

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
THURSDAY, AUGUST 20, 2009

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**STATED MEETING**

*of*

Thursday, August 20, 2009, 2:12 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Michael Nelson
Tony Avella	Alan J. Gerson	James S. Oddo
Maria Baez	Eric N. Gioia	Joel Rivera
Charles Barron	Sara M. Gonzalez	James Sanders, Jr.
Gale A. Brewer	Vincent M. Ignizio	Larry B. Seabrook
Leroy G. Comrie, Jr.	Letitia James	Helen Sears
Elizabeth S. Crowley	Melinda R. Katz	Kendall B. Stewart
Bill de Blasio	G. Oliver Koppell	Eric A. Ulrich
Mathieu Eugene	Jessica S. Lappin	James Vacca
Simcha Felder	John C. Liu	Peter F. Vallone, Jr.
Julissa Ferreras	Melissa Mark-Viverito	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

Excused: Council Members Dickens, Dilan, Gennaro, Jackson, Palma, Recchia, and Reyna.

*There is presently one vacancy in the Council (10<sup>th</sup> Council District, Manhattan).*

The Public Advocate (Ms. Gotbaum) was not present at this Meeting. The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

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

*There were 43 Council Members present at this Stated Meeting.*

**INVOCATION**

The Invocation was delivered by Imam Konate Souleimane, Masjid Aqsa, 2136 8<sup>th</sup> Avenue, New York, NY

In the name of Allah,  
the Most gracious, the Most merciful,  
all the praise and thanks be to Allah,  
the Lord of all that exists.

The Most gracious, the Most merciful,  
the only Owner and the ruling Judge  
of the day of recompense.  
You, alone, we worship  
and You, alone, we ask for help  
for each and everything;  
Guide us through the straight way,  
the way of those on whom  
You have blessed through Your grace,  
not the way of those  
who earned Your anger,  
nor of those who went astray.  
Amen.

Thank you.

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

Moment of Silence

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

Marine Lance Corporal Leopold Damas, 26, of Floral Park, Queens, who was killed on August 17, 2009 while supporting combat operations in Afghanistan. He was assigned to the Second Battalion, Eighth Marine Regiment based out of Fort Lejeune, North Carolina. Lance Corporal Damas joined the U.S. Marines in 2006 and was on his third deployment – he had served twice in Iraq and had arrived in Afghanistan in May 2009. He was the ninth casualty in his unit in the previous six weeks. Over 32 Americans have died in Afghanistan in August 2009 as of the date of this Stated Meeting.

NYC Firefighter Paul Warhola, 47, who died on August 14, 2009, after suffering a probable stroke while answering an August 12, 2009 firecall. Firefighter Warhola was a 15-year veteran who served his entire career with Engine 221 in Williamsburg, Brooklyn. He was among the responders of 9/11 at the World Trade Center where his firefighter uncle died. Firefighter Warhola was well-known around his Engine Company for bringing local kids to see the firetrucks in the firehouse. He is survived by his wife, Arlene, a son, Paul, who is 15, and a daughter, Tiana who is 13. Firefighter Warhola is the 1,141<sup>st</sup> member of the New York City Fire Department to die in the line of duty.

Former New York State Senator Olga Mendez, 84, who died on July 29, 2009 after a long bout with cancer. In 1978, she won a Special Election for the State Senate seat covering East Harlem and the South Bronx becoming the first Puerto Rican woman elected to a state legislature in the continental United States. Senator Mendez served for 26 years before leaving office at the end of 2004. She was a tireless advocate for her constituents and her election opened the door for many others to follow. Senator Mendez was born in Puerto Rico and came to New York City in the 1950s where she earned a doctorate degree in Educational Psychology from Yeshiva University. As Senator, she fought for affordable housing, education, and the reform of the Rockefeller Drug laws. Senator Mendez was predeceased by her husband.

At this point, the Speaker (Council Member Quinn) yielded the floor respectively to Council Member Seabrook followed by Council Member Koppell, who each spoke in memory of their friend, Olga Mendez.

## LAND USE CALL UPS

M-1560

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 290 Hudson Street, CB 2, Application no. 20095598 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1561

By Council Member Brewer:

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 885-889 10th Avenue (Greek Kitchen, Inc.), Borough of Manhattan, CB 4, Application no. 20095133 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1562

By Council Member Katz:

Pursuant to Rule 11.20(b) of the Council and Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an enclosed sidewalk café located at 107-02 70th Road (Aged Bar and Grill), CB 6, Application no. 20095695 TCQ shall be subject to review by the Council.

Coupled on Call – Up Vote

## LAND USE CALL UP VOTE

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

**Affirmative** –Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gentile, Gerson, Gioia, Gonzalez, Ignizio, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White, Yassky, Oddo, Rivera and the Speaker (Council Member Quinn) – 43.

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

## REPORTS OF THE STANDING COMMITTEES

## Reports of the Committee on Economic Development

Report for Int. No. 890-A

**Report of the Committee on Economic Development 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 regionally significant projects and empire zones.**

The Committee on Economic Development, to which was referred on December 9, 2008 (Minutes, page 7122) the annexed amended proposed local law, respectfully

## REPORTS:

## I. Introduction

On August 18, 2009, the Committee on Economic Development, chaired by Council Member Thomas White Jr., will hold a hearing on Proposed Int. No. 890-A, "A Local Law to amend the administrative code of the City of New York, in relation to regionally significant projects and empire zones." Proposed Int. No. 890-A (a copy of which is annexed) would, if enacted, authorize submission of an application by Flying Food Group LLC, a manufacturer of prepared food for airlines airport restaurants and the "on-the-go" market, to the Empire State Development Corporation for designation as a "Regionally Significant Project" in accordance with the State's Empire Zone Program. A hearing on this bill was previously held on June 25, 2009. Flying Food Group LLC (FFG) is relocating its operation from an area adjacent to John F. Kennedy International Airport (JFK), in Queens, to the airport itself.

## II. Background

In 1986 New York State established the Empire Zone Program (formerly known as the Economic Development Zone Program) through which a variety of tax benefits are offered to companies who move into or expand their operations within prescribed geographic areas known as Empire Zones. There are eleven (11) such zones in New York City.

In 2005, the New York State Legislature enacted legislation that significantly restructured the Empire Zone Program. This legislation created the concept of a "regionally significant project," a business enterprise that could be associated with an Empire Zone so as to be eligible for benefits, although not physically located within a zone, if it is consistent with that Empire Zone's business plan. In order to qualify different types of businesses would be expected to create a certain net number of new jobs. A manufacturing company would have to have an estimate of creating 50 or more net new jobs.

## Wage Tax Credit

Employee Wage Tax Credits are applied against a business's state tax liability. An Empire Zone employer, paying employees at least 135 percent of minimum wage, may be entitled to a \$3,000 credit for targeted employees or \$1,500 credit for all non-targeted employees. Both credits may be taken for up to five consecutive years, beginning with the first tax year in which Empire Zone wages are paid. An additional \$500 credit is available in investment zones for jobs paying \$40,000 or greater.

## Targeted Employee

A targeted employee is a New York State resident who receives Empire Zone wages and who is eligible under the federal Work Opportunity Tax Credit "WOTC" program, (the WOTC program was designed to promote the hiring of individuals who qualify as a member of a target group while simultaneously providing a federal tax credit to employers who hire these individuals) or is eligible for benefits under the Workforce Investment Act as a dislocated worker or a low-income individual, or has received public assistance benefits anytime within the previous two years (e.g. cash payments including Temporary Assistance to Needy Families (TANF), Safety Net, Medicaid, Food Stamps), or has income below the United States Commerce Department's established poverty level, or is a member of a family whose income is below poverty level or is an honorably discharged veteran from any branch of the United States Armed Forces.

Based on the number of jobs created, the company's assets in the Zone and income taxes owed by the company, Qualified Empire Zones Enterprises (QEZE) are eligible to receive the following tax credits and exemptions:

## QEZE Sales Tax Exemptions:

Qualified Empire Zone Enterprises (QEZE) are granted a 10-year exemption from State sales tax on purchases of goods and services (including utility services) used predominantly in an Empire Zone.

## QEZE Credit for Real Property Taxes:

Qualified Empire Zone Enterprises are allowed a refundable credit against business or income tax equal to a percentage of real property taxes paid in the zone (effective for taxable years beginning on or after January 1, 2001).

## QEZE Tax Reduction Credit:

Qualified Empire Zone Enterprises are allowed a credit against business or income tax equal to a percentage of taxes attributable to the zone enterprise (effective taxable years beginning on or after January 1, 2001).

## EZ Wage Tax Credit:

This credit is available for up to five consecutive years for companies hiring full-time employees in newly created jobs. For employees in special targeted groups, this credit equals \$3,000 per year, with a credit of \$1,500 per year effective 1/1/2001, for all other new hires.

**EZ Investment Tax and Employment Incentive Credits:**

Businesses that create new jobs and make new investments in production, property and equipment may qualify for tax credits of up to 19% of the company's eligible investment.

**New Business Refund:**

Businesses new to New York State are entitled to a 50% cash refund of unused EZ-WTC and ITC amounts. Other businesses may carry forward unused credits indefinitely.

**Utility Rate Savings:**

Special reduced electric and gas rates may be available through investor-owned utilities in New York State. Businesses that locate or expand their operations in an EZ may receive significantly reduced rates.

**Zone Capital Credit:**

A 25% tax credit against personal or corporate income taxes is available for contributing or purchasing shares in a zone capital corporation; or for a direct equity investment in a certified zone business; or for contributions to approved community development projects within an EZ. A Zone Capital Corporation is an entity incorporated for the purpose of raising funds through private and public grants, donations or investments, to be used in making investments in and loans to certified zone businesses to encourage the establishment or expansion of such businesses, thereby providing new job opportunities within an economic development zone.<sup>2</sup>

**Sales Tax Refund or Credit:**

Purchases of building materials to be used for commercial or industrial real property located in an EZ are eligible for a refund or credit of NYS sales taxes. A similar refund or credit of local sales tax may also be available from the locality.

**Real Property Tax Abatement:**

EZs may offer tax abatements from an increased assessment, with the abatement value based on improvements to real property for up to 10 years. This holds true for up to seven years at 100%, decreasing over the last three years of the exemption.

**Technical Assistance:**

Each local zone office is staffed with professionals qualified to assist businesses locating or expanding in an EZ.

Businesses which receive Empire Zone benefits and fail to meet their job creation projection may have their certification revoked pursuant to Title 5 of the Official Compilation of the New York Codes, Rules and Regulations, part 11.9 (5 NYCRR § 11.9).

**III Regionally Significant Projects**

According to General Municipal Law § 957(d)(i), a regionally significant project means, (1) a manufacturer projecting the creation of fifty or more jobs, (2) an agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more jobs, (3) a financial or insurance services or distribution center creating three hundred or more jobs, (4) a clean energy research and development enterprise shall be eligible as a regionally significant project as determined by the local zone administrative board and the commissioner, and (5) other projects may be considered by the zone designation board.

Because it is a state-wide program, a broad array of commercial activities were identified for inclusion as types of businesses from which a "regionally significant project" could be designated. However, it is critical that such designations, if they are to be made, focus strategically on those types of businesses that best advance the intentions and goals of the Empire Zones Program and not companies and types of commercial activities that already receive the bulk of the City's economic development benefits. Thus, it is anticipated that designations of "regionally significant projects" will be directed at those types of businesses that business engaged in emerging technologies pursuant to section 3201-e of the Public Authorities Law.<sup>3</sup>

A business wishing to become a regionally significant project (RSP) must apply to a local Zone Administrative Board (ZAB) for a resolution by which the ZAB finds that the proposed RSP will create the requisite number of jobs, that the proposed RSP's operations are consistent with the Zone's business plan, and that the company is within New York City but is outside the boundaries of a designated zone. Upon receipt of the resolution from the ZAB, the business must then submit an application package to the New York State Empire State Development Corporation (ESDC) for a "determination of eligibility."

If the project is deemed eligible by ESDC, there will be a formal application for designation of the proposed location as being within a Zone Administrative Board's Empire Zone.

The New York City Council must pass a local law permitting the business to make the formal application for designation to ESDC. If the proposed location is designated for a company, the company must complete the EZ-1 Application of Joint Certification as an Empire Zone Enterprise.

**IV. Flying Food Group LLC**

The Zone Administrative Board (ZAB) of the South Jamaica Empire Zone passed a resolution on June 30, 2008 in which it reviewed the operations of a food manufacturing company, Flying Food Group LLC (FFG), which already has operations in Southeast Queens but wishes to expand its operations and was negotiating with the Port Authority of New York and New Jersey (Port Authority) for space at John F. Kennedy International Airport (JFK). In its resolution, the ZAB agreed that making the Empire Zone benefits available to FFG would be "in the best interests of South Jamaica and the local community."<sup>4</sup> (A copy of that Resolution is annexed as Exhibit A).

On August 28, 2008, ESDC issued a letter to the City's Department of Small Business Services in which it determined that "...this project meets the criteria of §957(d) of the general municipal law as a regionally significant project." That letter established a schedule for new net job creation that FFG must meet in order to maintain eligibility to receive benefits:

- By year end 2009 16 full-time equivalent positions
- By year end 2010 34 full-time equivalent positions
- By year end 2011 50 full-time equivalent positions<sup>5</sup>

In order for the State's Empire Zone Designation Board of ESDC to authorize the benefits, the local government must enact a local law authorizing such application within 180 days of the preliminary determination of eligibility. A bill to accomplish that, Int. No. 890, was introduced in the New York City Council. However, because of difficulties that FFG had in completing negotiations with the Port Authority, on April 8, 2009, ESDC issued an extension of time for approval of FFG's application to September 18, 2009. (A copy of that letter is annexed as Exhibit C).

FFG is a subsidiary of Flying Food Fare, Inc, a Chicago-based company founded in 1983 to provide prepared food to Midway Airlines at Chicago's Midway Airport. It has been represented that this larger corporate enterprise has 3500 employees world-wide with annual revenues in excess of \$300 million and that in addition to its Chicago and New York City operations, it currently provides food service to airlines and airports in Atlanta, Dallas-Ft. Worth, Los Angeles, Miami, Newark, Orlando, Phoenix, San Francisco, Seattle and Washington, D.C. It has also been represented that FFG's New York operation, which arose from the purchase of an existing business, is about 12 years old and that annual revenues have increased during that time from \$12 million to \$45 million, that its customer base has increased from 15 to 25, that FFG had increased the number of employees from 125 to 515 at the time the initial application to ESDC for preliminary designation was made, and that it was expected that 210 new jobs would be created.

However, it has also been reported to Committee staff that as a result of current economic conditions the number of employees has declined to 436 and the projection for new jobs has declined to 189, but that because of increases in costs, FFG's investment in developing its new space, relocation costs, furniture and equipment costs, costs for machinery and employee training will increase from approximately \$22.5 million to approximately \$25 million. Representations have been made on behalf of FFG that at the time of application it was a "union shop" and that 93% of their employees (483 jobs) resided in New York City, 70% of their employees (367 jobs) resided in Queens and that 47% of their employees (245 jobs) resided in Southeast Queens. Representations were also made that of their then current employees, 37% of their employees (193 hourly jobs) were production workers, 25% (131 hourly jobs) were transportation workers, 17% were ("indirect" workers), 11% (58 hourly jobs) were sanitation workers and 8% (41 salaried jobs) were corporate management workers.<sup>6</sup>

**V. Conclusion**

At the hearing on June 25, the members of the Economic Development Committee heard testimony on Int. No. 890 from a variety of witnesses with different perspectives, including representatives of the Mayor's Office of Industrial and Manufacturing Businesses, Flying Food Group, LLC, the Greater Jamaica Development Corp. and GoodJobs NY, and inquired as to elements of the application by Flying Food Group LLC for designation as a Regionally Significant Project under the State Empire Zone Program.

<sup>1</sup>Information available at <http://www.tax.state.nv.us/sbe/geze.htm> Accessed June 24, 2009.

<sup>2</sup>5 NYCRR 10.20).

<sup>3</sup>Tax Law § 14(k)(1).

<sup>4</sup>South Jamaica Empire Zone Administrative Board Resolution Relating to Flying Food Group LLC, June 30, 2008.

<sup>5</sup>Empire State Development letter to Commissioner Leslie Torres, New York City Department of Small Business Services, August 25, 2008 (Attached as Exhibit B).

<sup>6</sup>This adds up to only 512 jobs, not 515.

(The following is from the text of the Fiscal Impact Statement for Int. No. 890-A:)

**FISCAL IMPACT STATEMENT:**

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

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** 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 as Int. 890 by the Full Council and referred to the Committee on Economic Development on December 9, 2008. The Committee on Economic Development held a hearing on Int. 890 and laid over the legislation on June 25, 2009. An amendment has been proposed and the committee will reconsider Proposed Int. 890-A on August 18, 2009.

(For text of related Res No. 2148, please see the Report of the Committee on Economic Development for Res No. 2148 printed in these Minutes)

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 890-A:)

Int. No. 890-A

By Council Members White, Comrie, James and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to regionally significant projects and empire zones.**

*Be it enacted by the Council as follows:*

Section 1. Statement of legislative findings and intent. Under Section 957(d)(i) of the General Municipal Law, certain business enterprises located outside the boundaries of an Empire Zone may still be eligible for Empire Zone benefits as a "regionally significant project" because the economic activity of such enterprise is of a nature that is encouraged by the State, and the Administrative Board of such Empire Zone authorizes the designation of such business as a regionally significant project. The New York State Department of Economic Development and the South Jamaica Empire Zone Administrative Board have determined that Flying Food Group LLC, a manufacturer and food processing and packaging company serving 85 airlines and nationally known retail food chains is projected to create more than 100 new jobs and has been provisionally approved for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law.

§2. Chapter 7 of title 22 of the administrative code of the city of New York is amended by adding new section 22-719 to read as follows:

§22-719 *Authorization for the designation of a regionally significant project. a. Pursuant to the provisions of article 18-B of the general municipal law, a business enterprise may be designated as a regionally significant project if the criteria set forth in paragraph i of subdivision d of section 957 of such article are met.*

*b. By a resolution of the South Jamaica empire zone administrative board, dated June 30, 2008, such administrative board, in accordance with the provisions of article 18-B of the general municipal law, supported the designation of Flying*

*Food Group LLC, having federal employer identification number 36-4331472 and located at building 146, JFK International Airport, in the borough of Queens, as a regionally significant project.*

*c. Pursuant to the provisions of article 18-B of the general municipal law, such regionally significant project shall be as set forth as follows:*

*Flying Food Group LLC, having federal employer identification number 36-4331472 and at building 146, JFK International Airport, in the borough of Queens also known as Block: 14260 Lot: 1, in the borough of Queens.*

§3. This local law shall take effect immediately.

**ATTACHMENT to Committee Report:**

**ATTACHMENT A**

EMPIRE ZONE ADMINISTRATIVE BOARD

RESOLUTION RELATING TO FLYING FOOD GROUP, LLC

WHEREAS, the New York State Empire Zones Program (the "Program") authorizes, under certain qualifying facts and circumstances, the certification of companies for benefits under the Program if located within New York City, but outside the boundaries of the eleven areas designated as the New York City Empire Zone;

WHEREAS, such companies are referred to under the Program as "Regionally Significant Projects" and in order to qualify must meet certain application and qualification requirements, including County and municipal legislative approvals, environmental confirmations, and approvals by New York State Empire State Development Corporation ("ESDC") and this Board;

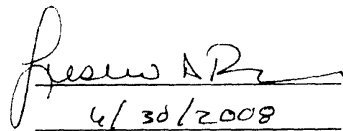
WHEREAS, Flying Food Group, LLC has been successfully engaged in the business of manufacturing prepared food for airlines and "on the go" markets;

WHEREAS, Flying Food Group, LLC is located at Building 146, JFK International Airport, Jamaica, NY 11430 and plans to hire 210 people over the next 3 years and to invest \$22,465,000 in production equipment;

WHEREAS, this board and the South Jamaica Empire Zone staff have reviewed the operations and plans of Flying Food Group, LLC and have concluded that it meets all of the requirements for the Program and that the expansion and increased employment at Flying Food Group, LLC would be in the best interest of South Jamaica and the local community;

NOW, THEREFORE, be it hereby resolved that the Application of Flying Food Group, LLC as a Regionally Significant Project be continued and pursued through all necessary and appropriate requirements and phases, in coordination with all necessary governmental entities in order to qualify Flying Food Group, LLC as a Regionally Significant Project and to include within the acreage of South Jamaica's Empire Zone is that property located at Building 146, JFK International Airport, Jamaica, NY 11430, it being expressly acknowledged and understood that the final determination and certificates of Flying Food Group, LLC as a Regionally Significant Project shall be made by this Board at a subsequent meeting following completion of all such action.

Approved by ZAB Chair/Designee



4/30/2008

Date

ATTACHMENT B

Empire State Development

August 25, 2008

Leslie Ramos  
Executive Director  
Mayor's Office of Industrial and Manufacturing Businesses  
110 William St, 7<sup>th</sup> Fl  
New York, NY 10038

Dear Ms. Ramos:

This letter is in response to your request to include Flying Food Group LLC into the South Jamaica Empire Zone as a "regionally significant manufacturing" project.

According to the information you provided us, Flying Food Group LLC (311991) is a manufacturer AND will be *undertaking a project that would create fifty or more net new jobs*. Flying Food Group LLC is projected to employ 725 employees in three years.

Based on this information, we have determined that this project meets the eligibility requirements as a regionally significant project pursuant to §957 (d) of the general municipal law and is eligible to apply for inclusion within the South Jamaica Empire Zone in an area that is outside of the distinct and separate contiguous areas as identified and approved by the Empire Zone Designation Board. If approved, the acreage associated with this project will not be counted against the two square mile limitation of available acreage. Please be advised, however, that approval of designation of lands does not ensure that the company meets the eligibility requirements for certification nor is it indicative of whether the company qualifies for any specific tax credits pursuant to the Tax Law.

