PC 403.6.3.1 of this code shall be made to the commissioner in writing, setting forth the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, if such requirement may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect to the requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.*

§ 3. This local law shall take effect immediately upon enactment.

Referred to the Committee on Housing and Buildings

Int. No. 983

By Council Members Vacca, Garodnick, Lappin, de Blasio, Vallone Jr., Brewer, Ferreras, Fidler, Gennaro, James, Koppell, Mark-Viverito, Sanders and Stewart.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a recycling program for all dry cleaning establishments.

Be it enacted by the Council as follows:

Section 1. Title sixteen of the administrative code of the city of New York is amended by adding a new chapter four-c to read as follows:

CHAPTER 4-C
§16-470 Definitions
§16-471 Hanger reuse or recycling program.
§16-472 Penalties.

§16-470 Definitions. When used in this chapter:

a. "Dry cleaning establishment" means any place of business located within the city of New York that either as its sole business or as part of its business accepts clothing or other materials from the public for cleaning by the use of solvents other than water.

b. "Consumer" means any person who receives a hanger from a dry cleaning establishment.

c. "Operator" means a person, firm or corporation that owns or is in control of, or has responsibility for, the daily operation of a dry cleaning establishment.

§16-471 Hanger reuse or recycling program. a. Any person may return a hanger to a dry cleaning establishment for reuse or recycling that distributes hangers to its customers.

b. Every dry cleaning establishment shall accept from consumers at any time during normal business hours hangers of a similar composition to those which the dry cleaning establishment distributes to consumers for their reuse or recycling.

c. Every dry cleaning establishment shall conspicuously post and maintain, at or near the point of entry to the place of business, a sign, not less than 8 ½ inches by 11 inches in size, stating in legible writing that hangers of a similar composition to the hangers distributed by the dry cleaning establishment may be returned to the dry cleaning establishment for reuse or recycling. Such sign shall state the following in letters at least one-inch in height: "Used hangers should be recycled. We accept them here."

§16-472 Penalties. a. Any person who violates the provisions of section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of five hundred dollars for the first violation, and one thousand dollars for a second or subsequent violation committed within any twelve-month period.

§2. This local law shall take effect six months after it is enacted.

Referred to the Committee on Sanitation and Solid Waste Management

Int. No. 984

By Council Members Vallone Jr., Fidler, Gentile, Mitchell, Avella, Comrie, James, Lappin, Nelson, Recchia, Sears, Vacca, Weprin, White, Ignizio, Oddo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to cellular telephone antennas and equipment.

Be it enacted by the Council as follows:

Section 1. Title 28 of the administrative code of the city of New York, as amended by local law 33 for the year 2007, is amended by adding a new section 28-103.16.1 to read as follows:

§28-103.16.1 *Placement of cellular telephone service antennas and related equipment. (a) The department, in conjunction with such other city agencies as the commissioner shall determine, shall promulgate rules concerning the attachment, installation or mounting of cellular telephone service antennas and equipment on buildings or structures. Such rules shall contain, but need not be limited to, requirements for the manner in which cellular telephone service antennas and related equipment may be attached, installed, or mounted on buildings or structures; a requirement that any related wires or wiring running through a building or structure are properly enclosed or guarded in accordance with the electrical code; a requirement that prior to seeking a permit from the department to attach, install or mount a cellular telephone service antenna and related equipment on a building or structure, the applicant shall provide written notice of such intent to the community board and council member in whose respective districts the building or structure is located; requirements for the placement of an identification tag on cellular telephone service antennas and related equipment which shall include the permit number and an "advisory" to dial 311 where any exigent circumstances exist or for more information concerning such permit; a requirement that the permit applicant*

make best efforts to locate in a non-residential zone and make best efforts to co-locate cellular telephone service antennas and related equipment; guidance for aesthetical considerations to minimize the visual impacts of such antennas or related equipment where practical; and a protocol to address the removal of such antennas and related equipment following abandonment or discontinuance of service.

(b) The requirements of this section shall not apply to the placement or replacement of cellular telephone service antennas and related equipment, attached, installed or mounted by or on behalf of governmental agencies for a government purpose.

§2. This local law shall take effect ninety days after its enactment into law; provided, however, that any actions necessary for the implementation of this local law may be taken prior to its effective date.

Referred to the Committee on Housing and Buildings

Res. No. 1963

Resolution calling upon the New York City Housing Authority to adopt a policy of expediting repairs and capital improvements to vacant units in order to reoccupy them as quickly as possible.

By Council Members Vallone Jr., Barron, Comrie, Fidler, Gennaro, James, Liu, Mealy, Mitchell, Nelson, Sanders, Sears, Stewart, Vacca, White and Oddo.