In order for Empire State Development to approve this project for designation in the South Jamaica Empire Zone, your application packet must be submitted to our office for review within 180 days of being deemed eligible. Please refer to the attached checklist for items that must be included in your application.

Please be advised that pursuant to Section 959 (a) (iii) of the General Municipal Law, if Flying Food Group LLC will be shifting some, or some portions thereof, of its operations from an area within New York State not designated as an Empire Zone to the location of this regionally significant project, then approval from the local governing body of the municipality from which such shift of operations will occur must be obtained before Flying Food Group LLC can be certified.

New York State Department of Economic Development  
30 South Pearl Street Albany New York 12245 Tel 518 292 5100  
Website [www.empire.state.ny.us](http://www.empire.state.ny.us)

Leslie Ramos  
August 25, 2008  
Page 2

Finally, also please be advised that, assuming Flying Food Group LLC is designated as a regionally significant project in 2008 and is subsequently certified, the company would be required to meet the following minimum net new job targets by the dates indicated below in order to maintain its status as a regionally significant project. Net new jobs are considered full time equivalent employees beginning on the date of designation of the project as a regionally significant project.

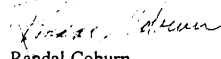
- By year end 2009 16 full-time equivalent positions
- By year end 2010 34 full-time equivalent positions
- By year end 2011 50 full-time equivalent positions

The above dates would be adjusted based on a later date of designation. Please submit your application packet within 180 days.

Failure to meet these employment targets would result in the decertification of the company pursuant to Title 5 of the New York Code of Rules and Regulations §11.9 (5 NYCRR 11.9). Should the company be decertified for failure to achieve these net new job targets, it could appeal the decision pursuant to Section 12 of the regulations (5 NYCRR 12).

If you have any additional questions about this matter, please feel free to call.

Sincerely,



Randal Coburn  
Director  
Empire Zones Program

cc: B.Ansari  
K.Castle  
J.Tazewell  
Flying Food Group

## ATTACHMENT C


**Empire State Development**

April 8, 2009

Richard Werber  
 Director, Business Services Group  
 Greater Jamaica Development Corporation  
 90-04 161<sup>st</sup> Street  
 Jamaica, NY 11432

Dear Mr. Werber:

This letter is in response to your email communication of March 18, 2009, requesting an extension of the 180 days for submission of the designation package for Flying Food Group status as an eligible regionally significant manufacturing project in the South Jamaica Empire Zone.

Please be advised that your request for extension has been granted by an additional 180 days until September 18, 2009. However, should the project and/or company change prior to the submission of the designation packet, it may be necessary to begin the process anew.

Also please be advised that in the event any legislative or regulatory changes to the program are implemented between now and September 18, 2009, such changes could impact pending projects. The submission may be evaluated and reviewed against the company's projections and claims originally submitted for determination of eligibility and any new program rules.

If you have any questions, please contact Brian Ansari at (518) 292-5264.

Sincerely,

Randal Coburn  
 Director, Empire Zones Program

cc: Tom Dien Wu

New York State Department of Economic Development  
 125 South Pearl Street, Albany, New York 12245, Tel: 518 292 5100  
 Web Site: [www.empire.state.ny.us](http://www.empire.state.ny.us)

THOMAS WHITE JR., Chairperson; DIANA REYNA, ALAN J. GERSON, ALBERT VANN, DAVID YASSKY, LETITIA JAMES, KENNETH C. MITCHELL, Committee on Economic Development, August 18, 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 Economic Development and have been favorably reported for adoption.

Report for Res. No. 2148

**Report of the Committee on Economic Development in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.**

The Committee on Economic Development, to which was referred on August 20, 2009 the annexed resolution, respectfully

**REPORTS:**

Preconsidered Res. No. 2148 is a determination that the Environmental Assessment Statement prepared by the Economic Development Corporation on behalf of the Department of Small Business Services with respect to Proposed Int. No. 890-A, dated August 17, 2009, satisfies the requirements of the State Environmental Quality Review Act. (Preconsidered Res. No. 2148 is annexed.)

Pursuant to the Rules of Procedure for City Environmental Quality Review §5-03(d), the Council, as a co-lead agency, has considered the relevant environmental issues attendant to such enactment and in making its findings and determinations under the State Environmental Quality Review Act (Environmental Conservation Law Article 8), the Council has relied on that Environmental Assessment Statement.

**(For text of related Int. No. 890-A, please see the Report of the Committee on Economic Development for Int. No. 890-A printed in these Minutes.)**

Accordingly, Your Committee recommends its adoption.

**(The following is the text of Res. No. 2148:)**

Res. No. 2148

**Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.**

By Council Members White and Comrie.

**Whereas**, The enactment of Proposed Int. No. 890-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 Economic Development Corporation has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review an Environmental Assessment Statement; and

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

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

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

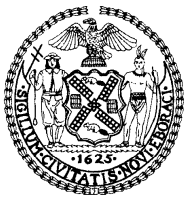
**Resolved,** That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

**ATTACHMENT:**



**NEGATIVE DECLARATION**

CEQR Number: 10CCO001Q Date Issued: August 18, 2009

NAME: Flying Food Group, LLC.  
Regionally Significant Project

LOCATION: Intersection of Bergen Road and 130<sup>th</sup> Place  
JFK International Airport, Queens

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

Description

The proposed action requests the approval by enactment of a local law of the designation of Flying Food Group, LLC, a contract preparer of meals for various airlines' passenger service operating at John F. Kennedy International Airport (the "Airport"), as a Regionally Significant Project. The Empire Zones program is a certification program through which businesses that make investments in a geographically designated area are made eligible for a variety of New York State tax credits and other benefits

The proposed action would retain upwards of 430 jobs in southeast Queens and Flying Food would make a substantial investment to renovate, upgrade the electrical, plumbing and waste disposal systems and reoccupy a vacant food preparation facility on the Airport.

Statement of No Significant Effect

Pursuant to Title 62 of the Rules of the City of New York Section 5-03(d), the Office of the Mayor and the New York City Council are designated as co-lead agencies for the purpose of conducting the environmental review for the enactment of local laws and make the following determination. The proposed action would have no significant effect on the quality of the environment.

CEQR Number: 10CCO001Q

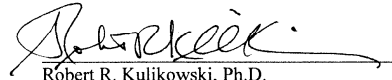
August 18, 2009

Supporting Statements

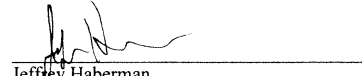
The above determination is based on an Environmental Assessment Statement (EAS) dated August 17, 2009, and incorporated by reference herein. The EAS finds that:

1. The project as proposed would not have significant adverse impacts on land use or the character of the surrounding community because it is the re-occupation of an existing building for the same activity as the prior use in conformance with existing zoning.
2. The project as proposed would not result in significant adverse traffic, noise or air quality impacts because the number of on-airport trips does not meet the CEQR threshold.
3. The project as proposed would not result in significant adverse impacts on cultural resources.
4. The project as proposed will not result in any adverse impacts from environmental hazards to humans or the natural environment. The Port Authority of New York and New Jersey has closed in place three underground storage tanks and will remediate an open petroleum spill.
5. No other significant adverse effects upon the environment that would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

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

August 18, 2009  
Date

  
Jeffrey Haberman  
Deputy Director of the Infrastructure Division  
New York City Council

August 18, 2009  
Date

ATTACHMENT to Committee Report:

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

Reference Numbers

Lead Agency & Applicant Information

Action Description

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

Action Year

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

Form sections 1 through 13d containing project details, applicant information, and regulatory requirements.

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA...

PART II, SITE AND ACTION DESCRIPTION

Form sections 1 through 10 detailing site characteristics, physical setting, and proposed land use.

SEE CEQR TECHNICAL MANUAL CHAPTER III F. HISTORIC RESOURCES

SEE CEQR TECHNICAL MANUAL CHAPTER III K. WATERFRONT REVITALIZATION PROGRAM

Project Description

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



Publicly accessible open space
Is there any existing publicly accessible open space to be removed or altered? [ ] Yes [X] No
If yes, describe briefly:
Is there any existing publicly accessible open space to be added? [ ] Yes [X] No
If yes, describe briefly:

Other land use
Gross floor area (sq. ft.) None No. of stories: Type of use:

11. PROPOSED PARKING

Garages
No. of public spaces: No. of accessory spaces: 80-90
Operating hours: Attended or non-attended? Unattended

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

Gas or service stations? [ ] Yes [X] No Oil storage facility? [ ] Yes [X] No Other? [ ] Yes [X] No
If yes, specify: Note: The facility will be 100% natural gas operated
Size of tanks: Location and depth of tanks:

13. PROPOSED USERS

No. of residents: N/A No. and type of businesses: One, Food Preparation
No. and type of workers by businesses: 430 (approx) No. and type of non-residents who are not workers:

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

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 [X] No
If yes, describe briefly:

15. DIRECT DISPLACEMENT

Will the action directly displace specific business or affordable and/or low income residential units? [ ] Yes [X] No
If yes, describe briefly:

16. COMMUNITY FACILITIES

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 [X] No
If yes, describe briefly:

17. What is the zoning classification(s) of the directly affected area? M1-1

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.
223,440 SF

19. What is the proposed zoning of the directly affected area?
No change in zoning is proposed.

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.

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action? Airport and airport support facilities

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

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

Zoning Information

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 See CEQR Technical Manual Chapter III.A.
b. SOCIOECONOMIC CONDITIONS See CEQR Technical Manual Chapter III.B.
c. COMMUNITY FACILITIES AND SERVICES See CEQR Technical Manual Chapter III.C.
d. OPEN SPACE See CEQR Technical Manual Chapter III.D.
e. SHADOWS See CEQR Technical Manual Chapter III.E.
f. HISTORIC RESOURCES See CEQR Technical Manual Chapter III.F.
g. URBAN DESIGN/VISUAL RESOURCES See CEQR Technical Manual Chapter III.G.
h. NEIGHBORHOOD CHARACTER See CEQR Technical Manual Chapter III.H.
i. NATURAL RESOURCES See CEQR Technical Manual Chapter III.I.
j. HAZARDOUS MATERIALS See CEQR Technical Manual Chapter III.J.
k. WATERFRONT REVITALIZATION PROGRAM See CEQR Technical Manual Chapter III.K.
l. INFRASTRUCTURE See CEQR Technical Manual Chapter III.L.
m. SOLID WASTE AND SANITATION SERVICES See CEQR Technical Manual Chapter III.M.
n. ENERGY See CEQR Technical Manual Chapter III.N.
o. TRAFFIC AND PARKING See CEQR Technical Manual Chapter III.O.
p. TRANSIT AND PEDESTRIANS See CEQR Technical Manual Chapter III.P.
q. AIR QUALITY See CEQR Technical Manual Chapter III.Q.
r. NOISE See CEQR Technical Manual Chapter III.R.
s. CONSTRUCTION IMPACTS See CEQR Technical Manual Chapter III.S.
t. PUBLIC HEALTH See CEQR Technical Manual Chapter III.T.

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. Timothy Murphy Flying Food Group, LLC
PREPARED BY NAME PRINCIPAL
Controller David Cotton
PREPARED BY TITLE NAME OF PRINCIPAL REPRESENTATIVE
CFO
PREPARED BY SIGNATURE TITLE OF PRINCIPAL REPRESENTATIVE
August 14, 2009 David Cotton
DATE SIGNATURE OF PRINCIPAL REPRESENTATIVE
August 14, 2009 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.

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.

1. 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.

Table with 2 columns: Impact Category and Yes/No response. Categories include LAND USE, ZONING, AND PUBLIC POLICY, SOCIOECONOMIC CONDITIONS, COMMUNITY FACILITIES AND SERVICES, OPEN SPACE, SHADOWS, HISTORIC RESOURCES, URBAN DESIGN/VISUAL RESOURCES, NEIGHBORHOOD CHARACTER, NATURAL RESOURCES, HAZARDOUS MATERIALS, WATERFRONT REVITALIZATION PROGRAM, INFRASTRUCTURE, SOLID WASTE AND SANITATION SERVICES, ENERGY, TRAFFIC AND PARKING, TRANSIT AND PEDESTRIANS, AIR QUALITY, NOISE, CONSTRUCTION IMPACTS, PUBLIC HEALTH.

2. 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.

3. 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.

4. 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.

5. 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

Douglas Rice
PREPARED BY NAME
Vice President - EDC
PREPARED BY TITLE
Douglas Rice
PREPARED BY SIGNATURE
August 14, 2009
DATE

Jeffrey Haberman/Robert Kulkowski
NAME OF LEAD AGENCY REPRESENTATIVE
Dep. Dir. Infrastr./Assistant to the Mayor
TITLE OF LEAD AGENCY REPRESENTATIVE
Jeffrey Haberman/Robert Kulkowski
SIGNATURE OF LEAD AGENCY REPRESENTATIVE
August 17, 2009
DATE

City Environmental Quality Review Environmental Assessment Statement

Attachment A

3b. Project Description

Flying Foods Group LLC (the 'Company') prepares and delivers prepackaged meals for various passenger airlines located at John F. Kennedy International Airport (the "Airport"). The Company receives raw materials, primarily foodstuff from various vendors, prepares individual meals, which are delivered to airline customers in concert with flight schedules 24 hours a day, seven days a week. Total company employment is approximately 430, although this number fluctuates based on the number of airlines served and fluctuations in client airlines flight schedules. The company employee base is composed of four functional units: food preparation and handling (approximately 42% of employees), transportation, the company maintains a fleet of 40 twenty foot trucks which are utilized for delivery of prepared meals to departing flights and to pick up used utensils, glassware, plates, flatware et cetera from arriving flights ( approximately 24% of employees), a sanitation division which cleans the facility and returns and prepares meal-related equipment for reuse (approximately 11% of employees), while the remaining 23% encompasses maintenance, office and janitorial staffs, managers and executive personnel.

Work shifts of the company's various functional divisions are geared to airline schedules. The food preparation, transportation and sanitation divisions' personnel work schedules are spread over two or more shifts, are synchronized with the schedule and needs of customer airlines and are not coincident with AM and PM background traffic peak hours. The Office and support staff generally work daytime schedules similar to those of typical office staff.

The company will be relocating from a nearby off-airport facility located at the 147-17 Guy Brewer Boulevard at the intersection of Guy Brewer and 149th Avenue. The Company plans to extensively renovate the interior of the 108,000 gsf vacant building, primarily replacing the electrical and plumbing and mechanical and fire safety systems and adding some additional doors. The large paved area will be patched, resurfaced and reconfigured to optimize vehicle staging and accessory parking for the company's fleet of pick up and delivery vehicles, as well as limited employee and visitor parking. Three 5,000 gallon waste interceptors will be installed under the parking lot to collect and release waste from food preparation and reusable supplies to the Airport's sewer plant.

Relocation closer to its clients will improve efficiency for the Company by reducing travel times and would provide space for anticipated expansion. It is anticipated that the journey to work mode profile would not change noticeably. As is noted in Attachment B, Analysis, there are several transit options that provide access to the Airport.

Flying Food Group EAS Attachment A CEQR Number 10CC0001Q

Flying Food Group EAS  
Attachment B  
CEQR Number 10CC0001Q

**City Environmental Quality Review  
Environmental Assessment Statement  
Part III, Environmental Assessment**

**Attachment B - Analysis**

**Land Use, Zoning, and Public Policy** – The proposed use is as-of-right in the M1-1 zoning district that encompasses the Airport. The relocation to the Airport proper, where the company's customers are located, is desirable since the residential community north of the airport has long sought to reduce conflicts between those residential areas and near-by companies servicing the airport. Construction activities are limited to renovation of an existing vacant facility which previously housed an identical use, provision of food services for passengers to major airlines. The use is an ancillary use to the primary functions of the Airport and is complementary to other uses on the Airport. As the project complies with the current zoning and is compatible with the range of uses and character of the area, this action would not result in a change in the array of land uses on the Airport nor affect regulations or policies governing land use and therefore, a detailed analysis is not required. There would be no impact on land use, zoning, and public policy.

**Socioeconomic Conditions** – The Company plans to upgrade and reoccupy an existing, vacant building which housed the same type of business. There would be no direct or indirect displacement of uses or loss of jobs as the Company's relocation onto the Airport would not change the airline food service business and would contribute to the existing economic base of the airport. Temporary construction jobs would be created during the course of renovation of Building 146 on the Airport. The relocation would not result in the direct or indirect displacement of residents in the surrounding area of the Company's current quarters. The proposed action would not result in substantial socioeconomic changes in the area, and a detailed assessment is not required.

**Community Facilities and Services** – The proposed action will neither displace nor alter any community facility or service. While the Flying Food Group will bring additional personnel on Airport, the Port Authority of New York and New Jersey provides some essential community services for Airport tenants and other community service providers would essentially remain unchanged as the Company will not be relocating far from its current location.

**Open Space** – The proposed action would not eliminate or alter the area's available, publicly accessible open space and would contain 14,000+ s.f. of landscaped open space on site. Furthermore, the action does not add more than 500 new employees to the immediate surrounding area and thus does not exceed the CEQR threshold for conducting a detailed open space analysis.

**Shadows** – There will be no change to the exterior dimensions (height or bulk) of the existing building. Thus, there will be no change in shadows and therefore there is no requirement or need for a shadow study.

Flying Food Group EAS  
Attachment B  
CEQR Number 10CC0001Q

**Historic Resources** – Much of the Airport is constructed on land fill and during the course of the Airport's more than 60 years of operation considerable in ground disturbance has occurred during the course construction, reconstruction and placement of extensive below grade infrastructure. The construction of the waste interceptors beneath the parking lot would not damage or destroy any subsurface cultural resources. Building 146 is not a historic landmark, nor is it eligible for listing on the State or National Register of historic Places. There are no landmarked structures in the immediate surrounding area. Therefore, no further analysis of cultural resources is warranted.

**Urban Design/Visual Resources** – There will be minimal changes to the building's exterior, principally the installation of some additional doors which would not significantly alter the character of the building and vegetative cover for the proposed open space which combined would not adversely affect the urban design/visual resources of the surrounding area. The proposed action would not alter the existing street grid or streetscape. Therefore, no changes to urban design or visual resources would occur which would require a detailed analysis.

**Neighborhood Character** – Because the proposed project does not substantially change the type or magnitude of the business activity in the area and there would be no substantial change in traffic congestion, ambient air quality or noise levels, significant adverse change in land use, or other areas of environmental concern which would lead to a change in the character of the project area, no further analysis of neighborhood character is necessary.

**Natural Resources** – The site is not located adjacent to surface water bodies or designated wetlands or other upland natural resources. Furthermore, the project is located in a built urban environment and does not provide essential or unique habitats. Therefore, no effect on natural resources would be anticipated and further analysis is not required.

**Hazardous Materials** – The PANY/NJ has tightness tested, cleaned and abandoned in place in accordance with DEC permit process and approval three out-of-service heating oil USTs which are located on site. The facility will be an all natural gas operated facility. Soil removed from the location of the new waste interceptors were disposed of at a Port Authority designated location on airport and new blacktop laid to resurface the parking area below which the sewer interceptors were placed.

**Waterfront Revitalization Program** – This project is located within the Waterfront Revitalization Program (WRP) boundaries. As is stated in the WRP "Public actions should ensure that the safety and operational needs of the airports are met while protecting the environmental resources in Jamaica and Flushing Bays to the maximum extent feasible". Thus the program policy permits the waterfront siting of the City's airports and acknowledges the very significant contribution of the airports to the economic base of the City. The proposed project does not result in new development on the airport, but rather the reuse of existing facilities. Building 146 is approximately 1 1/2 miles from JFK's border on Jamaica Bay and would have no impact on this significant ecological natural resource.

Flying Food Group EAS  
Attachment B  
CEQR Number 10CC0001Q

**Infrastructure** – The project is located in a developed, urban industrial area where infrastructure is already in place. No significant increase in water supply or sanitary sewage discharges are anticipated since the project's consumption of water from its employees is negligible and the PANY/NJ maintains a sewer treatment plant that processes sewage generated on airport, therefore no further analysis is required.

**Solid Waste and Sanitation Services** – Solid waste is picked up by the PANY/NJ which has contracts with private disposal firms. Therefore no solid waste impacts would occur and no further analysis is required. Three 5,000 gallon waste interceptors will be installed below the parking lot to collect and release waste from food preparation operations and waste from clean up of reusable utensils to the airport's sewerage system.

**Energy** – The project is not a significant generator of energy and the company usage of energy at its new facility will be generally offset by the cessation of energy use at its current location. No detailed analysis of significant adverse impacts on energy supplies is warranted or required.

**Traffic and Parking** – The Company maintains a multi-shift 24 hour per day, seven days a week operation. The company operations are divided into four functional groups – food preparation, transportation, sanitation and indirect functions. Approximately forty-two percent of employees produce and deliver prepared food products to the various airlines served by the Company. The food preparation group is divided into three shifts spanning 24 hours a day. About 22% of the employees are engaged in picking up from the airlines, and cleaning and assembling the silverware and other accessories delivered with prepared meals for re-use. The remaining staff is composed of management and office staff, support, storage and maintenance personnel.

Approximately 15% of employees currently journey to work by vehicle while the remaining 85% of employees travel to and from work by mass transit, and it is assumed that any change in these percentages would be negligible as the new facility is accessible via multiple mass modes with numerous service options. The B15 and Q10 buses stop at Liberty Avenue or Jamaica Avenue where connections to the A&C trains are available as well as the AirTrain, LIRR and E, J and Z subway lines at Jamaica station. The Q22 bus stops at Federal Plaza where a direct transfer to the AirTrain exists. There are approximately 40 surface parking slots for the pick up and delivery fleet and a 20-space garage for managers and visitor parking on-site. A few additional surface spots will remain for the non-management staff employees that do drive to work.

**Transit and Pedestrians** – There would be no substantial impact to transit facilities or pedestrian thoroughfares as there would be fewer than 100 peak hour new transit trips and various modes of mass transit and mass transit lines which provide access to the Airport. No pedestrian trips are anticipated.

**Air Quality** – By nature of its 24-hour multiple shift operations and substantial usage of mass transit the project would not generate a significant amount of mobile or stationary

Flying Food Group EAS  
Attachment B  
CEQR Number 10CC0001Q

sources of air emissions. The Company will be converting Building 146 to natural gas usage and there are no receptors nearby the building's emission points. Therefore, the project would not generate significant adverse air quality impacts. There are no stationary sources located within 400 feet of Building 146.

**Noise** – There is no significant adverse mobile source noise impacts anticipated as a result of the proposed project as traffic is not expected to double along the routes to and from the site and the exits of the airport which by the nature of its operations has a high level of background ambient noise levels.

**Construction Impacts** – There will be minimal construction associated with the project: the installation a two or three exterior doors, upgraded plumbing and electrical, installation of the three waste interceptors and resurfacing of the pavement on the existing parking lot. Environmental effects of these activities would be minor and of short duration.

**Public Health** – There would be no impacts on air quality, elevated noise generated above ambient levels, or hazardous materials impacts, and therefore, there would be no adverse public health impact to the site occupants or area population.

THE PORT AUTHORITY

August 17, 2009

VIA E-MAIL & DHL EXPRESS

Mr. Robert Kulikowski  
Assistant to the Mayor  
253 Broadway 14th Fl  
New York, NY 10007

Dear Mr. Kulikowski:

In March 2009, the Port Authority of NY & NJ permanently closed in place a 10,000-gallon and two 5,000-gallon No. 2 Fuel Oil underground storage tanks (USTs) located at Building 146, John F. Kennedy International Airport. Please see the attached figure for the location of the tanks. After the closure process was completed, environmental hydroponches were installed around both excavations. The results of the post closure sampling indicated that there is no impact that can be attributed to these heating oil tanks.

There is still an open New York State Department of Environmental Conservation (NYSDEC) spill number (95013285) at the Building 146 site. The former tenant (Oscar) called in this spill in 1995 after they removed the gasoline tanks from the site. The contamination from this spill is still present in the soil and groundwater around the area of the former gasoline dispensers. The Port Authority of NY & NJ intends to remediate the area by means of in-situ chemical oxidation, followed by natural attenuation.

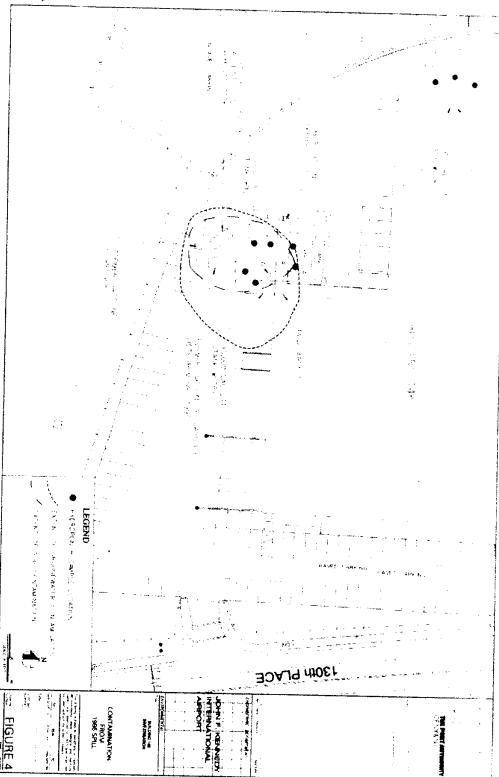
Should you have any further questions, do not hesitate to call me at (718) 244-3568.

Sincerely,

*Demise A. Branch*  
Demise A. Branch  
Manager, Environmental Services  
Kennedy International Airport

Attachment

Cc: D. Rice



For Internal Use Only: WRP no. \_\_\_\_\_  
Date Received: \_\_\_\_\_ 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**

- Name: Flying Food Group, LLC
- Address: JFK International Airport, Building 46, near Bergen Road and 130th Place, Queens
- Telephone: 718--301--8022 Fax: 718-995-7013 E-mail: tmurphy@flying food.com
- Project site owner: New York City

**B. PROPOSED ACTIVITY**

- Brief description of activity:  
Reoccupy a former food preparation building (Building 146) on JFK International Airport (the "Airport") for reuse for food preparation for airline companies.
- Purpose of activity:  
Relocation to the Airport brings the company's operations closer to its customer base resulting in shorter turnaround times and better service and relocates an Airport ancillary use from the surrounding neighborhood outside of the Airport, thus also reducing Airport-related traffic from local streets beyond its borders.
- Location of activity: (street address/borough or site description):  
Building 146 is reached from the main entrance to the Airport at Building 146, located near the intersection of Bergen Road and 130th Place.

WRP consistency form - January 2003

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**Proposed Activity Cont'd**

- 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:  
None required.
- Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
No.
- Will the proposed project require the preparation of an environmental impact statement?  
Yes \_\_\_\_\_ No  If yes, identify Lead Agency:
- Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.  
City Council adoption and Mayoral approval of legislation approving the designation of the Flying Food Group as a regionally significant Empire Zone facility and site

**C. COASTAL ASSESSMENT**

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?		<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?		<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		<input checked="" type="checkbox"/>
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program 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.

- Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)
- Is the project site appropriate for residential or commercial redevelopment? (1.1)
- Will the action result in a change in scale or character of a neighborhood? (1.2)

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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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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**

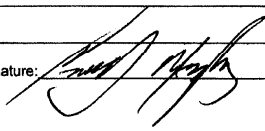
The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can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

Address: Building 146, JFK International Airport, near intersection of Bergen Road and 130th Place, Queens

Telephone: 718-301-8022

Applicant/Agent Signature:  Date: August 14, 2009

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

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ATTACHMENT C

FLYING FOOD GROUP LLC

JOHN F KENNEDY INTERNATIONAL AIRPORT

Analysis of Potentially Affected Coastal Policies as Defined in the New York City Waterfront Revitalization Program

POLICY QUESTION 5 Is the project site appropriate for residential or commercial redevelopment?

Policy 1.1 **Encourage commercial and residential redevelopment in appropriate coastal zone areas.**

The project site is located within one of the country's largest airport complexes which houses a plethora of ancillary support uses to air travel terminals. These include a variety of manufacturing and commercial uses. The airport complex has a full array of infrastructure such as roads, water and sewer facilities, etc. to support the air terminal complex. The project will reoccupy a building which previously housed an identical use, thus supporting airport operations and enhancing the revenue generating ability of the airport.

## ATTACHMENT D

Proposed Int. No. 890-A

By Council Members White Jr., Comrie, James and Palma

## A Local Law

To amend the administrative code of the city of New York, in relation to regionally significant projects and empire zones.

Be it enacted by the Council as follows:

Section 1. Statement of legislative findings and intent. Under Section 957(d)(i) of the General Municipal Law, certain business enterprises located outside the boundaries of an Empire Zone may still be eligible for Empire Zone benefits as a "regionally significant project" because the economic activity of such enterprise is of a nature that is encouraged by the State, and the Administrative Board of such Empire Zone authorizes the designation of such business as a regionally significant project. The New York State Department of Economic Development and the South Jamaica Empire Zone Administrative Board have determined that Flying Food Group LLC, a manufacturer and food processing and packaging company serving 85 airlines and nationally known retail food chains is projected to create more than 100 new jobs and has been provisionally approved for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law.

§2. Chapter 7 of title 22 of the administrative code of the city of New York is amended by adding new section 22-719 to read as follows:

§22-719 Authorization for the designation of a regionally significant project. a. Pursuant to the provisions of article 18-B of the general municipal law, a business enterprise may be designated as a regionally significant project if the criteria set forth in paragraph i of subdivision d of section 957 of such article are met.

b. By a resolution of the South Jamaica empire zone administrative board, dated June 30, 2008, such administrative board, in accordance with the provisions of article 18-B of the general municipal law, supported the designation of Flying Food Group LLC, having federal employer identification number 36-4331472 and located at building 146, JFK International Airport, in the borough of Queens, as a regionally significant project.

c. Pursuant to the provisions of article 18-B of the general municipal law, such regionally significant project shall be as set forth as follows:

Flying Food Group LLC, having federal employer identification number 36-4331472 and at building 146, JFK International Airport, in the borough of Queens also known as Block: 14260 Lot: 1, in the borough of Queens.

§3. This local law shall take effect immediately.

LS 6586 Flying Foods RSP  
7-21-09

THOMAS WHITE JR., Chairperson; DIANA REYNA, ALAN J. GERSON, ALBERT VANN, DAVID YASSKY, LETITIA JAMES, KENNETH C. MITCHELL, Committee on Economic Development, August 18, 2009.

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

## Reports of the Committee on Finance

Report for Res. No. 2096-A

**Report of the Committee on Finance in favor of approving, as amended, a Resolution concerning the extension of the Times Square Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the extension of such district.**

The Committee on Finance, to which was referred on July 29, 2009 (Minutes, page 4381) the annexed amended resolution, respectfully

## REPORTS:

Today, the Committee on Finance will consider Proposed Resolution No. 1290-A, a resolution setting the date, time and place for the public hearing on the extension of the Times Square Business Improvement for September 16, 2009 at 11:00 a.m. in the City Council Committee Meeting Room.

**ANALYSIS:**

This Proposed Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the "BID Law"), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would extend the Times Square Business Improvement District (the "Times Square BID").

The hearing on the local law and the Times Square BID plan, as amended, will be held on September 16, 2009, in the City Council Committee Room, 2nd Floor, City Hall at 11:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the Times Square District Management Association.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The

additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

Accordingly, Your Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 2096-A:)**

Res. No. 2096-A

**Resolution concerning the extension of the Times Square Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the extension of such district.**

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

**WHEREAS**, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Board of Estimate of the City of New York, by a resolution dated July 19, 1990 (Cal. No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square Business Improvement District (the "District") in the Borough of Manhattan; and

**WHEREAS**, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation extending Business Improvement Districts; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended District Plan (the "Amended Plan") for the Times Square Business Improvement District to the City Planning Commission (the "CPC") on March 3, 2009; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the City Council on March 9, 2009; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the proposed extended district is located on March 9, 2009; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the community boards (Manhattan Community Board Number 4 and 5, hereinafter the "Community Boards") for the community districts in which the proposed extended district is located on March 9, 2009; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the Community Board 4 notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, Community Board 4 conducted a public hearing on April 1, 2009; and

**WHEREAS**, on April 1, 2009, the Community Board voted to approve the extension of the District; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Amended Plan, held a public hearing and prepared a report certifying its unqualified approval of the Amended Plan; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the affected Borough President, to the City Council and to the Council Member representing the council district in which the proposed extended district is located; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the Original and Amended Plans, was transmitted for filing with the City Clerk on May 20, 2009; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, Municipal Building, Room 265, New York, New York; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the extended District, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) September 16, 2009 is the date and 11:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the extension of the District;

(ii) the Times Square District Management Association shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the Times Square District Management Association, Inc. mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ALAN J. GERSON, ERIC N. GIOIA, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 20, 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 Res. No. 2139-A

**Report of the Committee on Finance in favor of approving as amended, a Resolution concerning an amendment to the District Plan of the Times Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.**

The Committee on Finance, to which was referred on July 29, 2009 (Minutes, page 4383) the annexed amended resolution, respectfully

**REPORTS:**

This resolution sets a date for a public hearing pursuant to requests from the Times Square Business Improvement District ("BID") to change the method of assessment upon which the district charge is based as of July 1, 2009.

Pursuant to § 25-410(b) of the Administrative Code, a BID may change their method of assessment by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the BID is based.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the proposed change in the method of assessment.

Currently, the assessment method for the Times Square BID is based on assessed value. This Resolution sets the date for the local law that provides for a change in the method of assessment upon which the district charge is based. The recent construction of the Bank of America Tower at One Bryant Park is the reason for the change in the method of assessment. The Bank of America Tower occupies a site that falls partly within the Times Square BID and the extended Bryant Park BID. This bill would authorize a change in the method of assessment by creating an additional new class of commercial properties that exist on more than one tax lot that has been combined and now exists within the boundaries of more than one BID. The Bank of America Tower shall be assessed in the following manner: \$150,000 x (the BID's current year approved budget ÷ the BID's fiscal year 2008 budget). The assessment formula change would result in a fair assessment of all commercial properties within the District.

The date set by this resolution for the hearing on the legislation that would change the method of assessment in the Times Square BID is September 16, 2009 at 11:00 a.m. in the Committee Room in City Hall.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Res. No. 2139-A:)

Res. No. 2139-A

**Resolution concerning an amendment to the District Plan of the Times Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.**

By Council Members Weprin and Comrie (by request of the Mayor).

**Whereas**, pursuant to the authority formerly granted to the Board of Estimate by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Board of Estimate, by a resolution dated July 19, 1990 (Cal. No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square Business Improvement District (the "District") in the Borough of Manhattan; and

**Whereas**, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas**, pursuant to Section 25-410(b) of the Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

**Whereas**, the Times Square Business Improvement District wishes to amend the District Plan in order to provide for changes in the method of assessment upon which the district charge is based; and

**Whereas**, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based; now, therefore, be it

**Resolved**, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) September 16, 2009 is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and 11:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Times Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not

less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ALAN J. GERSON, ERIC N. GIOIA, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 20, 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 Res. No. 2147

**Report of the Committee on Finance in favor of approving Resolution approving the new designation and changes in the designation of certain organizations to receive funding pursuant to the fiscal 2007, Fiscal 2009, and Fiscal 2010 expense budgets**

The Committee on Finance, to which was referred on August 20, 2009 the annexed resolution, respectfully

#### REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"). On June 29, 2006 and June 29, 2008, the Fiscal 2007 and Fiscal 2009 Expense Budgets were adopted, respectively.

Analysis. This Resolution, dated August 20, 2009, sets forth a new Designation Method for the HIV/AIDS Communities of Color (Prevention & Education) Program. The designation method for such Program listed in the Fiscal 2010 Expense Budget read: "The City Council will designate this funding based on a request for applications (RFA) administered by New York City Public Health Works." This Resolution now changes the Designation Method to read: "The City Council will designate this funding based on a request for applications (RFA) administered by Public Health Solutions."

In addition, the Fiscal 2009 Expense Budget included \$30,000 for the Wayside Out-Reach Development, Inc. within the Healthy Aging Initiative. The language within the Fiscal 2009 Expense Budget with regard to the Description/Scope of Services read: "Rosetta Gaston Senior Center". This Resolution now changes the purpose of funding to read: "To provide fitness equipment for the following senior centers:

- 1) Abe Stark Senior Center - 11-3199040
- 2) Boulevard Senior Center - 11-3528680
- 3) Brookdale Senior Residents - 03-0488857
- 4) Cypress Hill – Fountain Avenue Seniors - 11-3528680
- 5) Louis H. Pink Senior Center - 11-3080634
- 6) Penn Wortman Senior Center - 11-3080634
- 7) Rosetta Gaston Senior Center - 11-3528680
- 8) Spring Creek Senior Center - 11-2297647
- 9) Unity Plaza / Long Island Baptist Senior Center - 11-3556789
- 10) Vandalia Senior Center - 11-3199040."

Lastly, this Resolution approves new designation and changes in the designation of certain organizations to receive local, aging, and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. In addition, this Resolution approves the new designation, changes in the designation, and technical correction of legal names of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget. This Resolution also approves new designation and changes in the designation of certain organizations to receive funding in accordance with the Fiscal 2009 and Fiscal 2007 Expense Budgets.

It is to be noted that pending a budget modification, funding in the amount of \$4,572,000.00 for the Out of School Time Option II PEG Restoration Initiative within the budget of the Department of Youth and Community Development will be transferred, in various amounts, to the following organizations:

- 1) City Council Cancer Initiative within the budget of the Department of Mental Health & Hygiene;
- 2) Community College Administration and Operations PEG Restoration within the budget of the City University of New York.
- 3) Universal Pre-Kindergarten within the budget of the Department of Education;
- 4) Shelter Beds for At Risk, Runaway & Homeless Youth Initiative within the budget of the Department of Youth and Community Development;
- 5) District Attorney, Manhattan;
- 6) District Attorney, Bronx;
- 7) District Attorney, Brooklyn;
- 8) District Attorney, Queens;
- 9) District Attorney, Staten Island; and
- 10) Special Narcotics Prosecutor

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designation and/or changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2009, and Fiscal 2010 Expense Budgets.

This Resolution sets forth new designation and specific changes in the designation of certain organizations to receive, in accordance with the Fiscal 2010 Expense Budget, local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designation and specifies changes in the designation of organization to receive aging discretionary funding, as described in Chart 2, attached hereto as Exhibit B; and sets forth new designation and specific changes in the designation of certain organizations to receive youth discretionary funding, as described in Chart 3, attached hereto as Exhibit C. Also, this Resolution sets forth the new designation and the changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2010 Expense Budget, as described in Charts 4-20, attached hereto as Exhibits D-T; and sets forth name corrections in the designation of organizations to receive funding in accordance with the Fiscal 2010 Expense Budget, as described in Chart 21, attached hereto as Exhibit U. Additionally, this Resolution sets forth the new designation and the changes in the designation of organizations to receive local initiative funding, aging discretionary funding, and funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2009 Expense Budget, as described in Charts 22-24, attached hereto as Exhibits V-X. Finally, this Resolution sets forth new designation of organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2007 Expense Budget, as described in Chart 25, attached hereto as Exhibit Y.

The Charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2009 Expense Budget, dated June 29, 2008; name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2007 Expense Budget, dated June 29, 2006; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations to receive local discretionary funding in accordance with the Fiscal 2010 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2010 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2010 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of the YMCA Virtual Y Program within the Initiative of the same name in accordance with the Fiscal 2010 Expense Budget. Chart 4 indicates an EIN correction and name correction. As indicated in Chart 4, funding in the amount of \$500,000.00 for the YMCA Virtual Y Program with EIN 11-2030172 has been withdrawn. The correct name of the organization is Young Men's Christian Association of Greater New York-Virtual Y Program and the correct EIN is 13-1624228. Chart 4 reflects the proper designation of the \$500,000 to the Young Men's Christian Association of Greater New York-Virtual Y Program with EIN 13-1624228.

Chart 5 sets forth the new designation and changes in the designation of certain organizations to receive funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 5 indicates a name clarification. As indicated in Chart 5, funding in the amount of \$60,000.00 for the New Settlement Apartments has been withdrawn. This funding will be used to fund the Crenulated Company LTD, The

Chart 6 sets forth the new designation of Harlem Hospital Center pursuant to the Hip Hop Heals Initiative. Chart 6 indicates an EIN correction. EIN 13-2655001 was provided to the Council as the EIN for the Harlem Hospital Center in the Fiscal 2010 Expense Budget. The correct EIN for this organization is 13-3092676. Chart 6 reflects the proper designation of funding to the Harlem Hospital Center with EIN 13-3092676.

Chart 7 sets forth the new designation of certain organizations to receive funding pursuant to the Adult Rental Assistance Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 8 sets forth the new designation of certain organizations to receive funding pursuant to the Neighborhood Youth Alliance/Street Outreach Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 9 sets forth the new designation of certain organizations to receive funding pursuant to the Cancer Prevention Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 10 sets forth the new designation of certain organizations to receive funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 11 sets forth the new designation of certain organizations to receive funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 12 sets forth the new designation of certain organizations to receive funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 13 sets forth the new designation of certain organizations to receive funding pursuant to the Shelter Beds for At Risk, Runaway and Homeless Youth Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 14 sets forth the new designation and changes in the designation of certain organizations to receive funding pursuant to the DOVE Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 15 sets forth the new designation of a certain organization to receive funding pursuant to the Legal Services for Domestic Violence Victims Initiative. Chart 15 indicates a technical correction to the funding amount designated to Safe Horizon. In the Fiscal 2010 Expense Budget, \$725,000 was designated to the organization. Chart 15 reflects the proper funding amount of \$125,000 to the organization.

Chart 16 sets forth the new designation of certain organizations to receive funding pursuant to the Legal Services for the Working Poor Initiative. Chart 16 indicates technical corrections to the funding amounts of organizations to receive funding pursuant to the Initiative. In the Fiscal 2010 Expense Budget, \$252,500 was designated to the organizations specified in Chart 15. Chart 15 reflects the proper funding amount of \$262,500 to such organizations.



Chart 17 sets forth the new designation of certain organizations to receive funding pursuant to the Intergenerational Programs PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 18 sets forth the new designation of certain organizations to receive funding pursuant to the Social Adult Day Care PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 19 sets forth the new designation of certain organizations to receive funding pursuant to the Elder Abuse Prevention PEG Restoration Initiative.

Chart 20 sets forth the new designation of certain organizations to receive funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 21 sets forth corrections to the legal names of organizations to receive funding in accordance with the Fiscal 2010 Expense Budget.

Chart 22 sets forth the new designation and changes in the designation of certain organizations to receive local discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Chart 23 sets forth the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Chart 24 sets forth the new designation of certain organizations to receive funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2009 Expense Budget.

Chart 25 sets forth the new designation of certain organizations to receive funding pursuant to the Anti-Gang Initiative in accordance with the Fiscal 2007 Expense Budget.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2009, and Fiscal 2010 Expense Budgets. Such Resolution would take effect as of the date of adoption of the Fiscal 2007, Fiscal 2009, and Fiscal 2010 Expense Budgets.

Accordingly, Your Committee recommends its adoption.

**(The following is the text of Res. No. 2147:)**

Res. No. 2147

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Member Weprin.