Whereas, The New York City Housing Authority (NYCHA) currently oversees 179,000 apartments citywide and is charged with the crucial duty of providing affordable housing for New York City residents of low and moderate means; and

Whereas, Currently, there is an acute shortage of such housing, as evidenced by NYCHA's waiting list of over 131,000 families, as of November 30, 2008; and

Whereas, According to a New York Daily News article dated June 6, 2008, NYCHA's occupancy records show at least 6,500 vacant apartments that may be awaiting repairs or capital improvements; and

Whereas, A 2006 audit conducted by New York City Comptroller William Thompson, Jr. that studied six NYCHA developments, revealed that the units taken off the rent rolls at these developments were vacant for an average of 40 months, with 27 percent off the rent rolls for more than 60 months, for reasons including the lack of planning regarding the work to be done, when the work would commence, long delays at developments where construction was started and faulty contractor choices; and

Whereas, Families that have been placed on the waiting list must often wait years for an apartment to become available through NYCHA; and

Whereas, The delay in making repairs and capital improvements has caused thousands of valuable units to remain unavailable to such families of need; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to adopt a policy of expediting repairs and capital improvements to vacant units in order to reoccupy them as quickly as possible.

Referred to the Committee on Housing and Buildings

Int. No. 985

By Council Members Weprin, Comrie, Fidler, James, Recchia, Stewart and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the time at which refuse and/or recyclable materials may be placed out for collection from residential buildings.

Be it enacted by the Council as follows:

Section 1: Subdivision c of section 16-120 of the administrative code of the city of New York is amended to read as follows:

c. Incinerator, residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health *and mental hygiene* or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department of sanitation, department of health *and mental hygiene*, and the department of housing preservation and development. *Between the months of October and April, any person receiving Saturday residential refuse or recycling collection provided or approved by the department shall be permitted to place such refuse or recyclable materials out for collection beginning at 3 p.m. on the Friday immediately preceding the Saturday on which such collection is scheduled to take place.* After the contents have been removed by the department of sanitation or

other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Sanitation and Solid Waste Management

Res. No. 1964

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5176/S.1432, in relation to creating "Toxic Free" zones around schools.

By Council Member Yassky, Vallone Jr., Barron, Brewer, Koppell, Liu and Mark-Viverito.

Whereas, The New York City Department of Education (DOE) is responsible for the education and safety of the City's 1.1 million school children; and

Whereas, The New York City School Construction Authority (SCA), which is responsible for new construction, renovations and upgrades of capital projects in the City's public school system, was created in 1988 in response to the "deplorable physical condition" of the City's public schools and their "overcrowded, unsafe, unhealthy, and unusable" condition; and

Whereas, SCA is subject to the New York State Environmental Conservation Law and New York City's local zoning regulations, and must file a State Environmental Quality Review and the City Environmental Quality Review when selecting a school site; and

Whereas, An Environmental Impact Statement (EIS), describing both short and long-term environmental impacts of proposed sites, must also be prepared by the SCA; and

Whereas, Despite some siting protocols, a 2006 Center for Health, Environment, and Justice (CHEJ) study revealed that nationally, 20 states have no school siting policies in relation to environmental hazards or clean-up requirements, and no mechanism for public input; and

Whereas, Additionally, only five states, Alaska, California, Florida, Georgia and Washington, have school siting policies that factor in proximity to a hazardous/toxic waste site; and

Whereas, According to the study, New York State siting laws do not outright prohibit the siting of a school according to certain hazards, nor do they delineate factors that would exclude siting; and

Whereas, An earlier CHEJ report revealed that in New York State, there are 142,738 students who attend 235 schools, which are located within one-half mile of a Superfund or State-identified contaminated site; and

Whereas, In addition, the Environmental Protection Agency estimates that 53 million children and approximately six million adults spend a significant part of their day in the more than 120,000 public and private school buildings throughout the United States, yet nearly one-third of these schools are in need of repair and are in poor condition, including environmental conditions which can be detrimental to the health and safety of these children and staff; and

Whereas, A.5176/S.1432, a bill introduced in the New York State Legislature, would help protect these children, teachers, and administrators by creating "Toxic Free" school zones around schools, expressly disallowing a waste disposal station, a radioactive waste transfer station, hazardous waste disposal station, or a hazardous waste transfer station to be sited within 1,500 feet of any school property; and

Whereas, The legislation would accomplish this by restricting the licensing of any of these facilities in close proximity to school property; and

Whereas, The bill thus addresses the environmental and health impact that these facilities may have, and the ramifications for a nearby school building and its inhabitants should a dangerous event occur at one of these facilities; and

Whereas, Only through responsible school siting laws can such dangerous situations be averted; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.5176/S.1432, in relation to creating "Toxic Free" zones around schools.