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

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Designation Method for the HIV/AIDS Communities of Color (Prevention and Education) Program; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Description/Scope of Services for the Wayside Outreach Development, Inc. within the Healthy Aging Initiative; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive local, aging and youth discretionary funding, and by approving the new designation, changes in the designation, and technical corrections to the legal names of certain

organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2010 Expense Budget;

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

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive local initiative and youth discretionary funding, and by approving the new designation of certain organizations to receive funding pursuant to Healthy Aging Initiative in accordance with the Fiscal 2009 Expense Budget; and

**Whereas,** On June 29, 2006, the City Council adopted the Fiscal 2007 Expense Budget with various programs and initiatives (the "Fiscal 2007 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2007 Expense Budget by approving the new designation of certain organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2007 Expense Budget; now, therefore, be it

**Resolved,** That the City Council approves the new Designation Method for the HIV/AIDS Communities of Color (Prevention & Education) Program to read as follows: "City Council will designate this funding based on a request for applications (RFA) administered by Public Health Solutions."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the

Wayside Out-Reach Development, Inc. within the Healthy Aging Initiative to read as follows:

"To provide fitness equipment for the following senior centers:

Abe Stark Senior Center - 11-3199040

Boulevard Senior Center - 11-3528680

Brookdale Senior Residents - 03-0488857

Cypress Hill - Fountain Avenue Seniors - 11-3528680

Louis H. Pink Senior Center - 11-3080634

Penn Wortman Senior Center - 11-3080634

Rosetta Gaston Senior Center - 11-3528680

Spring Creek Senior Center - 11-2297647

Unity Plaza / Long Island Baptist Senior Center - 11-3556789

Vandalia Senior Center - 11-3199040."; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive local discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 2, attached hereto as Exhibit B; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 3, attached hereto as Exhibit C; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of the YMCA Virtual Y Program within the initiative of the same name in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 4, attached hereto as Exhibit D; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of a certain organization to receive funding within the Housing Preservation Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 5, attached hereto as Exhibit E; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of the Harlem Hospital Center within the Hip Hop Heals Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 6, attached hereto as Exhibit F; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Adult Rental Assistance Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Neighborhood Youth Alliance/Street

Outreach Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within Prevention Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Children Under Five Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Mental Health Contracts Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Shelter Beds for At Risk, Runaway and Homeless Youth Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 13, attached hereto as Exhibit M; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the DOVE in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 14, attached hereto as Exhibit N; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of Safe Horizon within the Domestic Violence Victims Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 15, attached hereto as Exhibit O; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the Working Poor Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 16, attached hereto as Exhibit P; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Intergenerational Programs PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 17, attached hereto as Exhibit Q; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Social Adult Day Care PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 18, attached hereto as Exhibit R; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Elder Abuse Prevention PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 19, attached hereto as Exhibit S; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Healthy Aging Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 20, attached hereto as Exhibit T; and be it further

**Resolved,** That the City Council approves the technical corrections made to the legal names of organizations to receive funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 21, attached hereto as Exhibit U; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive local initiative funding in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 22, attached hereto as Exhibit V; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 23, attached hereto as Exhibit W; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the Healthy Aging

Initiative in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 24, attached hereto as Exhibit X; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Anti-Gang Initiative in accordance with the Fiscal 2007 Expense Budget as set forth in Chart 25, attached hereto as Exhibit Y.

ATTACHMENT:

# EXHIBIT A

CHART 1: Local Initiatives

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various community organizations and their funding details.

\* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Continuation of the first chart.

\* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Continuation of the first chart.

\* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agy #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Continuation of the first chart.

\* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Gerson, Mendez, Garodnick, Lappin, Brewer, Jackson, Viverito, Dickens, Martinez	New York Therapeutic Riding Center	13-3987945	DYCD	(\$3,500.00)	260	312
Gerson, Mendez, Garodnick, Lappin, Brewer, Jackson, Viverito, Dickens, Martinez	New York Therapeutic Riding Center	13-3104541	DYCD	\$3,500.00	260	312
Arroyo	South Bronx Concerned Citizens, Inc.	58-2435698	DYCD	(\$12,500.00)	260	005
Arroyo	South Bronx Concerned Citizens, Inc.	58-2435628	DYCD	\$12,500.00	260	005
Dickens	Links, Inc., The	11-6078912	DOHMH	(\$5,000.00)	816	113
Dickens	North General Hospital	13-2996345	DOHMH	\$5,000.00	816	113
Fidler	Young Israel of Bedford Bay	11-2327564	DFTA	(\$8,500.00)	125	003
CC	Community Health Care Network	11-1993448	DFTA	\$8,500.00	125	003
		13-3083066	DOHMH	\$142,000.00	816	113
				<b>\$142,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT B

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Quinn	VISIONS/Services to the Blind and Visually Impaired	13-1828310	DFTA	(\$10,000.00)	125	003	VISIONS/Services to the Blind and Visually Impaired	
Eugene	VISIONS/Services to the Blind and Visually Impaired	16-1101418	DFTA	(\$5,000.00)	125	003	VISIONS/Services to the Blind and Visually Impaired	
Eugene	Consortium for Haitian Empowerment, Inc.	11-2844728	DFTA	(\$5,000.00)	125	003	Consortium for Haitian Empowerment, Inc.	
Eugene	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$5,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	
Eugene	Brookdale Senior Citizens Center, Inc.	11-2935581	DFTA	(\$2,000.00)	125	003	Brookdale Senior Citizens Center, Inc.	
Eugene	Brookdale Senior Citizens Center, Inc.	11-2772787	DFTA	\$7,250.00	125	003	Brookdale Senior Citizens Center, Inc.	
Eugene	St. Gabriel's Episcopal Church Senior Center	11-2706452	DFTA	(\$10,000.00)	125	003	St. Gabriel's Episcopal Church Senior Center	
Eugene	Don Dorn Group	11-3223840	DFTA	\$9,750.00	125	003	Don Dorn Group	
Eugene	Northeastern Conference of Seventh Day Adventists, Inc.	05-0552575	DFTA	\$15,000.00	125	003	Northeastern Conference of Seventh Day Adventists, Inc.	
Eugene	St. Gabriel's Episcopal Church Senior Center	11-2445311	DFTA	\$15,000.00	125	003	St. Gabriel's Episcopal Church Senior Center	
Eugene	St. Gabriel's Episcopal Church Senior Center	11-2445312	DFTA	\$15,000.00	125	003	St. Gabriel's Episcopal Church Senior Center	
Arroyo	Harris Point Multi-Service Center, Inc.	13-2812562	DFTA	(\$7,573.00)	125	003	Harris Point Multi-Service Center, Inc.	
Arroyo	Harris Point Multi-Service Center, Inc.	13-2812562	DFTA	(\$7,573.00)	125	003	Harris Point Multi-Service Center, Inc.	
Ignacio	St. Gabriel's Episcopal Church Senior Center	11-2844728	DFTA	(\$5,000.00)	125	003	St. Gabriel's Episcopal Church Senior Center	
Ignacio	Meals on Wheels of Staten Island, Inc.	13-2844728	DFTA	(\$5,000.00)	125	003	Meals on Wheels of Staten Island, Inc.	
Simondis	Services Now for Adult Persons (SNAP), Inc.	11-2331538	DFTA	(\$5,000.00)	125	003	Services Now for Adult Persons (SNAP), Inc.	
Simondis	Services Now for Adult Persons (SNAP), Inc.	11-2511783	DFTA	\$9,000.00	125	003	Services Now for Adult Persons (SNAP), Inc.	
Gentile	Regina Young at Heart	11-2897931	DFTA	(\$1,000.00)	125	003	Regina Young at Heart	
Gentile	Regina Young at Heart	EX12357	DFTA	\$1,000.00	125	003	Regina Young at Heart	11-8897931
Barron	Unity Plaza Long Island Baptist Senior Club	13-640434	DFTA	(\$5,000.00)	125	003	Unity Plaza Long Island Baptist Senior Club	
Barron	Unity Plaza Long Island Baptist Senior Club	11-5667769	DFTA	\$5,000.00	125	003	Unity Plaza Long Island Baptist Senior Club	11-5667769
Katz	Queens Jewish Community Council, Inc.	23-7172152	DFTA	(\$1,300.00)	125	003	Queens Jewish Community Council, Inc.	
Katz	Queens Jewish Community Council, Inc.	23-7172152	DFTA	(\$1,300.00)	125	003	Queens Jewish Community Council, Inc.	13-2738818
Katz	Congregation Shaare Tova Senior Center	11-2478780	DFTA	(\$2,500.00)	125	003	Congregation Shaare Tova Senior Center	
Katz	Congregation Shaare Tova Senior Center	11-2478780	DFTA	(\$2,500.00)	125	003	Congregation Shaare Tova Senior Center	13-2738818
Katz	Jewish War Veterans	11-2811532	DFTA	(\$7,500.00)	125	003	Jewish War Veterans	13-2738818
Katz	Jewish War Veterans	11-2811532	DFTA	(\$7,500.00)	125	003	Jewish War Veterans	13-2738818
Katz	Workmen's Circle/Abeler Ring, Inc.	13-678558	DFTA	(\$2,800.00)	125	003	Workmen's Circle/Abeler Ring, Inc.	13-2738818
Katz	Workmen's Circle/Abeler Ring, Inc.	13-678558	DFTA	(\$2,800.00)	125	003	Workmen's Circle/Abeler Ring, Inc.	13-2738818
Katz	Rego Park Jewish Center	11-1872786	DFTA	(\$2,000.00)	125	003	Rego Park Jewish Center	13-2738818
Katz	Rego Park Jewish Center	11-1872786	DFTA	(\$2,000.00)	125	003	Rego Park Jewish Center	13-2738818
Fidler	Rego Park Jewish Center	11-1872786	DFTA	\$2,000.00	125	003	Rego Park Jewish Center	13-2738818
Fidler	Rego Park Jewish Center	11-1872786	DFTA	\$2,000.00	125	003	Rego Park Jewish Center	13-2738818
Felder	Bronx Jewish Center	11-2860113	DFTA	(\$5,500.00)	125	003	Bronx Jewish Center	13-2738818
Felder	Bronx Jewish Center	11-2860113	DFTA	(\$5,500.00)	125	003	Bronx Jewish Center	13-2738818
Stewart	Bronx Jewish Center	11-2860113	DFTA	(\$5,500.00)	125	003	Bronx Jewish Center	13-2738818
Stewart	Bronx Jewish Center	11-2860113	DFTA	(\$5,500.00)	125	003	Bronx Jewish Center	13-2738818
D'Elia	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	
D'Elia	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	13-2738818
Vassily	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	
Vassily	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	13-2738818
Vassily	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	
Vassily	Council of Jewish Organizations of Flatbush, Inc.	11-2844728	DFTA	(\$10,000.00)	125	003	Council of Jewish Organizations of Flatbush, Inc.	13-2738818
Vann	St. John's Recreation Center Senior Group	08-087140	DFTA	(\$5,000.00)	125	003	St. John's Recreation Center Senior Group	
Vann	St. John's Recreation Center Senior Group	01-087140	DFTA	(\$5,000.00)	125	003	St. John's Recreation Center Senior Group	
Rechia	St. John's Recreation Center Senior Group	11-1881818	DFTA	(\$5,000.00)	125	003	St. John's Recreation Center Senior Group	11-3019763
Rechia	St. John's Recreation Center Senior Group	11-1881818	DFTA	(\$5,000.00)	125	003	St. John's Recreation Center Senior Group	11-3019763
Rechia	St. Mary's Roman Catholic Church	11-1711832	DFTA	(\$5,000.00)	125	003	St. Mary's Roman Catholic Church	
Rechia	St. Mary's Roman Catholic Church	11-1711832	DFTA	(\$5,000.00)	125	003	St. Mary's Roman Catholic Church	11-3019763
Rechia	St. Simon and Jude Senior Group	11-1711832	DFTA	(\$5,000.00)	125	003	St. Simon and Jude Senior Group	
Rechia	St. Simon and Jude Senior Group	11-1711832	DFTA	(\$5,000.00)	125	003	St. Simon and Jude Senior Group	11-3019763

\* Indicates pending completion of pre-qualification review.

CHART 2: Aging Discretionary (continued)

Member	Organization	EIN Number	Agency	Amount	Agency #	U/A	Fiscal Conduct	Sponsoring Organization	Fiscal Conduct
Jackson	Washington Heights-Inwood Preservation and Restoration Corporation	13-2944830	DFTA	(\$8,000.00)	125	003		Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-279818
Jackson	Washington Heights-Inwood Preservation and Restoration Corporation	13-2944830	DFTA	\$8,000.00	125	003		Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-279818
Katz	Queens College Foundation	11-6885571	DFTA	(\$3,500.00)	125	003			
Katz	Queens College Foundation	11-6885571	DFTA	\$3,500.00	125	003			
Comrie	International Towers Senior Center	13-600571	DFTA	(\$4,000.00)	125	003			
Comrie	NYCHA International Towers Senior Center	13-600571	DFTA	\$4,000.00	125	003			
Gentile	Fort Hamilton Senior Center	13-6400434	DFTA	(\$1,500.00)	125	003			
Gentile	Park Department/Fort Hamilton Senior Center	13-6400434	DFTA	\$1,500.00	125	003			
Vacca	San Gennaro Senior Center	43-2061329	DFTA	(\$10,500.00)	125	003			
Vacca	San Gennaro Senior Center	52-489491	DFTA	\$10,500.00	125	003			

\* Indicates pending completion of pre-qualification review.

\$4.00

# EXHIBIT C

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agency #	U/A	Fiscal Conduct	Sponsoring Organization	Fiscal Conduct
Gentile	Base Theater Foundation, Inc.	13-1832106	DYCD	(\$2,500.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Inner City Handball Association, Inc.	11-3102237	DYCD	(\$1,000.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Midtown Management Group, Inc., The	13-3192793	DYCD	\$4,500.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Police Athletic League, Inc.	13-9598111	DYCD	(\$2,000.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Crowley	Queens Senior Center, Inc.	11-966267	DYCD	\$2,500.00	260	312			
Crowley	South Oceanside Boys and Girls Club, Inc.	11-966267	DYCD	\$2,500.00	260	312			
James	City Parks Foundation	13-2651657	DYCD	(\$5,000.00)	260	312			
James	City Parks Foundation	13-2651657	DYCD	\$5,000.00	260	312			
Brewer	Music Outreach - Learning Through Music, Inc.	13-7218997	DYCD	(\$3,500.00)	260	312			
Brewer	Music Outreach - Learning Through Music, Inc.	13-7218997	DYCD	\$3,500.00	260	312			
Whitt	Rockwell League, Inc.	13-2161434	DYCD	\$17,000.00	260	312			
Whitt	Rockwell League, Inc.	13-2161434	DYCD	\$17,000.00	260	312			
Vallone, Jr	St. Margaret Mary Roman Catholic Church	11-9962641	DYCD	(\$11,000.00)	260	312			
Vallone, Jr	St. Margaret Mary Roman Catholic Church	11-9962641	DYCD	\$11,000.00	260	312			
Gentile	Young Israel of Queens Valley	11-267876	DYCD	(\$5,000.00)	260	312		Samuel Feld YM & YWHA, Inc.	11-3071518
Gentile	Young Israel of Queens Valley	13-3813282	DYCD	\$5,000.00	260	312		Samuel Feld YM & YWHA, Inc.	11-3071518
Oddo	Zimmer Club Youth Conservation Program of Staten Island, Inc.	35-2262651	DYCD	(\$3,500.00)	260	312			
Oddo	Zimmer Club Youth Conservation Program of Staten Island, Inc.	35-2262651	DYCD	\$3,500.00	260	312			
Gentile	Brooklyn Association of the Performing Arts, Inc.	26-2678796	DYCD	(\$2,500.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Brooklyn Association of the Performing Arts, Inc.	26-2678796	DYCD	\$2,500.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	New York Latin Tennis League, Inc.	23-1442256	DYCD	\$2,500.00	260	312			
Gentile	New York Latin Tennis League, Inc.	23-1442256	DYCD	\$2,500.00	260	312			
Gentile	Galley 364	26-499524	DYCD	\$2,500.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Crowley	Salvatore LaRussa Dance Company, Inc.	32-0119937	DYCD	(\$2,000.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	25-7259702
Crowley	Salvatore LaRussa Dance Company, Inc.	32-0119937	DYCD	\$2,000.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	25-7259702
Crowley	Salvatore LaRussa Dance Company, Inc.	13-3164464	DYCD	\$2,000.00	260	312		Maspeith Town Hall, Inc.	25-7259702
Crowley	Salvatore LaRussa Dance Company, Inc.	13-3164464	DYCD	\$2,000.00	260	312		Maspeith Town Hall, Inc.	25-7259702
Gandnick	Council on the Environment of New York City, Inc. (CENYC)	13-2765465	DYCD	(\$3,500.00)	260	312			
Gandnick	Council on the Environment of New York City, Inc. (CENYC)	13-2765465	DYCD	\$3,500.00	260	312			
Mendez	Samartians of New York, Inc.	13-3164464	DYCD	(\$5,000.00)	260	312			
Mendez	Samartians of New York, Inc.	13-3164464	DYCD	\$5,000.00	260	312			
Mendez	Lower East Side Hispanic Committee, The	13-3150147	DYCD	\$3,500.00	260	312			
Mendez	Lower East Side Hispanic Committee, The	13-3150147	DYCD	\$3,500.00	260	312			
Katz	Queens Jewish Community Council, Inc.	23-1712152	DYCD	(\$6,000.00)	260	312			
Katz	Queens Jewish Community Council, Inc.	23-1712152	DYCD	\$6,000.00	260	312		Metropolitan New York Coordinating Council of 13-2738818	13-2738818
Katz	Queens Jewish Community Council, Inc.	23-1712152	DYCD	(\$6,000.00)	260	312		Metropolitan New York Coordinating Council of 13-2738818	13-2738818
Katz	Queens Jewish Community Council, Inc.	23-1712152	DYCD	\$6,000.00	260	312		Metropolitan New York Coordinating Council of 13-2738818	13-2738818
Katz	Project Lead, Inc.	13-3761446	DYCD	\$10,000.00	260	312		Queens Jewish Community Council, Inc.	25-7171152
Katz	Project Lead, Inc.	13-3761446	DYCD	\$10,000.00	260	312		Queens Jewish Community Council, Inc.	25-7171152
Staples	Brooklyn Hebrew Education Center	13-0652790	DYCD	(\$3,500.00)	260	312		Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-279818
Staples	Brooklyn Hebrew Education Center	13-0652790	DYCD	\$3,500.00	260	312		Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-279818
Staples	Unity Neighborhood Center, Inc.	13-4085654	DYCD	\$30,000.00	260	312			
Staples	Unity Neighborhood Center, Inc.	13-4085654	DYCD	\$30,000.00	260	312			
Shabrook	Community Works, Inc.	13-3889813	DYCD	(\$30,000.00)	260	312			
Shabrook	Community Works, Inc.	13-3889813	DYCD	\$30,000.00	260	312			
Shabrook	Unity Neighborhood Center, Inc.	13-4085654	DYCD	(\$25,000.00)	260	312			
Shabrook	Unity Neighborhood Center, Inc.	13-4085654	DYCD	\$25,000.00	260	312			
Shabrook	Fund for the City of New York, Inc. (VW Conservatory for the Future)	13-2612524	DYCD	(\$5,000.00)	260	312			
Shabrook	Fund for the City of New York, Inc. (VW Conservatory for the Future)	13-2612524	DYCD	\$5,000.00	260	312			
Shabrook	Roanoke League, Inc., The	13-9851476	DYCD	(\$5,000.00)	260	312			
Shabrook	Roanoke League, Inc., The	13-9851476	DYCD	\$5,000.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Young Audiences New York, Inc.	13-1987754	DYCD	(\$2,000.00)	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Young Audiences New York, Inc.	13-1987754	DYCD	\$2,000.00	260	312		Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Jackson	Gay and Lesbian Dominican Empowerment Organization (GLDO)	20-4798648	DYCD	(\$3,500.00)	260	312			
Jackson	Gay and Lesbian Dominican Empowerment Organization (GLDO)	20-4798648	DYCD	\$3,500.00	260	312			
Jackson	Gay and Lesbian Dominican Empowerment Organization (GLDO)	20-4798648	DYCD	(\$3,500.00)	260	312		Allianza Dominicana, Inc.	13-3402657
Jackson	Gay and Lesbian Dominican Empowerment Organization (GLDO)	20-4798648	DYCD	\$3,500.00	260	312		Allianza Dominicana, Inc.	13-3402657

\* Indicates pending completion of pre-qualification review.

\$4.00

# EXHIBIT D

**CHART 4: YMCA Virtual Y Program**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
YMCA Virtual Y Program	11-2030172	DYCD	(\$500,000.00)	260	312
Young Men's Christian Association of Greater New York - Virtual Y Program	13-1624228	DYCD	\$500,000.00	260	312
			<b>\$0.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT E

**CHART 5: Housing Preservation Initiative**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
New Settlement Apartments	14-1719016	HPD	(\$50,000.00)	806	009 *
Crenulated Company LTD, The	14-1719016	HPD	\$50,000.00	806	009 *
			<b>\$0.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT F

CHART 6: Hip Hop Heals

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Harlem Hospital Center	13-2655001	DOHMH	(\$400,000.00)	816	113
Harlem Hospital Center	13-3092676	DOHMH	\$400,000.00	816	113
			\$0.00		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT G

CHART 7: Adult Rental Assistance

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Church Avenue Merchants Block Association (CAMBA)	11-2480339	DHS	\$128,605.88	071	200
South Bronx Overall Economic Development Corporation	13-2736022	DHS	\$257,211.75	071	200
Volunteers of America-Greater New York	58-1959781	DHS	\$257,211.75	071	200
Black Veterans for Social Justice	11-2608983	DHS	\$121,934.45	071	200
Common Ground Community Housing Development Fund Corporation, Inc.	11-3048002	DHS	\$135,036.17	071	200
			\$900,000.00		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT H

CHART 8: Neighborhood Youth Alliance/Street Outreach

Organization	EIN Number	Agency	Amount	Agy #	U/A *
YMCA of Greater New York/Bedford Stuyvesant	13-1624228	DYCD	\$56,129	260	312
YMCA of Greater New York/Twelve Towns	13-1624228	DYCD	\$25,161	260	312
Good Shepherd Services	13-5598710	DYCD	\$14,710	260	312
Queens Community House, Inc.	11-2375583	DYCD	\$14,710	260	312
Bronx Community Pride Center, Inc.	06-1552851	DYCD	\$10,000	260	312
S.P.A.R.E., Inc.	68-0546091	DYCD	\$10,000	260	312
			<b>\$1,000,000</b>		

\* Indicates pending completion of pre-qualification review.

CHART 9: Cancer Prevention

Organization	EIN Number	Agency	Amount	Agy #	U/A *
American Cancer Society	16-0743902	DOHMH	\$1,250,000.00	816	113
American-Italian Cancer Foundation	13-3035711	DOHMH	\$115,000.00	816	113
Charles B. Wang Community Health Center, Inc.	13-2739694	DOHMH	\$30,000.00	816	113
Ridgewood Bushwick Senior Citizens Council, Inc. - Hope Gardens Multi-Service Center	11-2453853	DOHMH	\$105,000.00	816	113
Self-Help for Women with Breast or Ovarian Cancer (SHARE), Inc.	13-3131914	DOHMH	\$50,000.00	816	113
Sharing & Careing	11-3220371	DOHMH	\$50,000.00	816	113
			<b>\$1,600,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT I

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Aspira of New York, Inc.	13-6204790	DYCD	\$14,710	260	312
Catholic Charities Neighborhood Services, Inc.	11-2047151	DYCD	\$14,710	260	312
Church Avenue Merchants Block Association (CAMBA)	11-2480339	DYCD	\$14,710	260	312
Citizens Advice Bureau, Inc.	13-3254484	DYCD	\$14,710	260	312
Community Mediation Services, Inc.	11-2663007	DYCD	\$14,710	260	312
Council For Unity, Inc.	11-2880221	DYCD	\$14,710	260	312
EI Puente De Williamsburg	11-2614265	DYCD	\$169,355	260	312
Federation Employment and Guidance Service, Inc.	13-1624000	DYCD	\$14,710	260	312
Friends of Island Academy	13-3576756	DYCD	\$14,710	260	312
Asian American Consulting Services, Inc.	13-3652716	DYCD	\$14,710	260	312
Henry Street Settlement, Inc.	13-1562242	DYCD	\$14,710	260	312
Madison Square Boys & Girls Club	13-5596792	DYCD	\$31,548	260	312
Midwood Development Corporation	11-2420752	DYCD	\$14,710	260	312
Phipps Community Development	13-2707665	DYCD	\$33,871	260	312
New York City Outward Bound Center	13-3471064	DYCD	\$14,710	260	312
Supportive Childrens Advocacy Network (SCAN)	13-2912963	DYCD	\$14,710	260	312
School Settlement Association	11-1646304	DYCD	\$14,710	260	312
Seaman's Society for Children and Families	13-5563010	DYCD	\$14,710	260	312
SCO Family of Services	11-2777066	DYCD	\$14,710	260	312
Stanley M. Isaacs Neighborhood Center, Inc.	13-2572034	DYCD	\$14,710	260	312
Variety Boys & Girls Club of Queens, Inc.	11-6014770	DYCD	\$14,710	260	312
Washington Heights- Inwood Coalition, Inc	13-2989768	DYCD	\$14,710	260	312
Chinese American Planning Council	13-6202692	DYCD	\$11,516	260	312
Crown Heights Youth Collective, Inc.	11-2506422	DYCD	\$66,871	260	312
Federation of Italian-American Organizations of Brooklyn	11-2507910	DYCD	\$56,032	260	312
Queens Community House, Inc.	11-2375583	DYCD	\$33,968	260	312
Hetrick-Martin Institute, Inc.	13-3104537	DYCD	\$10,000	260	312
Jacob A. Ritis Neighborhood Settlement, Inc.	11-1729398	DYCD	\$10,000	260	312
La Asociacion Benefica Cultural Father Billini	11-2548753	DYCD	\$26,613	260	312
Lincoln Square Neighborhood Center, Inc.	13-1825918	DYCD	\$10,000	260	312
Mind-Builders Creative Arts Center	13-2988157	DYCD	\$10,000	260	312
YMCA of Greater New York/Prospect Park	13-1624228	DYCD	\$10,000	260	312
Riverdale Community Center, Inc.	13-2899410	DYCD	\$10,000	260	312
Rockaway Development & Revitalization Corporation	11-2575794	DYCD	\$24,097	260	312
Tolentine-Zeiser Community Life Center, Inc	13-3131888	DYCD	\$55,935	260	312
Safe Horizon, Inc	13-2946970	DYCD	\$20,000	260	312



# EXHIBIT J

CHART 10: Children Under Five

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Child Center of New York, Inc., The	11-1733454	DOHMH	\$75,042.64	816	120
Coalition for Hispanic Family Services, Inc.	13-3546023	DOHMH	\$69,395.24	816	120
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	\$97,739.77	816	120
OHEL Children's Home and Family Services	11-6078704	DOHMH	\$75,042.64	816	120
Safe Space, Inc.	11-1771014	DOHMH	\$386,262.43	816	120
Staten Island Mental Health Society, Inc.	13-5623279	DOHMH	\$75,042.64	816	120
University Settlement Society of New York	13-5582374	DOHMH	\$356,261.45	816	120
Yeshiva University-Albert Einstein College of Medicine/Rose F. Kennedy Center for Research in Mental Retardation and Developmental Disabilities	13-1624225	DOHMH	\$495,213.19	816	120
			<b>\$1,600,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT K

CHART 11: Mental Health Contracts

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Alianza Dominicana, Inc.	13-3402057	DOHMH	\$80,000.00	816	120
Center for Urban and Community Services, Inc.	13-3687891	DOHMH	\$185,000.00	816	120
Child Center of New York, Inc., The	11-1733454	DOHMH	\$73,000.00	816	120
Children's Aid Society, The	13-5562191	DOHMH	\$170,000.00	816	120
Ciccarelli Associates, Inc.	13-3020576	DOHMH	\$193,251.00	816	120
Coalition of Behavioral Health Agencies, Inc., The	13-2729071	DOHMH	\$100,000.00	816	120
Federation Employment and Guidance Service (FEGS), Inc. - Link Forensic Mental Health Program	13-1624000	DOHMH	\$106,749.00	816	120
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	\$2,000.00	816	120
Samaritans of New York, Inc.	13-3164454	DOHMH	\$50,000.00	816	120
St. Barnabas Hospital	13-1740122	DOHMH	\$15,000.00	816	120
			<b>\$975,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT L

CHART 12: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Caribbean Women's Health Association	13-3323168	DOHMH	\$119,591.65	816	113 *
Bronx Health Link	13-4045022	DOHMH	\$160,961.15	816	113 *
Brooklyn Perinatal Network Inc	13-3428222	DOHMH	\$162,913.66	816	113
Federation of County Networks	13-4156022	DOHMH	\$160,961.15	816	113
Northern Manhattan Perinatal Partnership	13-3782555	DOHMH	\$170,725.66	816	113
Queens Comprehensive Perinatal Council	11-2870422	DOHMH	\$160,961.15	816	113 *
Alianza Dominicana	13-3402057	DOHMH	\$26,101.14	816	113 *
Community Healthcare Network (Manhattan)	13-3083068	DOHMH	\$26,101.14	816	113
Lower East Side Family Union	23-7412423	DOHMH	\$29,358.58	816	113
Trustees of Columbia University of the City of NY (Harlem Health Promotion Center)	13-5698093	DOHMH	\$26,101.14	816	113 *
William F. Ryan Health Center	13-2884976	DOHMH	\$29,358.58	816	113 *
Abundant Life	11-3454382	DOHMH	\$19,586.25	816	113 *
Bedford Stuyvesant Family Health Center	11-2412205	DOHMH	\$26,101.14	816	113 *
Brownsville Youth Association	11-3553407	DOHMH	\$16,328.81	816	113 *
Church Avenue Merchants Block Association (CAMBA)	11-2480339	DOHMH	\$25,794.94	816	113
Fort Greene Strategic Neighborhood Action Partnership	11-3343941	DOHMH	\$26,101.14	816	113
Greater Southern Brooklyn Health Coalition	11-3484928	DOHMH	\$25,794.94	816	113 *
Diaspora Community Services, Inc.	11-3122295	DOHMH	\$25,794.94	816	113 *
Ridgewood Bushwick Senior Citizen Council (dba Hope Garden)	11-2453853	DOHMH	\$26,101.14	816	113
Christopher Rose Community Empowerment Campaign, Inc.	11-3423612	DOHMH	\$19,586.25	816	113 *
Christ The Rock	62-1823291	DOHMH	\$19,586.25	816	113 *
Clergy United for Community Empowerment, Inc.	11-3030795	DOHMH	\$26,101.14	816	113
Forestdale, Inc.	11-1631747	DOHMH	\$26,101.14	816	113
Haitian Americans United For Progress, Inc.	11-2423857	DOHMH	\$19,586.25	816	113
Joseph P. Addabbo Family Health Center	06-1181226	DOHMH	\$26,101.14	816	113 *
Queens Health Coalition, Inc.	11-3320584	DOHMH	\$26,101.14	816	113 *
Visiting Nurse Service of New York Home Care, Inc.	13-1624211	DOHMH	\$26,101.14	816	113
Community Healthcare Network (Bronx)	13-3083068	DOHMH	\$23,495.18	816	113
Hunts Point Multi-Service Center	13-2612532	DOHMH	\$23,495.18	816	113 *
Morris Heights Health Center	06-1081232	DOHMH	\$23,495.18	816	113 *
African Services Committee	13-3749744	DOHMH	\$23,495.18	816	113 *
Citizen Advice Bureau	13-3254484	DOHMH	\$23,495.18	816	113 *
Good Shepherd Services	13-5598710	DOHMH	\$23,495.18	816	113
Planned Parenthood of NYC	13-2621487	DOHMH	\$23,495.18	816	113
St. Barnabas Hospital	13-1740122	DOHMH	\$23,495.18	816	113 *

# EXHIBIT M

CHART 12: Infant Mortality Reduction (continued)

Women's Housing and Economic Development Corporation (W)	11-3099604	DOHMH	\$23,495.18	816	113 *
Richmond University Medical Center	74-3177454	DOHMH	\$9,793.12	816	113 *
Staten Island University Hospital	11-2868878	DOHMH	\$9,793.13	816	113 *
SCO-Family of Services (Brooklyn NFP)	11-2777066	DOHMH	\$358,360.13	816	113
Community Healthcare Network	13-3083068	DOHMH	\$234,577.37	816	113
Mount Sinai (Manhattan) - Bayard Rustin SBHC	13-1624096	DOHMH	\$169,428.55	816	113 *
Cititelli Associates	13-4156022	DOHMH	\$110,315.24	816	113 *
Federation of County Networks	13-4156022	DOHMH	\$32,616.01	816	113
Healthy Children Project, Inc.	04-3201637	DOHMH	\$56,953.60	816	113 *
Children's Aid Society, The	13-5562191	DOHMH	\$77,664.00	816	113 *
Cribs for Kids	25-1442806	DOHMH	\$59,412.96	816	113 *
DOHMH		DOHMH	\$761,626.60	816	113
			<b>\$3,546,000.04</b>		

\* Indicates pending completion of pre-qualification review.

CHART 13: Shelter Beds for at Risk, Runaway and Homeless Youth

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Covenant House (under 21)	13-3076376	DYCD	\$800,216.00	260	312 *
Safe Horizon	13-2946970	DYCD	\$630,000.00	260	312
All Forney	30-0104507	DYCD	\$206,262.00	260	312
The Turning Point	11-2838138	DYCD	\$682,682.00	260	312 *
SCO Family of Services (females and mother/child)	11-2777066	DYCD	\$205,500.00	260	312
SCO (mother/child)	11-2777066	DYCD	\$751,626.00	260	312
SCO (males)	11-2777066	DYCD	\$280,000.00	260	312
Girls Educational and Mentoring Services Inc. GEM (girls)	13-4150972	DYCD	\$121,986.00	260	312 *
Green Chimneys Children's Services, Inc.	14-1563025	DYCD	\$504,000.00	260	312 *
Imeimu, Inc. (Rachel's Place)	26-0774611	DYCD	\$83,000.00	260	312
Good Shepherd Services	13-5598710	DYCD	\$84,000.00	260	312
Inwood House (pregnant)	13-5562254	DYCD	\$501,084.00	260	312
SCO Family of Services (females and mother/child)	11-2777066	DYCD	\$292,299.00	260	312
Safe Space	11-1711014	DYCD	\$168,000.00	260	312 *
Project Hospitality	13-3234441	DYCD	\$252,000.00	260	312
Bronx Community Pride Center - Drop-In Center Services:	06-1552851	DYCD	\$75,000.00	260	312
Safe Horizon Uplown Manhattan Drop-In Center Services:	13-2946970	DYCD	\$75,000.00	260	312
All Forney - Brooklyn Drop-In Center and Auxillary Services	30-0104507	DYCD	\$277,345.00	260	312
			<b>\$5,990,000</b>		

\* Indicates pending completion of pre-qualification review.

EXHIBIT N

CHART 14: DOVE

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Thorpe Family Residence	13-3502934	MISC	(\$75,000.00)	098	002 *
Thorpe Family Residence	13-3276556	MISC	\$75,000.00	098	002 *
Transition Center	13-5564937	MISC	(\$37,500.00)	098	002
Jewish Board of Childten and Family Services	13-5564937	MISC	\$37,500.00	098	002
			<b>\$0.00</b>		

\* Indicates pending completion of pre-qualification review.

EXHIBIT O

# EXHIBIT P

**CHART 15: Legal Services for Domestic Violence Victims**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Safe Horizon	13-2946970	MISC	(\$725,000.00)	098	002 *
Safe Horizon	13-2946970	MISC	\$125,000.00	098	002 *
			<b>(\$600,000.00)</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT Q

**CHART 16: Legal Services for the Working Poor**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Housing Conservation Coordinators, Inc.	51-0141489	MISC	(\$252,500.00)	098	002
Northern Manhattan Improvement Corporation	13-2972415	MISC	(\$252,500.00)	098	002 *
Urban Justice Center	13-3442022	MISC	(\$252,500.00)	098	002 *
Church Avenue Merchants Block Association (CAMBA)	11-2480339	MISC	(\$252,500.00)	098	002
Church Avenue Merchants Block Association (CAMBA)	11-2480339	MISC	(\$252,500.00)	098	002
Housing Conservation Coordinators, Inc.	51-0141489	MISC	\$262,500.00	098	002
Northern Manhattan Improvement Corporation	13-2972415	MISC	\$262,500.00	098	002
Urban Justice Center	13-3442022	MISC	\$262,500.00	098	002 *
			<b>\$40,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT R

**CHART 17: Intergenerational Programs PEG Restoration**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
After School Corporation, The	13-4004600	DFTA	\$103,067.00	125	003
Jewish Home and Hospital	23-7071900	DFTA	\$72,656.00	125	003 *
Community Service Society of New York	13-5562202	DFTA	\$58,513.00	125	003
Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453853	DFTA	\$46,333.00	125	003
Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$53,116.00	125	003
Cypress Hills Local Development Corporation	11-2683663	DFTA	\$73,473.00	125	003
Senior Citizens League of Flatbush, Inc.	11-2347331	DFTA	\$41,751.00	125	003
Sunset Bay Community Services, Inc.	11-2439925	DFTA	\$43,513.00	125	003
Visiting Neighbors, Inc.	23-7379098	DFTA	\$52,549.00	125	003
Carter Burden Center for the Aging, Inc., The	23-7129499	DFTA	\$48,538.00	125	003
Isabella Geriatric Center	13-3623808	DFTA	\$48,376.00	125	003
VISIONS/Services for the Blind and Visually Impaired	13-1624210	DFTA	\$85,653.00	125	003
Queens Community House, Inc.	11-2375583	DFTA	\$59,919.00	125	003
Community Service Society of New York	13-5562202	DFTA	\$62,543.00	125	003
			<b>\$850,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT S

**CHART 18: Social Adult Day Care PEG Restoration**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
CABS Nursing Home Company, Inc.	11-2284472	DFTA	\$206,080.00	125	003 *
CABS Nursing Home Company, Inc.	11-2284472	DFTA	\$181,525.00	125	003 *
Lutheran Medical Center	11-1839567	DFTA	\$115,663.00	125	003
Riverdale Senior Services, Inc.	23-7357997	DFTA	\$196,361.00	125	003
Aging in America Community Services, Inc.	13-4099045	DFTA	\$182,235.00	125	003
Lenox Hill Neighborhood House, Inc.	13-1628180	DFTA	\$191,131.00	125	003
Carter Burden Center for the Aging, Inc., The	23-7129499	DFTA	\$182,062.00	125	003
Seifhelp Community Services, Inc.	13-1624178	DFTA	\$193,050.00	125	003
Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453853	DFTA	\$179,722.00	125	003
Sunnyside Community Services Center, Inc.	51-0189327	DFTA	\$190,741.00	125	003
Jewish Community Center of Staten Island, Inc.	13-5562256	DFTA	\$181,430.00	125	003
			<b>\$2,000,000.00</b>		

\* Indicates pending completion of pre-qualification review.

CHART 19: Elder Abuse Prevention PEG Restoration

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Neighborhood Self Help by Older Persons Project, Inc.	13-3077047	DFTA	\$91,950.00	125	003
Regional Aid for Interim Needs, Inc.	13-6213586	DFTA	\$97,419.00	125	003
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$104,510.00	125	003
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$103,273.00	125	003
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$93,680.00	125	003
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$92,629.00	125	003
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$93,638.00	125	003
Carter Burden Center for the Aging, Inc., The	23-7129499	DFTA	\$92,302.00	125	003
Community Agency for Senior Citizens, Inc.	13-3263537	DFTA	\$79,599.00	125	003
			<b>\$849,000.00</b>		

# EXHIBIT T

CHART 20: Healthy Aging (continued)

Bennardo	Queens Community House, Inc. (for use at Pomonok Senior Center)	11-2375583	DFTA	\$24,450.00	125	003
Jilan	Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453853	DFTA	\$24,450.00	125	003
Loppell	Riverdale Senior Services, Inc.	23-7377997	DFTA	\$24,450.00	125	003
White, Jr	Rochdale Village Social Services, Inc.	11-3397470	DFTA	\$24,450.00	125	003
Sentile	Saint Rosalia-Regina Pacis Neighborhood Improvement Association	11-2897831	DFTA	\$24,450.00	125	003
Sola	Samaritan Village, Inc. (for use at Woodside Senior Center)	11-2635374	DFTA	\$16,300.00	125	003
Katz	Selfhelp Community Services, Inc.	13-1624178	DFTA	\$24,450.00	125	003
Wallone, Jr	Selfhelp Community Services, Inc. (for use at Queensview/North Queensview NORC)	13-1624178	DFTA	\$16,300.00	125	003
Jlrich	Southwest Queens Multiservice Senior Center (for use at Howard Beach Senior Center)	23-7287548	DFTA	\$24,450.00	125	003
Reyna	Southside United Housing Development Fund Corp. (for use at Los Sures "David Santiago" Senior Center)	11-2268359	DFTA	\$16,300.00	125	003
Rassky	Spanish Speaking Elderly Council-RAICES	11-2730462	DFTA	\$16,300.00	125	003
JeBlasio	St. John-St. Matthew Emanuel Lutheran Church (for use at Prospect Hill Senior Center)	11-2252582	DFTA	\$24,450.00	125	003
Eugene	St. Mark's United Methodist Church	11-1647271	DFTA	\$16,300.00	125	003
Barodnick	Stanley M. Isaacs Neighborhood Center, Inc.	13-2572034	DFTA	\$24,450.00	125	003
Grizio	Staten Island Community Services Friendship Clubs, Inc.	13-2778244	DFTA	\$16,300.00	125	003
Jardo	Staten Island Community Services Friendship Clubs, Inc.	13-2778244	DFTA	\$24,450.00	125	003
Viverito	Union Settlement Association, Inc.	13-1632530	DFTA	\$24,450.00	125	003
Sonzalez	United Senior Citizen Center of Sunset Park	11-2358277	DFTA	\$24,450.00	125	003
Council District 10	Washington Heights Community Services, Inc. (for use at STAR Senior Center)	13-2792876	DFTA	\$16,300.00	125	003
Barron	Wayside Out-Reach Development, Inc.	11-3528680	DFTA	\$24,450.00	125	003
Mealy	Wayside Out-Reach Development, Inc. (for use at Brevoort Senior Center)	11-3528680	DFTA	\$16,300.00	125	003
Palma	Young Men's Christian Association of Greater New York - Bronx Branch	13-1624228	DFTA	\$24,450.00	125	003
				<b>\$1,100,250.00</b>		

\* Indicates pending completion of pre-qualification review.