Referred to the Committee on Environmental Protection

L.U. No. 1095

By Council Member Weprin:

Dorothy McGowan, 555 West 159th Street, Manhattan Council District No. 10

Adopted by the Council (preconsidered by the Committee on Finance.)

L.U. No. 1096

By Council Member Weprin:

Section 202 Supportive Housing Program, Marien-Heim of Sunset Park, Brooklyn, Council District No. 38

Adopted by the Council (preconsidered by the Committee on Finance.)

L.U. No. 1097

By Council Member Weprin:

Section 202 Supportive Housing Program, Seagirt Housing, Queens, Council District No. 31

Adopted by the Council (preconsidered by the Committee on Finance.)

L.U. No. 1098

By Council Member Weprin:

457 East 187th Street, 2825 Webb Avenue, Bronx, Council District No. 14, 15

Adopted by the Council (preconsidered by the Committee on Finance.)

L.U. No. 1099

By Council Member Weprin:

Gateway Estates II Large Scale Project, Brooklyn, Community District No. 5, Council District No. 42

Adopted by the Council (preconsidered by the Committee on Finance.)

L.U. No. 1100

By Council Member Katz:

Application no. 20095202 SCK, a proposed site for a new, approximately 415-Seat Primary School facility, known as P.S. 69-K Annex to be located at 942 62nd Street, Council District no. 38, Borough of Brooklyn.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses)

L.U. No. 1101

By Council Member Katz:

Zoning resolution amendment application no. N 080253 ZRQ, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment relating to Article X, Chapter 3, relating to the Sunnyside Gardens community, Borough of Queens, Council District no. 26

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

L.U. No. 1102

By Council Member Katz:

Uniform land use review procedure application no. C 090228 HAX, an Urban Development Action Area Designation and Project, located at 404 Claremont Parkway, and the disposition of such property, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

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

L.U. No. 1103

By Council Member Katz:

Uniform Land Use Review Procedure application no. M 090312 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning modification to a restrictive declaration for property located at 783 Eldert Land, Borough of Brooklyn, Council District no. 42

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

L.U. No. 1104

By Council Member Katz:

Application no. 20075505 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for the Corner 47th Restaurant Corp., to construct, maintain and operate an enclosed sidewalk café located at 683 Ninth Avenue., Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, May 7, 2009

★ *Note Topic Addition*
Committee on **TRANSPORTATION****10:00 A.M.**
★ Oversight - What is the status of MTA efforts to mitigate flooding of the subway system from severe storms?
Council Chambers – City Hall John C. Liu, Chairperson

★ *Deferred*
Committee on ~~CIVIL SERVICE AND LABOR~~ jointly with the
Committee on **CONTRACTS****10:00 A.M.**
Oversight—Outsourcing Public Services to the Private Sector
Committee Room – City Hall Miguel Martinez, Chairperson
..... Letitia James, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
 Oversight - Hydrogen Fuel Cell Vehicles and the Transition to Alternative Technologies

Proposed Res 1223-A - By Council Members Fidler, Rivera, Comrie, Oddo, Mendez, Yassky, Nelson, Arroyo, Gonzalez, Gerson, Gentile, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Seabrook, Sanders Jr., Palma, Recchia Jr., Vacca, Stewart, Foster, Reyna, Gioia, White Jr., Dilan, Brewer, James, Weprin and Sears - Resolution calling upon the United States Congress to fully explore adopting legislation and/or regulatory measures to incentivize the immediate marketing and use of hydrogen fuel cell vehicles, to develop the re-fueling infrastructure to support these vehicles and to consider making the manufacture and importation of gasoline combustion vehicles unlawful by a date certain; and calling upon the city of New York to take steps to advance the use of hydrogen fuel cell technology and to find ways to promote New York City as an economic center for hydrogen fuel cell technology.