CHART 20: Healthy Aging

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Seabrook Felder	Aging in America Community Services, Inc. (for use at Bay Eden Senior Center)	13-4099045	DFTA	\$24,450.00	125	003
Avella	American-Italian Coalition of Organizations, Inc. (AMICO)	11-2649513	DFTA	\$24,450.00	125	003
Wepin	Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$24,450.00	125	003
Sears	Catholic Charities Neighborhood Services, Inc. (for use at Bayside Senior Center)	11-2047151	DFTA	\$24,450.00	125	003
Dickens	Sheridan Senior Center	11-2047151	DFTA	\$24,450.00	125	003
Gerson	Central Harlem Senior Citizens Coalition, Inc.	13-2754783	DFTA	\$24,450.00	125	003
Jackson	Chinese American Planning Council, Inc.	13-8202892	DFTA	\$24,450.00	125	003
Baez	Church on the Hill Older Adult (COTHORA) Luncheon Club, Inc. (for use at the Wilson Major Harris Senior club)	13-3608860	DFTA	\$16,300.00	125	003
Mitchell	Citizens Advice Bureau, Inc. (for use at Morris Senior Center)	13-3254484	DFTA	\$16,300.00	125	003
Rivera	Community Agency for Senior Citizens, Inc. (for use at Cassidy Coles Senior Center)	13-3263537	DFTA	\$16,300.00	125	003
Arroyo	Council of Belmont Organizations, Inc.	13-2755323	DFTA	\$24,450.00	125	003
Mendez	East Side House, Inc.	13-1623889	DFTA	\$24,450.00	125	003
Brewer	Educational Alliance, Inc.	13-5562210	DFTA	\$24,450.00	125	003
Vann	Find Aid for the Aged, Inc. (for use at Project Find Hamilton House)	13-2868621	DFTA	\$24,450.00	125	003
James	Fort Greene Senior Citizens Council, Inc. (for use at Albany Senior Center)	11-2300840	DFTA	\$24,450.00	125	003
Ferreras	Fort Greene Senior Citizens Council, Inc. (for use at Grace Agard-Harewood Senior Center)	11-2300840	DFTA	\$24,450.00	125	003
Comite	Fort Greene Senior Citizens Council, Inc. (for use at Remsen Senior Center)	13-2987283	DFTA	\$16,300.00	125	003
Vacca	Jamaica Service Program for Older Adults, Inc. (for use at Robert Couche Senior Center)	51-0204121	DFTA	\$16,300.00	125	003
Fidler	Jewish Association for Services for the Aged (for use at Throgs Neck Senior Center)	13-2620896	DFTA	\$24,450.00	125	003
Nelson	Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$24,450.00	125	003
Recchia	Jewish Community Council of Greater Coney Island, Inc.	11-2665181	DFTA	\$24,450.00	125	003
Liu	Jewish Community Council of Greater Coney Island, Inc.	11-2665181	DFTA	\$24,450.00	125	003
Lappin	Korean Community Services of Metropolitan New York, Inc.	23-7349898	DFTA	\$24,450.00	125	003
Sanders, Jr	Lenox Hill Neighborhood House, Inc.	13-1628180	DFTA	\$24,450.00	125	003
Crowley	Margret Community Corporation (for use at St. Gertrude's 50's Plus Club)	11-2534700	DFTA	\$16,300.00	125	003
Quinn	Rabbi Israel Meyer Hacohen Rabbinical Seminary of America	11-1752021	DFTA	\$24,450.00	125	003
Foster	Penn South Social Services, Inc.	13-3413349	DFTA	\$16,300.00	125	003
	Presbyterian Senior Services (for use at Highbridge Senior Center)	13-1981462	DFTA	\$16,300.00	125	003

# EXHIBIT U

CHART 21: Corrections

Organization Name as Originally Listed	Corrected Legal Name of Organization	E.I.N.
Planned Parenthood	Planned Parenthood of New York City, Inc.	13-2621497
Polish and Slavic Extended Services	Polish and Slavic Center, Inc. - Extended Services Program	11-2885970
HANAC Extended Services	Hellenic American Neighborhood Action Committee, Inc. (HANAC) - Extended Services Program	11-2290832
Emerald Isle Extended Services	Emerald Isle Immigration Center - Extended Services Program	11-2932528
AMICO Extended Services	American-Italian Coalition of Organizations, Inc. (AMICO) - Extended Services Program	11-2488439
Met Council Extended Services	Metropolitan New York Coordinating Council on Jewish Poverty, Inc. - Extended Services Program	13-2738818
Bronx Jewish Community Council Extended Services	Bronx Jewish Community Council, Inc. - Extended Services Program	13-2744533
Council of Belmont Organizations Extended Services	Council of Belmont Organizations, Inc. - Extended Services Program	13-2755323
Queens Legal Services	Queens Legal Services Corporation	13-2605604
Ridgewood Bushwick Senior Citizens Center	Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453855
SAGE	Services and Advocacy for GLBT Elders, Inc. (SAGE)	13-2947857
Samuel Field YWHA (NORC without walls)	Samuel Field YM & YWHA, Inc. - NORC Without Walls	11-3071518
JASA 1199 Plaza	Jewish Association for Services for the Aged (JASA) - 1199 Plaza	13-2620896
Morrison Lafayette/Boynton Lafayette	Neighborhood Self Help for Older Persons Project, Inc. - Morrison Lafayette/Boynton Lafayette	13-3077047
JSPOA NORC	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121
St. Luke's-Roosevelt Intervention Program (Manhattan)	St. Luke's-Roosevelt Hospital Center, Intervention Program	13-2997301
Queens Intervention Program (Queens)	Mount Sinai School of Medicine of New York University - Sexual Assault and Violence Intervention Program	13-6171197
New York City Council Alliance Against Sexual Assault	New York City Alliance Against Sexual Assault	31-1702032
The Bridge Fund	Bridge Fund of New York, Inc., The	13-3824852
Turnaround	Turnaround for Children, Inc.	06-1485529
Advocates for Children	Advocates for Children of New York, Inc.	11-2247307
Legal Action Center	Legal Action Center of the City of New York, Inc., The	13-2795320
Industrial + Technical Assistance Corporation (ITAC)	New York City Industrial and Technical Assistance Corporation (ITAC)	13-3410779
AIDS Community Research Initiative of America	Community Research Initiative on AIDS, Inc. (d/b/a AIDS Community Research Initiative of America)	13-3632234
After-Three Corporation, The	After School Corporation, The	13-4004600
St. Anne's Warehouse, Inc.	St. Ann's Warehouse, Inc.	11-2665242
Saint Nicholas Preservation Corporation	St. Nicholas Neighborhood Preservation Corporation	51-0192170

# EXHIBIT V

CHART 22: Local Initiatives - FY 2009

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
mo	Middle Village Senior Citizens Center, Inc.	01-0758299	DFTA	(\$5,000.00)	125	003		
zwey	Rabbi Israel Meyer Hachohen Rabbinical Seminary of	11-1752021	DFTA	\$5,000.00	125	003		
zwey	Rosevelt Island Day Nursery	13-2960497	ACS	(\$10,000.00)	068	004		
ppin	Rosevelt Island Day Nursery	13-2960947	ACS	\$10,000.00	068	004		
Mahon	Christ Church of New Brighton	13-5598851	DYCD	(\$5,000.00)	260	312		
lchell	Unity Plaza Resident Association, Inc.	13-6400434	MISC	(\$2,300.00)	068	002		
iron	Unity Plaza Resident Association, Inc.	11-5556788	MISC	\$2,300.00	068	002		
irnn	More Art	32-2335541	DYCD	(\$5,000.00)	260	005	Visual Arts Foundation, Inc.	13-8281474
irnn	More Art	32-2345641	DYCD	\$5,000.00	260	005		
ez	Bronx Veterans Medical Foundation, Inc.	23-728797	DYCD	(\$30,000.00)	260	005		
ez	Bronx Veterans Medical Foundation, Inc.	23-728797	DYCD	(\$7,187.00)	260	005		
ez	Bronx Veterans Medical Foundation, Inc.	13-3699250	DYCD	\$30,000.00	260	005		
ez	Bronx Veterans Medical Foundation, Inc.	13-3699250	DYCD	\$7,187.00	260	005		
ez	Links, Inc., The	11-6078912	DOHMH	(\$10,000.00)	816	113		
ez	Links, Inc., The	11-6078912	DOHMH	(\$5,000.00)	816	113		
ez	North General Hospital	13-2996345	DOHMH	\$10,000.00	816	113		
ez	North General Hospital	13-2996345	DOHMH	\$5,000.00	816	113		
				\$0.00				

indicates pending completion of pre-qualification review.

# EXHIBIT W

**HART 23: Aging Discretionary - FY 2009**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Idabbo	St. Virginius Golden Age	EX124234	DFTA	(\$3,500.00)	125	003		
rich	St. Virginius Golden Age	11-1672796	DFTA	\$3,500.00	125	003		
zmo	Middle Village Senior Citizens Center, Inc.	01-0758299	DFTA	(\$11,000.00)	125	003		
iz	Middle Village Senior Citizens Center, Inc.	01-0758299	DFTA	(\$3,500.00)	125	003		
owley	Rabbi Israel Meyer Hacohen Rabbinical Seminary of	11-1752021	DFTA	\$11,000.00	125	003		
iz	Rabbi Israel Meyer Hacohen Rabbinical Seminary of	11-1752021	DFTA	\$3,500.00	125	003		
aison	Brooklyn Wide Intergency Council	11-2882629	DFTA	(\$5,000.00)	125	003		
aison	Brooklyn Wide Intergency Council	11-3220104	DFTA	\$5,000.00	125	003		
atron	Unity Plaza Long Island Baptist Senior Club	13-6400434	DFTA	(\$5,750.00)	125	003		
atron	Unity Plaza Long Island Baptist Senior Club	11-3556789	DFTA	\$5,750.00	125	003		
inders, Jr	Rockaway Peninsula Civic Senior Program	11-3110455	DFTA	(\$5,250.00)	125	003		
inders, Jr	Brooklyn Wide Intergency Council	11-3110485	DFTA	\$5,250.00	125	003		
				\$0.00				

Indicates pending completion of pre-qualification review.

# EXHIBIT X

**HART 24: Healthy Aging - FY 2009**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
amo	Middle Village Senior Citizens Center, Inc.	01-0758299	DFTA	(\$30,000.00)	125	003		
owley	Rabbi Israel Meyer Hacohen Rabbinical Seminary of	11-1752021	DFTA	\$30,000.00	125	003		
				\$0.00				

Indicates pending completion of pre-qualification review.



# EXHIBIT Y

CHART 25: Anti-Gang Initiative - FISCAL YEAR 2007

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Centro Hispano Cuzlatlan	11-3559496	MISC	\$ 1,367	098	002
Council for Unity	11-2880221	MISC	\$ 323	098	002
Young Men's Christian Association of Greater New York - Cross Island					
YMCA	13-1624228	MISC	\$ 8,322	098	002
Family Justice, Inc.	13-4164404	MISC	\$ 2,450	098	002
Global Kids, Inc.	13-3629485	MISC	\$ 6,641	098	002
Ridgewood Bushwick Senior Citizens Council, Inc.-Hope Gardens Multi-Service Center	11-2453853	MISC	\$ 14,343	098	002
Kingsbridge Heights Community Center, Inc.	13-2613809	MISC	\$ 8,750	098	002
Life Camp, Inc.	20-0814999	MISC	\$ 7,809	098	002
Mary Mitchell Youth and Family Center, Inc.	13-3385032	MISC	\$ 1,238	098	002
South Queens Boys and Girls Club, Inc.	11-1966067	MISC	\$ 15,978	098	002
Young Men's Christian Association of Greater New York - Staten Island					
YMCA	13-1624228	MISC	\$ 27,538	098	002
Stepping Stones Ministries, Inc.					
United Coalition Association, Inc.	20-2268752	MISC	\$ 6,404	098	002
United Puerto Rican Organizations of Sunset Park (UPROSE), Inc.	11-2490531	MISC	\$ 15,888	098	002
Young Men's Christian Association of Greater New York - West Side					
YMCA	13-1624228	MISC	\$ 4,386	098	002
Yusef Iman Memorial Institute	55-0837964	MISC	\$ 11,249	098	002
			<b>\$134,403</b>		

\* Indicates pending completion of pre-qualification review.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ALAN J. GERSON, ERIC N. GIOIA, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 20, 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. 1162

**Report of the Committee on Finance in favor of approving Full exemption from real property taxes for the rehabilitation of housing for low income families located at 200 East Mosholu Parkway South in Council District 11, Bronx, pursuant to Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which was referred on July 29, 2009 (Minutes, page 4385) the annexed Land Use resolution, respectfully

**REPORTS:**

August 20, 2009

TO: Hon. David Weprin  
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of August 20, 2009- Resolution approving a tax exemption for one preconsidered Land Use Item (Council District 11).

**HPD has submitted a request to the Council to approve a property tax exemption for the following property: 200 East Mosholu Parkway South located in Council Member Koppell's District.**

200 East Mosholu Parkway South contains a multiple dwelling that provides 41 units of rental housing for persons of low income. The owner and sponsor, Uptown Bronx Housing Development Fund Corporation, will finance the acquisition and rehabilitation of the property with loans from HPD and the New York City Housing Trust Fund. 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 \$72,531 in the first year of the exemption and \$5.4 million over the 40-year length of the exemption

This item has the approval of Council Member Koppell.

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2149

**Resolution approving an exemption from real property taxes for property located at 200 East Mosholu Parkway South (Block 3309, Lot 61) Bronx, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 1162).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated July 6, 2009 that the Council take the following action regarding a housing project to be located at 200 East Mosholu Parkway South (Block 3309, Lot 61), the Bronx ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on August 20, 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 May 22, 2008.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3309, Lot 61 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "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) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
- (h) "Regulatory Agreement" shall mean the regulatory agreement dated May 22, 2008, between HPD and the HDFC, which provides that, for a term of 50 years, all units in the Exemption Area must be rented, upon vacancy, to tenants whose incomes do not exceed 90% of the area median income, with nine of these units further restricted to tenants whose incomes are not less than 61% of area median income.

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

3. Notwithstanding any provision hereof to the contrary:

- (a) The Exemption shall terminate if HPD determines 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 Regulatory Agreement and such non-compliance constitutes an event of default under the Regulatory Agreement, or (iii) 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- (b) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ALAN J. GERSON, ERIC N. GIOIA, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT

J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 20, 2009.

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

**Report of the Committee on Health**

Report for Int. No. 859-A

**Report of the Committee on Health 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 provision of language assistance services in pharmacies.**

The Committee on Health, to which was referred on October 23, 2008 (Minutes, page 6628) the annexed amended proposed local law, respectfully

**REPORTS:****INTRODUCTION**

On August 18, 2009, the Committee on Health, chaired by Council Member Joel Rivera, will hold a hearing on Proposed Int. No. 859-A, a local law that would require language access services in pharmacies. The Committee previously heard testimony on this legislation on May 4, 2009.

**BACKGROUND**

According to the United States Census Bureau, over 35 percent of New Yorkers are foreign born.<sup>1</sup> The City's 2.9 million immigrants are extraordinarily diverse and speak over 100 different languages.<sup>2</sup> More than 47 percent of New Yorkers over five years of age speak a language other than English in their homes<sup>3</sup> and 23.7 percent are limited English proficient (LEP).<sup>4</sup> Many foreign-born New Yorkers experience difficulties adequately accessing the healthcare system, and these difficulties are often connected to language barriers.<sup>5</sup>

There is a well-documented relationship between patients' English proficiency and the quality of healthcare they receive. Individuals who are LEP tend to underutilize primary and preventative care services and are the victims of greater numbers of medical errors.<sup>6</sup> LEP individuals have also reported problems accessing insurance, maintaining coverage and interacting with medical professionals.<sup>7</sup> According to the New York City Department of Health and Mental Hygiene, foreign-born adults who speak Spanish are less likely than English speakers to have a regular primary care provider and are almost twice as likely as English speakers to report having problems accessing medical care when needed.<sup>8</sup> In a study of Haitian, Russian and Latino patients conducted by the New York Academy of Medicine (NYAM), 55 percent of respondents complained of language barriers during medical encounters.<sup>9</sup> Participants in the study expressed frustration in dealing both with medical professionals and with administrative staff.<sup>10</sup> Many participants in the study indicated that translation services were provided by friends and relatives (in person and over the phone), including children, or nursing or administrative staff of the facilities that may not have specific training as medical interpreters.<sup>11</sup>

**Language Access in Pharmacies**

Pharmacies are a critical access point for medical treatment and counseling. There were 1.3 billion medications prescribed or provided during medical visits in the United States in 2002.<sup>12</sup> At least some of these prescriptions were likely filled by

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<sup>1</sup> U.S. Census Bureau, *New York City Quick Facts*, available at <http://quickfacts.census.gov/qfd/states/36/3651000.html> (last visited June 5, 2008).

<sup>2</sup> Linda Weiss, N.Y. Academy of Medicine, *Language as a Barrier to Healthcare for New York City Children in Immigrant Families: Haitian, Russian and Latino Perspectives* 1 (2006) [hereinafter *Language as a Barrier*].

<sup>3</sup> U.S. Census Bureau, *supra* note 1.

<sup>4</sup> U.S. Census Bureau, *New York City: Ability to Speak English* (2000), [http://factfinder.census.gov/servlet/QTTable?\\_bm=y&-geo\\_id=16000US3651000&-qr\\_name=DEC\\_2000\\_SF3\\_U\\_QTP17&-ds\\_name=DEC\\_2000\\_SF3\\_U](http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=16000US3651000&-qr_name=DEC_2000_SF3_U_QTP17&-ds_name=DEC_2000_SF3_U). The Census does not use the term "limited English proficient," but for the purposes of this paper, LEP includes individuals who speak a language other than English at home and also speak English less than "very well."

<sup>5</sup> *E.g.*, *Language as a Barrier*, *supra* note 2 at 21.

<sup>6</sup> *Id.* at 1.

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

<sup>8</sup> N.Y. City Dep't of Health & Mental Hygiene, *The Health of Immigrants in New York City* 8 (2006).

<sup>9</sup> *Language as a Barrier*, *supra* note 2 at 7.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Linda Weiss & Emily M. Ambizas, *Language Access in Pharmacies*, *New York State Conference on Increasing Language Access in Healthcare* (April 2007), available at <http://www.edfundfpa.org/immigrantwomen/documents/EmilyAmbizas-LindaWeiss.ppt> [hereinafter *Language Access in Pharmacies*]

LEP individuals. The information associated with receiving a prescription or a new medicine may be complex, including the dosage, frequency and duration, special instructions regarding food, liquids and storage, and possible side effects.<sup>13</sup> Pharmacists play a critical role in helping consumers prevent medication errors and identifying drug interactions.

Providing language access to pharmacies for LEP consumers is a complex undertaking. A variety of mechanisms exist for this purpose including dispensing software with translation capabilities, handwritten translated instructions, bilingual employees, telephone interpretation via third party, bilingual pharmacist networks and multilingual online medication and health information websites.<sup>14</sup> Other approaches include the use of kiosks in the pharmacy that contain health information in multiple languages, video links between a translator and the LEP patient and “talking” medication bottles; however, these methods tend to be costlier and less common.<sup>15</sup>

Despite the existence of these services, it is clear that many LEP individuals are not receiving meaningful access to pharmacies. At a hearing of the New York City Council’s Committee on Health on June 16, 2008, a number of LEP pharmacy consumers testified about their difficulties with medication. For example, Aida Torres testified that she did not take a medication that was prescribed by her doctor because she could not find anyone in her chain pharmacy store that spoke Spanish.<sup>16</sup> Irania Sanchez’s testimony indicated that she had requested written information in Spanish from local stores of two national drugstore chains, but neither could provide it nor did they have employees who could help with translation.<sup>17</sup> Another patient, Julio Perez, testified that he either does not take his medication or takes it whenever he thinks he should because he cannot understand the medication label or instructions and cannot communicate with pharmacists at the chain pharmacy.<sup>18</sup> On one occasion, he became dizzy and nauseous after taking medication without knowing the proper dosage or frequency.<sup>19</sup> Finally, Maria Sanchez explained that she must bring her 10-year-old granddaughter to translate for her (and often other patients) at her local chain pharmacy outlet.<sup>20</sup>

Studies support these anecdotes. Perhaps the most comprehensive study of language access in New York City pharmacies was conducted by researchers from NYAM in 2006.<sup>21</sup> This random sample telephone survey of New York City pharmacists found that the vast majority (88 percent) encountered LEP patients on a daily basis.<sup>22</sup> Despite the clear need, however, 50 percent of the pharmacists surveyed never translated prescription labels or translated them less than once a week.<sup>23</sup> Similar rates of translation of prescription labels were found by two other studies, one in the Bronx (41 percent)<sup>24</sup> and one in Milwaukee County, Wisconsin (47 percent).<sup>25</sup>

Many pharmacies did not report translating prescription labels, even though a large majority of them have the capability to provide such labels. The NYAM study found that more than 79 percent of the pharmacists were able to provide translated labels in at least one language<sup>26</sup> and a study in Atlanta determined that 88 percent of pharmacists surveyed had access to language assistance services.<sup>27</sup> Pharmacists generally are less able to provide translated patient information sheets<sup>28</sup> or medication safety warnings.<sup>29</sup> In the NYAM research, Spanish was the most common language in which pharmacies were capable of providing translations; however, few could provide labels translated in other languages.<sup>30</sup>

Pharmacies were even less equipped to provide medication counseling to LEP patients.<sup>31</sup> Most (89 percent) of the pharmacies in NYAM’s survey had at least one bilingual employee, but less than half (43 percent) had a bilingual pharmacist or pharmacy intern, the only staff that are authorized to provide medication counseling

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Language Access in New York City’s Pharmacies: Hearing Before the N.Y. City Council Comm. on Health*, Sess. 8 7-8 (June 16, 2008) (statement of Aida Torres).

<sup>17</sup> *Language Access in New York City’s Pharmacies: Hearing Before the N.Y. City Council Comm. on Health*, Sess. 8 9-11 (June 16, 2008) (statement of Irania Sanchez).

<sup>18</sup> *Language Access in New York City’s Pharmacies: Hearing Before the N.Y. City Council Comm. on Health*, Sess. 8 12 (June 16, 2008) (statement of Julio Perez).

<sup>19</sup> *Id.*

<sup>20</sup> *Language Access in New York City’s Pharmacies: Hearing Before the N.Y. City Council Comm. on Health*, Sess. 8 13 (June 16, 2008) (statement of Maria Sanchez).

<sup>21</sup> Linda Weiss et al., *Access to Multilingual Medication Instructions at New York City Pharmacies*, 84 J. OF URBAN HEALTH: BULLETIN OF THE N.Y. ACAD. OF MED. 742 (2007) [hereinafter *Access to Multilingual Medication*].

<sup>22</sup> *Id.* at 746. An Atlanta study also found a high rate of dealings between pharmacists and LEP patients. Andrew J. Muzyk et al., *Counseling Spanish-Speaking Patients: Atlanta Pharmacists’ Cultural Sensitivity, Use of Language-Assistance Services, and Attitudes*, 44 J. OF THE AM. PHARMACISTS ASSOC. 366 (2004).

<sup>23</sup> *Access to Multilingual Medication*, *supra* note 21 at 747.

<sup>24</sup> Iman Sharif et al., *Availability of Spanish Prescription Labels*, 17 J. of Health Care for the Poor & Underserved 65, 67 (2006).

<sup>25</sup> Michael Bradshaw et al., *Language Barriers to Prescriptions for Patients with Limited English Proficiency: A Survey of Pharmacies*, 120 PEDIATRICS 225 (2007).

<sup>26</sup> *Access to Multilingual Medication*, *supra* note 21 at 747.

<sup>27</sup> Muzyk, *supra* note 22.

<sup>28</sup> 52 percent of pharmacists in the NYAM study and 46 percent in the Milwaukee County study could provide patient information packets. *Access to Multilingual Medication*, *supra* note 21 at 747; Bradshaw, *supra* note 25.

<sup>29</sup> The NYAM survey found that only 44 percent of the pharmacists surveyed could provide warnings. *Access to Multilingual Medication*, *supra* note 21 at 747.

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

<sup>31</sup> *E.g.*, Bradshaw, *supra* note 25. In the Milwaukee County study, 64 of pharmacists reported they never or only sometimes were able to communicate verbally with LEP patients. *Id.*

to patients.<sup>32</sup> Few (14 percent) pharmacies had telephone services that could be used for counseling patients about medication in a language other than English.<sup>33</sup> The Milwaukee County, Wisconsin study found that such services made it significantly more likely that a pharmacy could verbally communicate with an LEP patient.<sup>34</sup> Even if any translation or interpretation services existed, however, very few pharmacies displayed signs to inform patients that these services were available.<sup>35</sup> Importantly, both the NYAM study and a survey of all pharmacies in the Bronx determined that translation services were more likely to be used at independent pharmacies and in communities where there were a large proportion of LEP individuals.<sup>36</sup>

On November 13, 2008 and April 21, 2009, New York State Attorney General Andrew M. Cuomo announced that seven national and New York State pharmacy chains had entered into agreements to provide language access services to New York customers.<sup>37</sup> The pharmacies entering into the agreements with the Office of the Attorney General consented to a variety of measures including informing customers of their right to language assistance, identifying customers that need such assistance with their prescription medications and providing counseling to customers in their own languages.<sup>38</sup> In addition, the pharmacies will supply prescription labels, warning labels and certain other vital written information in Spanish, Chinese, Italian, Russian, French, and Polish.<sup>39</sup>

### PROPOSED INT. NO. 859-A

Section 1 of Proposed Int. No. 859-A would set forth the legislative findings and intent of the legislation.

Section 2 of Proposed Int. No. 859-A would add a new subchapter 3 to chapter 4 of title 20 of the Administrative Code. New section 20-620 would add the following definitions:

a. “Chain pharmacy” shall mean any pharmacy that is part of a group of four or more establishments that (1) conduct business under the same business name or (2) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

b. “Competent oral interpretation” shall mean oral communication in which (1) a person acting as an interpreter comprehends a spoken message and re-expresses that message accurately in another language, utilizing all necessary pharmaceutical- and health-related terminology; (2) a bilingual pharmacy staff member communicates proficiently with an LEP individual in the LEP individual’s primary language utilizing all necessary pharmaceutical- and health-related terminology; or (3) a person acting as an interpreter or a bilingual pharmacy staff member accurately translates a written document orally for an LEP individual utilizing all necessary pharmaceutical- and health-related terminology.

c. “Competent translation” shall mean written communication in which a person or device translates a written message and re-writes that message accurately in another language.

d. “Language assistance services” shall mean competent oral interpretation and/or competent translation provided to a limited English proficient individual in his or her primary language to ensure that such individual understands medication labels, warning labels and instructions for drug usage.

e. “Limited English proficient individual” or “LEP individual” shall mean an individual who identifies as being, or is evidently, unable to speak, read or write English at a level that permits such individual to understand health-related and pharmaceutical information communicated in English.

f. “Other written material” shall mean any written material other than a prescription label or warning label that the pharmacy considers vital to an LEP individual’s safe and effective use of prescription medications.

g. “Pharmacy” shall mean any retail establishment that is located within the city of New York in which prescription drugs are sold.

h. “Pharmacy primary languages” shall mean the top seven languages spoken by LEP individuals in New York City, as determined biennially by the Department of City Planning based on data from the American Community Survey and made available to each chain pharmacy.

i. “Primary language” shall mean the language identified by an LEP individual as the language to be used in communicating with such individual.

Subdivision a of new section 20-621 would be require every chain pharmacy to provide free, competent oral interpretation services to each LEP individual filling a prescription in his or her primary language in order to counsel him or her about prescription medication or when soliciting information necessary to maintain a patient medication profile, unless the LEP individual is offered and refuses such services. Subdivision b of new section 20-621 would require chain

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<sup>32</sup> *Access to Multilingual Medication*, *supra* note 21 at 747.

<sup>33</sup> *Id.*

<sup>34</sup> Bradshaw, *supra* note 25.

<sup>35</sup> *Access to Multilingual Medication*, *supra* note 21 at 749

<sup>36</sup> *Id.* at 747, 751; Sharif, *supra* note 24 at 66.

<sup>37</sup> Press Release, Office of Att’y Gen. Andrew M. Cuomo, Cuomo Announces Agreements with Two of the Nation’s Largest Pharmacies to Provide Customers with Prescription Medication Instructions in their Primary Language (Nov. 13, 2008) (CVS and Rite Aid which also owns Eckerd and Genovese pharmacies); Press Release, Office of Att’y Gen. Andrew M. Cuomo, Cuomo Announces Agreements with Major Pharmacies to Provide Customers with Prescription Medication Instructions in their Primary Language (Apr. 21, 2009) (Costco, Duane Reade, A & P, Target and Wal-Mart).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

pharmacies to provide free, competent oral interpretation of prescription medication labels, warning labels and other written material to each LEP individual filling a prescription at such chain pharmacy, unless the LEP individual is offered and refuses such services. Subdivision c of new section 20-621 would allow oral interpretation services to be provided by a pharmacy staff member or a third-party paid or volunteer contractor and would require such services to be provided on an immediate basis, but would not mandate them to be provided in-person or face-to-face.

New section 20-622 would require every chain pharmacy to provide free, competent translation of prescription medication labels, warning labels and other written material to each LEP individual filling a prescription whose primary language is one of the pharmacy’s primary languages, in addition to providing all such labels and materials in English. Pharmacies can provide dual- and multi-language medication labels, warning labels or other written materials to LEP individuals, as long as one of the languages included is the LEP individual’s primary language.

New section 20-623 would require every chain pharmacy to conspicuously post, at or adjacent to the prescription counter, a notification of the right to free language assistance services for LEP individuals. The notifications would have to be written in all of the pharmacy’s primary languages, and the size, style and placement would be determined by rules promulgated by the Department of Consumer Affairs (DCA).

Subdivision a of new section 20-624 would provide that any chain pharmacy that violated sections 20-621 or 20-622 or any rules promulgated thereunder be liable for a civil penalty between \$250 and \$2,500 for the first violation and between \$500 and \$5,000 for each succeeding violation. Subdivision b would make any chain pharmacy or pharmacy that violated the provisions of section 20-623 or any rules promulgated thereunder liable for a civil penalty of between \$200 and \$500 for the first violation and between \$300 and \$1,000 for each succeeding violation.

A technical change has been made to new section 20-625. The parentheses around the letters a and b at the start of each subdivision have been changed to periods. Subdivision a of new section 20-625 would give DCA hearing authority under the local law. Notwithstanding any other provision of law, DCA would be able, upon due notice and hearing, to impose civil penalties for the violation of any provision of new subchapter 3 to chapter 4 of title 20 of the Administrative Code and any rules promulgated thereunder. DCA would be able to render decisions and orders and to impose civil penalties not to exceed the amounts specified in new section 20-624. All proceedings would have to be conducted in accordance with rules promulgated by the DCA commissioner. The penalties provided for in new section 20-624 would be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

Subdivision b of new section 20-625 would state that all proceedings would be commenced by the service of a notice of violation returnable to the DCA administrative tribunal. The DCA commissioner would prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served would constitute notice of the violation charged, and, if sworn to or affirmed, would be prima facie evidence of the facts contained therein.

Section 3 of Proposed Int. No. 859-A would contain a severability clause.

Section 4 of Proposed Int. No. 859-A would make the law effective two hundred and seventy days after enactment. Any rules necessary for implementing and carrying out the provisions of the local law could be promulgated prior to its effective date.

(The following is from the text of the Fiscal Impact Statement for Int. No. 859-A:)

**FISCAL IMPACT STATEMENT:**

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

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

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

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

**SOURCE OF INFORMATION:** Department of Consumer Affairs

**ESTIMATE PREPARED BY:** Latonia Mckinney, Deputy Director

Rocco D’Angelo, Supervising  
Legislative Financial Analyst

**HISTORY:** Int. 859 was introduced on October 23, 2008, and referred to the Committee on Health. On May 4, 2009 the Committee on Health held a hearing on Int.859-A, which was amended and laid over. On August 18, 2009, the Committee on Health will consider the legislation as Proposed Int. 859-A.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 859-A:)

Int. No. 859-A

By The Public Advocate (Ms. Gotbaum) and Council Members Brewer, James, Liu, Palma, Sanders, Gerson, White, Gioia, Arroyo, Mendez, Gonzalez, Eugene, Rivera, Ferreras, Jackson, Baez, Mark-Viverito, Weprin, Reyna, Sears, Barron, Koppell, de Blasio, Dickens, Stewart, Vann and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of language assistance services in pharmacies.**

*Be it enacted by the Council as follows:*

Section 1. New York is a multilingual city where more than 150 languages are spoken, almost half of the residents speak a language other than English at home and nearly a quarter do not speak English very well. Prescription medications typically include technical instructions, restrictions and warnings that are critical for the consumer to understand in order to use the product safely. A customer’s inability to understand medication labels and instructions easily can cause errors in usage and thereby significantly endanger the health of limited English proficient residents. The difficulties limited English proficient New Yorkers may experience in communicating with their pharmacists could be greatly alleviated by the provision of interpretation services and translated medication labels.

New Yorkers who have limited English proficiency are not receiving the interpretations and translations they need. A 2007 study of pharmacies in New York City by the New York Academy of Medicine found that, although 88 percent of surveyed New York City pharmacists reported serving customers with limited English proficiency daily and 80 percent had the ability to translate medication labels, only 34 percent reported actually translating such labels daily. More than a quarter of the surveyed pharmacists never translate labels.

Thus, the Council finds that the lack of interpretation and translation services in pharmacies inhibits the fair and effective sale of prescription medications, posing a significant risk to the health and safety of New Yorkers and that it would be in the public interest to ensure that all residents, regardless of the language they speak, understand their medication labels and instructions.

§ 2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

**SUBCHAPTER 3**

**LANGUAGE ASSISTANCE SERVICES IN PHARMACIES**

§ 20-620 Definitions.

§ 20-621 Provision of interpretation services required.

§ 20-622 Provision of translation services required.

§ 20-623 Notification relating to language assistance services.

§ 20-624 Penalties.

§ 20-625 Hearing authority.

§ 20-620 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings: a. “Chain pharmacy” shall mean any pharmacy that is part of a group of four or more establishments that (1) conduct business under the same business name or (2) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

b. “Competent oral interpretation” shall mean oral communication in which (1) a person acting as an interpreter comprehends a spoken message and re-expresses that message accurately in another language, utilizing all necessary pharmaceutical- and health-related terminology; (2) a bilingual pharmacy staff member communicates proficiently with an LEP individual in the LEP individual’s primary language utilizing all necessary pharmaceutical- and health-related terminology; or (3) a person acting as an interpreter or a bilingual pharmacy staff member accurately translates a written document orally for an LEP individual utilizing all necessary pharmaceutical- and health-related terminology.

c. “Competent translation” shall mean written communication in which a person or device translates a written message and re-writes that message accurately in another language.

d. “Language assistance services” shall mean competent oral interpretation and/or competent translation provided to a limited English proficient individual in his or her primary language to ensure that such individual understands medication labels, warning labels and instructions for drug usage.

e. "Limited English proficient individual" or "LEP individual" shall mean an individual who identifies as being, or is evidently, unable to speak, read or write English at a level that permits such individual to understand health-related and pharmaceutical information communicated in English.

f. "Other written material" shall mean any written material other than a prescription label or warning label that the pharmacy considers vital to an LEP individual's safe and effective use of prescription medications.

g. "Pharmacy" shall mean any retail establishment that is located within the city of New York in which prescription drugs are sold.

h. "Pharmacy primary languages" shall mean the top seven languages spoken by LEP individuals in New York city, as determined biennially by the department of city planning based on data from the American Community Survey and made available to each chain pharmacy.

i. "Primary language" shall mean the language identified by an LEP individual as the language to be used in communicating with such individual.

**§ 20-621 Provision of interpretation services required.** a. Every chain pharmacy shall provide free, competent oral interpretation services to each LEP individual filling a prescription at such chain pharmacy in the LEP individual's primary language for the purposes of counseling such individual about his or her prescription medications or when soliciting information necessary to maintain a patient medication profile, unless the LEP individual is offered and refuses such services.

b. Every chain pharmacy shall provide free, competent oral interpretation of prescription medication labels, warning labels and other written material to each LEP individual filling a prescription at such chain pharmacy, unless the LEP individual is offered and refuses such services.

c. The services required by this section may be provided by a staff member of the pharmacy or a third-party paid or volunteer contractor. Such services must be provided on an immediate basis but need not be provided in-person or face-to-face in order to meet the requirements of this section.

**§ 20-622 Provision of translation services required.** Every chain pharmacy shall provide free, competent translation of prescription medication labels, warning labels and other written material to each LEP individual filling a prescription at such chain pharmacy if that individual's primary language is one of the pharmacy primary languages, in addition to providing such labels and materials in English. Nothing in this section shall prohibit a chain pharmacy from providing dual- or multi-language medication labels, warning labels or other written materials to LEP individuals who speak one of the pharmacy primary languages if one of the languages included on such labels or sheets is the LEP individual's primary language.

**§ 20-623 Notification relating to language assistance services.** a. Every chain pharmacy shall conspicuously post, at or adjacent to each counter over which prescription drugs are sold, a notification of the right to free language assistance services for limited English proficient individuals as provided for in sections 20-621 and 20-622 of this subchapter. Such notifications shall be provided in all of the pharmacy's primary languages. The size, style and placement of such notice shall be determined in accordance with rules promulgated by the department.

**§ 20-624 Penalties.** a. Any chain pharmacy that violates the provisions of sections 20-621 or 20-622 of this subchapter or any rules promulgated pursuant to such sections shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than two thousand five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than five thousand dollars.

b. Any chain pharmacy that violates the provisions of section 20-623 of this subchapter or any rules promulgated pursuant to such section shall be liable for a civil penalty of not less than two hundred dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than three hundred dollars nor more than one thousand dollars.

**§ 20-625 Hearing authority.** a. Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter and any rules promulgated thereunder. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-624 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the commissioner. The penalties provided for in section 20-624 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All such proceedings shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§ 3. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

JOEL RIVERA, Chairperson; HELEN D. FOSTER, JOHN C. LIU, HELEN SEARS, KENDALL STEWART, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, Committee on Health, August 18, 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 Housing and Buildings

Report for Int. No. 993-A

#### Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to submittal documents for demolition.

The Committee on Housing and Buildings, to which was referred on May 20, 2009 (Minutes, page 2010) the annexed amended proposed local law, respectfully

#### REPORTS:

#### INTRODUCTION

On August 19, 2009, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing to consider the four legislative items referenced above. Previously, on June 8, 2009, the Committee heard testimony from representatives of the Department of Buildings ("DOB"), other professionals and members of the general public on earlier versions of these legislative items.

#### BACKGROUND AND INTENT:

On August 18, 2007, a fire in the former Deutsche Bank Building located at 130 Liberty Street in Manhattan led to the deaths of New York City Firefighters Joseph Graffagnino and Robert Beddia and resulted in injuries to several others. Following the fire, the FDNY announced an investigation into its cause and whether a discarded cigarette on the 17th floor played any role. Later investigations concluded that the cigarette did in fact cause the fire.<sup>1</sup> The FDNY also concluded shortly thereafter that there was no working standpipe in the building at the time of the fire.<sup>2</sup> These and other findings, including concerns about the City's regulation of construction and demolition operations, led the Council to pursue legislative solutions to the problems being uncovered and prompted the City to review how construction, demolition, and abatement operations are regulated and conducted in the City.<sup>3</sup>

The four bills before this Committee are part of a package of twelve legislative items which resulted from the collaborative work between the Administration and the Council to address such issues. These legislative items support the findings and recommendations of a Working Group ("the Group") called for by the Mayor on this subject<sup>4</sup> and include legislative proposals put forth by Council Members in the wake of the fire. The bills are intended to improve construction, demolition and abatement operations in the City of New York and have been amended to reflect the input of stakeholders, DOB and other professionals and members of the general public interested in such issues.

#### LEGISLATIVE ITEMS:

#### Proposed Int. No. 993-A:

Bill section one would repeal the existing section of the Building Code relating to submittal documents and add a new section 3306.5. New section 3306.5 identifies the documents which must be submitted prior to the issuance of a full or partial demolition permit and exempts certain projects from such submission requirements. Submittal document requirements would not apply to demolitions performed as emergency work pursuant to Section 28-215.1 of the Administrative Code ("Ad. Code") when such work is monitored by a qualified person with experience in demolition operations who is employed by the city agency (the Department of Housing Preservation or the Department of Citywide Administrative Services) that has been directed to perform or arrange for the performance of such work. If DOB or such City agency determines that there is a need for supervision of the work by an engineer, such City agency shall retain an engineer or cause an engineer to be retained to supervise the demolition operations. Additionally, submittal documents are not required for full demolition projects where the demolition is to be accomplished without any mechanical equipment (i.e., bobcat or backhoe), including handheld mechanical equipment, for one-, two- or three- family dwellings that are three stories or less or buildings that are three stories or less with a floor area of 5,000 square feet or less per story.

For projects for which submittal documents are required, such documents must be approved by DOB before any demolition work begins. The documents must

be signed, sealed and submitted by a registered design professional (registered architect, "RA" or professional engineer, "PE") and contain information on: (1) the plans, sections, and details of the building or portion of the building to be demolished clearly showing the extent, sequence, and means and methods of demolition; (2) the bracing and shoring necessary to support all demolition operations through all sequences of the demolition; (3) where mechanical equipment, other than handheld devices, is to be used, a listing and description of all such proposed equipment including the scope of the equipment work and positioning of the equipment on the existing structure, the description of the equipment must also show any necessary calculations and if more than one piece of equipment is to be used at the same time, the effect of the simultaneous loads imposed on the existing structure must also be described and investigated and (4) a description of compliance with applicable provision of Section 3306.9 which relates to protective actions that must be taken during a full or partial demolition.

Further, submittal documents for full or partial demolition using mechanical equipment other than handheld equipment must be signed, sealed and submitted by an engineer, and approved prior to the issuance of a work permit. The approved set of submittal documents must be maintained at the job site at all times and made available for inspection. The failure to make submittal documents available on site may result in the issuance of a stop work order or a violation.

Bill section two contains the enactment clause and provides that this local law would take effect ninety days after enactment.

#### Amendments to Int. No. 993:

- Technical changes were made to the bill which including its reorganization and the removal of a third bill section which previously contained the enactment clause.
- An additional exception was added to bill section one which would exempt the Department of Housing Preservation and Development and the Department of Citywide Administrative Services from submitting the required documents when emergency demolitions are undertaken or arranged by such agencies as directed by DOB pursuant to Section 28-215.1 of the Administrative Code. If DOB or such City agency determines that there is a need for supervision of the work by an engineer, such City agency shall retain an engineer or cause an engineer to be retained to supervise the demolition operations.
- Section 3306.5.1.1 was amended to state that submittal documents for full or partial demolition using mechanical equipment other than handheld shall be "signed, sealed and submitted" by an engineer rather than "filed" by such engineer.
- Section 3306.5.3 was amended to include that required submittal documents be approved prior to the issuance of the work permit.
- The enactment clause was amended to provide that this local law would take effect ninety days after enactment rather than immediately after enactment.

#### Proposed Int. 994-A:

Bill section one adds a new section 903.6 to the Building Code and would require the use of certain colors to paint dedicated sprinklers. Dedicated sprinkler piping would be required to be painted red and may be also identified by lettered legend in accordance with ANSI A13.1. For plastic piping which must be listed and labeled, such painting shall not obscure the required labeling. Exclusions from the painting requirement include attachments, gauges, valves and operable parts of sprinkler systems other than valve handles; horizontal branch lines and facilities storing, handling and using flammable and combustible liquids in connection with special operation where a different color coding may be required for such piping.

Subsection 903.6.1 provides that in new buildings, cross connections and risers in such buildings, including buildings constructed pursuant to Section 28-101.4.2 of the Ad. Code, shall be painted red and the handles of the valves serving dedicated sprinklers painted green prior to the hydrostatic pressure test regardless of whether they will be enclosed at a later point in time.<sup>5</sup> Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system must be painted red and the handles of valves serving such combination system painted yellow.

Subsection 903.6.2 provides that in buildings undergoing alteration projects, cross connections and risers for independent (stand-alone) existing sprinkler systems that are exposed during such alterations, including alterations pursuant to Section 28-101.4.2 of the Ad. Code, must be painted red and the handles of valves serving such systems painted green. Where the alteration requires a hydrostatic pressure test such painting shall be completed prior to such test. Additionally, sprinkler risers and cross connections that are also used for the standpipe system must be painted red and the handles of such system painted yellow.

Subsection 903.6.3 provides that exposed risers and cross connections in buildings in existence on the effective date of the legislation must be painted red within three months of the effective date of this legislation, including the handles of valves serving such system which must be painted green. Sprinkler risers and cross connections that are also used for the standpipe system must be painted red and the handles of valves serving such system painted yellow.

Subsection 903.6.4 provides that in buildings under construction (new construction or an alteration project) on the effective date of the legislation, where the work has not been signed-off by the Department prior to the legislation's

effective date, all exposed cross connections and risers in any such building must be painted red prior to the hydrostatic pressure test, including cross connections and risers that will be enclosed at a later point in time, and the handles of the valves serving such systems painted green. Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system must be painted red and the handles of the valves serving such system painted yellow. Further, cross connections and risers enclosed prior to the effective date of this legislation need not be painted.