Committee Room – City Hall James F. Gennaro, Chairperson

Committee on **IMMIGRATION**..... **1:00 P.M.**
 Oversight - Implementation of Mayoral Executive Order No. 120 of 2008
 Hearing Room – 250 Broadway, 14th Floor..... Kendall Stewart, Chairperson

Committee on **WATERFRONTS**..... **1:00 P.M.**
 Tour: Brooklyn Navy Yard Development Corporation / Building 292
 Location: 63 Flushing Avenue, Unit 300
 Brooklyn, New York 11205
 Details Attached..... Michael C. Nelson, Chairperson

Friday, May 8, 2009

★ *Deferred*
 Committee on **CIVIL RIGHTS**..... **10:00 A.M.**
 Agenda to be announced
 Committee Room – City Hall Larry Seabrook, Chairperson

★ *Note Topic Addition*
 Committee on **CONSUMER AFFAIRS**..... **10:00 A.M.**
 Oversight - Ticket Resale Market
 Proposed Int 727-A - By Council Members Comrie, Brewer, Fidler, Gentile, James, Koppell, Lappin, White Jr. and Gerson - A Local Law - To amend the administrative code of the city of New York, in relation to the sale of tickets to individual consumers by operators of theater, music, or sporting events taking place in New York City at places of entertainment.
 Council Chambers – City Hall Leroy Comrie, Chairperson

★ *Deferred*
 Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the
 Committee on **TECHNOLOGY IN GOVERNMENT**..... **10:00 A.M.**
 Oversight – The Status of Notify NYC and the Roles of Reverse 911 and the FDNY in Emergency Notification and Evacuation
 Hearing Room – 250 Broadway, 14th Floor James Vacca, Chairperson
 Gale Brewer, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT** **1:00 P.M.**
 Oversight - Update on Rebuilding of the World Trade Center Site
 Council Chambers – City Hall Alan Gerson, Chairperson

Monday, May 11, 2009

★ *Addition* ★★ *Note Time Change* ★★★ *Deferred*

Time	Agency Testifying	Finance Committee
10:00 - 1:30	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
★ 1:30 - 2:00	Community Development Block Grant	Community Development

★★ 2:00	Public	
★★★ 2:00-2:30	OMB—Contracts Budget	Contracts

Tuesday, May 12, 2009

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
 See Land Use Calendar Available Thursday, May 7, 2009, in Room 5 City Hall
 Committee Room – City Hall Tony Avella, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**..... **11:00 A.M.**
 See Land Use Calendar Available Thursday, May 7, 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 Thursday, May 7, 2009, in Room 5 City Hall
 Committee Room – City Hall Daniel Garodnick, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
9:30 - 10:00	Consumer Affairs	Consumer Affairs
10:00 - 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
12:30 - 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
1:30 - 2:30	Legal Aid	Fire & Criminal Justice Svcs.
2:30 - 3:00	Investigation	Oversight and Investigations
3:00	Public	

Wednesday, May 13, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Sanitation	Sanitation and Solid Waste Management
12:00 - 1:00	Transportation	Transportation
1:00 - 2:00	MTA NYC Transit	Transportation
2:00 - 2:45	Taxi & Limousine Commission	Transportation
2:45	Public	

Thursday, May 14, 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

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00 - 12:00	City Planning	Land Use
12:00 - 1:00	Information Technology and Telecommunications	Land Use and Technology in Government
1:00 - 2:00	Youth and Community Development	Youth Services & Community Development
2:00 - 3:00	Small Business Services	Economic Development and Small Business and Community Development
3:00 - 4:00	Economic Development Corporation	Economic Development
4:00	Public	

Friday, May 15, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 11:30	City University of New York	Higher Education
11:30 - 1:30	Education & School Construction Authority (Capital)	Education
1:30	Public	

Monday, May 18, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 11:00	Board of Elections	Governmental Operations
11:00 - 12:00	Campaign Finance Board	Governmental Operations
12:00 - 12:30	Juvenile Justice	Juvenile Justice
12:30 - 1:30	Aging	Aging and Senior Centers
1:30	Public	

Tuesday, May 19, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Police	Public Safety
12:00 - 1:15	District Attorney / Special Narcotics Prosecutor	Public Safety
1:15 - 2:15	Civilian Complaint Review Board	Public Safety
2:15 - 3:15	Parks & Recreation	Parks & Recreation
3:15	Public	

Wednesday, May 20, 2009

★ Addition

Committee on **RULES, PRIVILEGES & ELECTIONS**11:30 A.M.

M-1386 - Communication from the Mayor - Submitting the name of Margery H. Perlmutter to the Council for its advice and consent regarding her reappointment as a member of the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

M-1390 - Communication from the Public Advocate - Submitting the name of Karen Phillips to the Council for its advice and consent regarding her reappointment to the City Planning Commission, pursuant to Section 31 and 192(a) of the New York City Charter.

M-1424 - Communication from the Staten Island Borough President - Submitting the name of Rayann Besser to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Section 192 (a) of the New York City Charter.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall..... Diana Reyna, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.

Thursday, May 21, 2009

★ Addition

Committee on **HEALTH**.....10:00 A.M.

Proposed Int 433-A - By Council Members Rivera, Arroyo, Avella, Brewer, Dickens, Felder, James, Liu, Mealy, Mendez, Palma, Recchia Jr., Sanders Jr., Seabrook, Sears, Weprin, Mark-Viverito, Gentile, Foster, Gennaro, Martinez, Vacca, Gioia, Lappin and Gerson - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of certain flavored tobacco products.

Proposed Int 642-A - By Council Members Dickens, Brewer, Foster, James, Liu, Martinez, Palma, Seabrook, Sears, Weprin, White Jr., de Blasio and Arroyo - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking on and around hospital grounds.

Res 293 - By Council Members Fidler, Brewer, Gennaro, James, Koppell, Mark-Viverito, Mendez, Palma, Recchia Jr., Weprin, Foster and Liu - Resolution calling upon the United States Congress to tighten advertising restrictions in the federal Cigarette Labeling and Advertising Act and to allow localities to legislate in this area, in order to reduce the exposure of youth to tobacco advertising.

Res 1927 - By Council Members Felder, Comrie, Gentile, James and Koppell - Resolution calling upon the United States Congress to pass the Family Smoking and Prevention Act.

Committee Room – City Hall Joel Rivera, Chairperson

★ Addition

Committee on **PARKS AND RECREATION**.....10:00 A.M.

Int 916 - By Council Members Liu, Mark-Viverito, Comrie, Gerson, James, Koppell, Seabrook, Stewart and Nelson - A Local Law to amend the administrative code of the city of New York, in relation to regulating removal of trees from private property.

Int 927 - By Council Members Oddo, Brewer, Gerson, Jackson, James, Koppell and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to the unlawful damage or removal of trees within a Special Natural Area District.

Hearing Room – 250 Broadway, 14th Floor.....Helen Foster, Chairperson

★ Addition

Committee on **CIVIL SERVICE AND LABOR** jointly with the

Committee on **CONTRACTS**.....10:00 A.M.

Oversight – Outsourcing Public Services to the Private Sector

Hearing Room – 250 Broadway, 16th Floor Miguel Martinez, Chairperson

..... Letitia James, Chairperson

Subcommittee on **ZONING & FRANCHISES**10:00 A.M.

See Land Use Calendar Available in Room 5 City Hall

Council Chambers – City Hall..... Tony Avella, Chairperson

Committee on **CIVIL RIGHTS**..... 1:00 P.M.

Agenda to be announced

Hearing Room – 250 Broadway, 16th Floor..... Larry Seabrook, Chairperson

Monday, May 25, 2009

MEMORIAL DAY OBSERVED

Tuesday, May 26, 2009

★ Note Time Change

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 10:00 - 11:30	Human Resources Administration / Social Services	General Welfare
★ 11:30 - 1:30	Administration for Children’s Services	General Welfare and Women’s Issues
★ 1:30 - 3:30	Homeless Services	General Welfare
★ 3:30	Public	

Wednesday, May 27, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee and Task Force
10:00 - 12:00	Education (Expense)	Education
12:00 - 12:30	Medical Examiner	Health
12:30 - 2:00	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse & Task Force on Hospital Closings
2:00 - 3:30	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
3:30	Public	

Thursday, May 28, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee and Sub, Select or Task Force
10:00 - 10:45	NYCHA	Housing & Buildings and Public Housing
10:45 - 11:45	Housing Preservation & Development	Housing & Buildings
11:45 - 12:45	Buildings	Housing & Buildings and Task Force on Operations and Improvement of the Department of Buildings
12:45 - 2:15	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Select Committee on Libraries
2:15 - 3:30	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
3:30	Public	

Monday, June 1, 2009

Time	Agency Testifying	Finance Committee jointly with Council Committee and Sub or Select Committee
10:00 - 11:00	Finance	Finance
11:00 - 12:00	Design & Construction	Finance
12:00 - 12:30	Comptroller	Finance
12:30 - 1:00	Independent Budget Office	Finance
1:00 - 2:30	Environmental Protection	Environmental Protection
2:30	Public	

MEMORANDUM

April 28, 2009

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON WATERFRONTS

Please be advised that all Council Members are invited to attend a tour to:

Brooklyn Navy Yard Development Corporation / Building 292

**63 Flushing Avenue, Unit 300
Brooklyn, New York 11205**

The tour will be on **Thursday, May 7, 2009 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:30 p.m. sharp.**

Council Members interested in riding in the van should call Jeffery Baker at 212-788-9193.

Michael C. Nelson, Chairperson
Committee on Waterfronts
Council

Christine C. Quinn
Speaker of the
Council

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, May 20, 2009.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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