Subsection 903.6.5 provides that in all buildings where sprinkler and combination systems are not subject to a special inspection pursuant to Section 1704.21 of this code, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system must certify on forms provided by DOB that all required painting has been completed. The certification form must be maintained on the premises and made available for inspection by DOB or the Fire Department.

Bill section two would add a new section 905.11 to the Building Code to address the painting of dedicated standpipes. Such systems and the handles of valves serving such systems must be painted and such painting certified. Standpipe piping may also be identified by lettered legend in accordance with ANSI A13.1. Where the piping is required to be listed and labeled such painting cannot obscure such labeling. Attachments, gauges, valves and operable parts of standpipes other than the valve handles are not required to be painted. Also exempt from the painting requirement are piping related to the use of flammable and combustible liquids in connection with special operations where a different color coding may be required by Section 3406 of the *New York City Fire Code*.

Subsection 905.11.1 provides that all portions of a standpipe system and the handles of valves serving such system in new buildings, including buildings constructed pursuant to Section 28-101.4.2. of the Ad. Code must be painted red prior to the hydrostatic pressure test whether or not they are intended to be enclosed at the end of construction.

Subsection 905.11.2 provides that in buildings undergoing alteration projects, existing handles of valves serving existing standpipe systems and unpainted standpipe risers that are exposed during alterations, including alterations that have not received sign-off by DOB must be painted red. Where the alteration requires a hydrostatic pressure test such painting must be completed prior to such test.

Subsection 905.11.3 provides that all portions of exposed standpipe systems and handles of valves serving the standpipe system of buildings in existence on the effective date of this legislation must be painted red within three months after the effective date of the law.

Subsection 905.11.4 provides that in buildings under construction where the work has not received the sign-off by the Department prior to the effective date of this legislation, all exposed portions of the standpipe system and handles of valves serving such system must be painted red prior to the hydrostatic pressure test including portions that will be enclosed at a later point in time. Portions of the system enclosed prior to the effective date of this legislation need not be painted.

Subsection 905.11.5 provides that where a standpipe system is used as a combination standpipe and sprinkler system and required to be painted the sprinkler risers and cross connections that are also used for the standpipe system must be painted red and the handles of valves serving such combination standpipe and sprinkler system painted yellow.

Subsection 905.11.6 provides that in all buildings where standpipe and combination systems are not subject to a special inspection pursuant to Section 1704.22 of this code, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system must certify on forms provided by DOB that all required painting has been completed. The certification form must be maintained on the premises and made available for inspection by DOB or the Fire Department.

Bill section three contains the enactment clause and provides that this local law would take effect 180 days after enactment and requires DOB to take all necessary measures to implement the law including the promulgation of rules prior to the effective date.

#### Amendments to Int. No. 994

- Subsection 903.6 of bill section one and subsection 905.11 of bill section two were amended to clarify that dedicated sprinkler piping and dedicated standpipes and the handles of valves serving standpipes must be painted and the painting certified. In addition, such sections also now allow sprinkler piping and standpipe piping to be also identified by lettered legend in accordance with ANSI A13.1 and where the piping is required to be listed and labeled such painting shall not obscure the labeling. Further, exceptions to the painting requirement in both sections now include operable parts of sprinkler systems and standpipes other than valve handles, and where different color coding may be required by Section 3406 of the *New York City Fire Code* for facilities storing, handling, and using flammable and combustible liquids in connection with special operations.
- Subsections 903.6.1, 903.6.2, 903.6.3 and 903.6.4 were amended to provide that in all buildings (new construction, sprinkler systems exposed during alteration projects, exposed systems in completed buildings and work that has not received a sign-off by

DOB) cross connections and risers for sprinkler systems must be painted red rather than green. Further, new provisions were added to such subsections to require that the handles of valves serving dedicated sprinklers be painted green and the handles of valves serving combination standpipe and sprinkler systems be painted yellow.

- Subsection 903.6.2 was additionally amended to provide where the alteration work requires a hydrostatic pressure test the required painting must be completed prior to such test.
- Subsection 903.6.3 was also amended to provide that in completed buildings (buildings in existence on the effective date of this local law) the required painting must be done within three months after the effective date of this bill.
- Subsection 903.6.4 was also amended to provide that cross connections and risers enclosed prior to the effective date of this local law need not be painted.
- Subsection 903.6.5 and 905.11.6 are new provisions which provide that for all buildings where sprinkler, standpipe and combination sprinkler and standpipe systems are not subject to a special inspection pursuant to Section 1704.21 or 1704.22 of this code, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system must certify on forms provided by DOB that all required painting has been completed. The certification form must be maintained on the premises and made available for inspection by DOB or the Fire Department.
- Subsection 905.11.1 of bill section two was amended to clarify that in all new buildings, in addition to all portions of the standpipe system, the handles of valves serving such system must be painted red.
- Subsection 905.11.2 was amended to provide that existing handles of valves serving existing standpipe systems and existing unpainted standpipe risers exposed during alterations including alterations that have not received DOB sign-off must be painted red. Where the alteration requires a hydrostatic pressure test the required painting must be completed prior to such test.
- Subsection 905.11.3 was amended to provide that all portions of exposed standpipe systems including handles of valves serving such system in completed buildings must be painted within three months after the effective date of this local law.
- Subsection 905.11.4 was amended to provide that in all buildings, under construction where the work has not received DOB sign-off, all exposed portions of the standpipe including the handles of valves serving the standpipe system must be painted red. Portions of the standpipe system enclosed prior to the effective date of the legislation need not be painted.
- Subsection 905.11.5 was amended to provide that the handles of valves serving combination standpipe and sprinkler system must be painted yellow.
- Bill section three, the enactment clause, was amended to provide that this local law would take effect 180 days after enactment.

**Proposed Int. No. 999-A:**

Bill section one adds a new subsection 3310.8.1.1 to section 3310 of the Building Code and provides for additional standpipe inspection responsibilities of site safety personnel. A site safety manager or coordinator will be required to conduct daily checks to ensure that a standpipe system is available and ready at all times for use by fire fighting personnel. Such inspections must include a verification that the valves are in place at each story below the construction floor, that standpipes are connected to a water source or siamese connection and that siamese hose connections are free from obstructions and marked as required. Such personnel will also be required to conduct weekly checks to verify that a standpipe has not been breached by visually tracing the standpipe including risers, cross connections and siamese connections.

Bill section two contains the enactment clause and provides that this local law would take effect immediately after enactment.

Amendments to Int. No. 999:

- Technical changes were made to the bill which including its reorganization and the bill was amended to include that a record of all inspections made by the site safety manager or coordinator must be maintained by such personnel in a log book.

**Proposed Int. No. 1000-A:**

Bill section one amends items 1 and 2 of subsection 3303.8 of the Building Code and provides that where under current law a standpipe system must be “in a state of readiness” for use by fire fighting personnel, such standpipe cannot be considered “in a state of readiness” unless it is painted red in accordance with the provisions of section 905.11. This bill amends item (2) to provide that the cutting and capping of standpipes during demolition work shall only be performed by a licensed master plumber or licensed master fire suppression piping contractor who

has obtained a permit for such work. The red paint required pursuant to section 905.11 must be maintained during any demolition operations and all existing house check valves must remain in place until completion of the demolition work.<sup>6</sup>

Bill section two adds a new subsection 3306.9.6 to the Building Code to provide that when existing sprinkler systems with siamese hose connections are present in structures undergoing full or partial demolition, such systems must be maintained as a non-automatic sprinkler system except when related to damaged sprinklers. Additionally, the cutting and capping of sprinklers during demolition work can only be performed by a licensed master plumber or licensed master fire suppression piping contractor who has obtained a permit for such work. Also, the red paint required pursuant to section 903.6 of the Building Code must be maintained during demolition operations.

Subsection 3306.9.6.1 relates to the removal of damaged or inoperable sprinklers and provides that requests for a variance from sprinkler requirements will be limited to requests to remove a damaged or inoperable sprinkler system, or a portion of such system, in connection with demolitions or gut rehabilitations. Applications for construction document approvals for such requests must be filed by a registered design professional in accordance with specified procedures including the review and concurrence of the Fire Department in the granting of a variance, as well as DOB.

Bill section three contains the enactment clause and provides that this local law would take effect 180 days after enactment and requires DOB to take all necessary measures including the promulgation of rules prior to the effective date.

Amendments to Int. No. 1000:

- Technical changes were made to the bill.
- A new provision was added to item 2 of Section 3303.8 to provide that all existing house check valves must remain in place until completion of the demolition work.
- Section 3306.9.6 was amended to reflect changes made to Section 903.6 of the Building Code and consequently now requires that red paint rather than green paint be maintained during any demolition operations.
- Subsection 3306.9.6.1 was amended to clarify that requests for a variance from the sprinkler requirements will be limited to requests to remove a damaged or inoperable sprinkler system or a portion of such system in connection with demolitions or gut rehabilitations. Additionally, item 3 of the specified procedure to request a variance was removed.

Accordingly, Your Committee recommends the adoption of Int No. 993-A, 994-A, 999-A, and 1000-A.

<sup>1</sup> See News from the BLUE ROOM, Multi-Agency Update on Fire at 130 Liberty Street, August 20, 2007 and DANY, 2008. Statement by the New York County District Attorney: Deutsche Bank Fire.

<sup>2</sup> News from the BLUE ROOM, Update on Investigations of the Fire at 130 Liberty Street, August 22, 2007.

<sup>3</sup> In the fall of 2007, Deputy Mayor Edward Skyler convened a Working Group that included representatives of the Department of Buildings, Department of Environmental Protection, New York City Fire Department, the Mayor’s Office of Operations, and the Law Department to review how the City regulates construction, demolition and abatement operations, including agency practices regarding enforcement, and the ways these operations are conducted in the field. See, Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008, available at, [http://www.nyc.gov/html/om/pdf/2008/pr277-08\\_safety\\_report.pdf](http://www.nyc.gov/html/om/pdf/2008/pr277-08_safety_report.pdf)

<sup>4</sup> Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

<sup>5</sup> Section 28-101.4.2 relates to applications for construction document approval submitted prior to and within twelve months after the July 1, 2008 effective date of the Building Code.

<sup>6</sup> A check valve is designed to detect when water flows into the protection system's piping. The valve is installed at the location where the water supply enters the fire protection system.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 993-A:)**

**FISCAL IMPACT STATEMENT:**

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

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** 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 as Int. 993 by the Full Council and referred to the Committee on Housing and Buildings on May 20, 2009. The Committee on Housing and Buildings held a hearing on Int. 993 and laid over the legislation on June 8, 2009. An amendment has been proposed and the committee will reconsider Proposed Int. 993-A on August 19, 2009.

(For text of Int. No. 994-A, 999-A, and 1000-A, please see the respective Reports of the Committee on Housing and Buildings for Int. Nos. 994-A, 999-A, and 1000-A printed in these Minutes.)

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 993-A:)

Int. No. 993-A

By Council Member Dilan, the Speaker (Council Member Quinn), and Council Members Fidler, Gonzalez, James, Liu, Nelson, Seabrook, Stewart, Weprin, Baez, White, Recchia, Gentile, Vann, Garodnick, Katz, Lappin, Vallone Jr. and Mitchell (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to submittal documents for demolition.**

*Be it enacted by the Council as follows:*

Section 1. Section 3306.5 of section 3306 of the New York city building code, as added by local law number 33 for the year 2007, is REPEALED and a new section 3306.5 is added to read as follows:

**3306.5 Submittal documents for demolition.** *Submittal documents for full and partial demolition shall comply with Sections 3306.5.1 through 3306.5.3.*

**Exceptions:** *Section 3306.5 shall not apply to:*

1. *Demolitions performed as emergency work pursuant to Section 28-215.1 of the Administrative Code when such work is monitored by a qualified person with experience in demolition operations who is employed by the city agency that has been directed to perform or arrange for the performance of such work. If the department or such city agency determines that there is a need for supervision of the work by an engineer, such city agency shall retain an engineer or cause an engineer to be retained to supervise the demolition operations.*
2. *Full demolition where the demolition is to be accomplished without any mechanical demolition equipment, including handheld mechanical equipment, for:*
  - 2.1. *One-, two- or three-family dwellings that are three stories or less; or*
  - 2.2. *Buildings that are three stories or less and with a floor area of 5,000 square feet (1524 m<sup>2</sup>) or less per story.*

**3306.5.1 Required documents.** *Submittal documents shall be approved by the department before demolition work begins. Such submittal documents shall be signed, sealed, and submitted by a registered design professional and shall contain, at a minimum, the following:*

1. *Plans, sections, and details of the building or portion thereof to be demolished clearly showing the extent, sequence, and means and methods of demolition;*
2. *Bracing and shoring necessary to support all demolition operations through all sequences of the demolition;*
3. *Where mechanical demolition equipment, other than hand held devices, is to be used, a listing and description of all such proposed equipment to be used in the demolition, including the scope of equipment work and positioning of equipment on the existing structure. The description of the equipment shall include calculations showing the adequacy of the existing structure to support loads imposed by such equipment. If more than one piece of demolition equipment is proposed to be used at the same time, the effect of the simultaneous loads imposed on the existing structure shall be described and investigated; and*
4. *A description of compliance with the applicable provisions of Section 3306.9 of this code.*

**3306.5.1.1 Submittal documents for full or partial demolition using mechanical equipment other than handheld.** *Submittal documents for full or partial demolition using mechanical equipment other than handheld shall be signed, sealed and submitted by an engineer.*

**3306.5.2 Maintenance of submittal documents.** *The approved set of submittal documents shall be kept at the site at all times and be accessible for inspection. It shall be a violation of this code to use mechanical equipment, whether handheld or other than handheld, to perform full or partial demolitions unless the approved submittal documents required by Section 3306.5.1 are available for inspection. Failure to make submittal documents available on site may result in the issuance of a stop work order.*

**3306.5.3 Filing requirements.** *Where submittal documents are required in connection with full or partial demolition in accordance with Section 3306.5, applications shall be filed by the registered design professional in accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code and shall be approved prior to issuance of the work permit.*

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

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROSIE MENDEZ, JAMES VACCA, THOMAS WHITE JR., ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, August 19, 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 Int. No. 994-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring painting of dedicated standpipes and sprinklers.**

The Committee on Housing and Buildings, to which was referred on May 20, 2009 (Minutes, page 2011) the annexed amended proposed local law, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 993-A printed in these Minutes)

(The following is from the text of the Fiscal Impact Statement for Int. No. 994-A:)

**FISCAL IMPACT STATEMENT:**



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

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Anthony Brito, Legislative Financial Analyst

**HISTORY:** This legislation was introduced as Int. 994 by the Full Council and referred to the Committee on Housing and Buildings on May 20, 2009. The Committee on Housing and Buildings held a hearing on Int. 994 and laid over the legislation on June 8, 2009. An amendment has been proposed and the committee will reconsider Proposed Int. 994-A on August 19, 2009.

(For text of Int Nos. 993-A, 999-A, and 1000-A, please see the respective Reports of the Committee on Housing and Buildings for Int Nos. 993-A, 999-A, and 1000-A printed in these Minutes).

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 994-A:)

Int. No. 994-A

By Council Member Garodnick, the Speaker (Council Member Quinn), and Council Members Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Recchia, Sanders, Seabrook, Weprin, Baez, White, Gerson, Dilan, Katz, Lappin, Vallone Jr. and Mitchell (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring painting of dedicated standpipes and sprinklers.**

Be it enacted by the Council as follows:

Section 1. Section 903 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new section 903.6 to read as follows:

**903.6 Painting of dedicated sprinklers.** Dedicated sprinkler piping shall be painted and such painting certified in accordance with Sections 903.6.1 through 903.6.5. In addition to painting, sprinkler piping may also be identified by lettered legend in accordance with ANSI A13.1. Where the piping is required to be listed and labeled such painting shall not obscure such labeling.

**Exceptions:**

1. Attachments, gauges, valves and operable parts of sprinkler systems other than valve handles.
2. Horizontal branch lines.
3. Where different color coding may be required by Section 3406 of the New York City Fire Code for facilities storing, handling, and using flammable and combustible liquids in connection with special operations.

**903.6.1 New buildings.** Cross connections and risers in new buildings, including buildings constructed pursuant to Section 28-101.4.2 of the Administrative Code, shall be painted red and the handles of valves serving dedicated sprinklers shall be painted green prior to the hydrostatic pressure test regardless of whether they will be enclosed at a later point in time.

**Exception:** Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections

that are also used for the standpipe system shall be painted red and the handles of valves serving such combination system shall be painted yellow.

**903.6.2 Alterations.** Cross connections and risers for independent (stand-alone) existing sprinkler systems that are exposed during alterations, including alterations pursuant to Section 28-101.4.2 of the Administrative Code, shall be painted red and the handles of valves serving such existing sprinkler systems shall be painted green. Where the alteration requires a hydrostatic pressure test such painting shall be completed prior to such test.

**Exception:** Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red and the handles of valves serving such combination system shall be painted yellow.

**903.6.3 Retroactive requirement for completed buildings.** Notwithstanding any other provision of law, all exposed risers and cross connections of completed buildings in existence on the effective date of this section shall be painted red within three months after the effective date of this section, and all handles of valves serving such sprinkler system shall be painted green.

**Exception:** Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red and the handles of valves serving such combination system shall be painted yellow.

**903.6.4 Buildings under construction on the effective date of this section.** Notwithstanding any other provision of law, where construction documents were approved and permits issued for the construction of a new building or alteration of an existing building prior to the effective date of this section and the work is not signed off by the department prior to such date, all exposed cross connections and risers in any such building shall be painted red prior to the hydrostatic pressure test, including cross connections and risers that will be enclosed at a later point in time, and handles of valves serving such sprinkler system shall be painted green.

**Exceptions:**

1. Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red and the handles of valves serving such combination system shall be painted yellow.
2. Cross connections and risers enclosed prior to the effective date of this section need not be painted.

**903.6.5 Certification of completion of system painting.** For all buildings where sprinkler and combination sprinkler and standpipe systems are not subject to a special inspection pursuant to Section 1704.21 of this code, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system shall certify on forms provided by the department that all required painting has been completed in accordance with Section 903.6. Such certification shall be maintained on the premises and made available for inspection by the department and the Fire Department.

§2. Section 905 of the New York city building code, as added by local law number 33 for year 2007, is amended by adding a new section 905.11 to read as follows:

**905.11 Painting of dedicated standpipes.** Dedicated standpipes and the handles of valves serving standpipes shall be painted and such painting certified in accordance with Sections 905.11.1 through 905.11.6. In addition to painting, standpipe piping may also be identified by lettered legend in accordance with ANSI A13.1. Where the piping is required to be listed and labeled such painting shall not obscure such labeling.

**Exceptions:**

1. Attachments, gauges, valves and operable parts of standpipes other than valve handles.
2. Where different color coding may be required by Section 3406 of the New York City Fire Code for facilities storing, handling, and using flammable and combustible liquids in connection with special operations.

**905.11.1 New buildings.** All portions of a standpipe system and the handles of valves serving the standpipe system in new buildings, including buildings constructed pursuant to Section 28-101.4.2 of the Administrative Code, shall be painted red prior to the hydrostatic pressure test, whether or not they are intended to be enclosed at the end of construction.

**905.11.2 Alterations.** Existing handles of valves serving existing standpipe systems and existing unpainted standpipe risers that are exposed during alterations, including alterations pursuant to Section 28-101.4.2 of the Administrative Code shall be painted red. Where the alteration requires a hydrostatic pressure test such painting shall be completed prior to such test.

**905.11.3 Retroactive requirement for completed buildings.** Notwithstanding any other provision of law, all portions of exposed standpipe systems and handles of valves serving the standpipe system of completed buildings in existence on the effective date of this section shall be painted red within three months after the effective date of this section.

**905.11.4 Buildings under construction.** Notwithstanding any other provision of law, where construction documents were approved and permits issued for the construction of a new building or alteration of an existing building prior to the effective date of this section and the work is not signed off by the department prior to such date, all exposed portions of the standpipe

system and handles of valves serving the standpipe system shall be painted red prior to the hydrostatic pressure test, including portions that will be enclosed at a later point in time.

**Exception:** Portions of the standpipe system enclosed prior to the effective date of this section need not be painted.

**905.11.5 Combination standpipe and sprinkler systems.** Where a standpipe system that is used as a combination standpipe and sprinkler system is required to be painted pursuant to Section 905.11.1, 905.11.2, 905.11.3 or 905.11.4, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red, and the handles of valves serving such combination standpipe and sprinkler system shall be painted yellow.

**905.11.6 Certification of completion of system painting.** For all buildings where standpipe and combination sprinkler and standpipe systems are not subject to a special inspection pursuant to Section 1704.22 of this code, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system shall certify on forms provided by the department that all required painting has been completed in accordance with Section 905.11. Such certification shall be maintained on the premises and made available for inspection by the department and the Fire Department.

§3. This local law shall take effect one hundred eighty days after enactment except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROSIE MENDEZ, JAMES VACCA, THOMAS WHITE JR., ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, August 19, 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 Int. No. 999-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to site safety managers and coordinators.**

The Committee on Housing and Buildings, to which was referred on May 20, 2009 (Minutes, page 2021) the annexed amended proposed local law, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 993-A printed in these Minutes)

(The following is from the text of the Fiscal Impact Statement for Int. No. 999-A:)

**FISCAL IMPACT STATEMENT:**

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

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Anthony Brito, Legislative Financial Analyst

**HISTORY:** This legislation was introduced as Int. 999 by the Full Council and referred to the Committee on Housing and Buildings on May 20, 2009. The Committee on Housing and Buildings held a hearing on Int. 999 and laid over the legislation on June 8, 2009. An amendment has been proposed and the committee will reconsider Proposed Int. 999-A on August 19, 2009.

(For text of Int Nos. 993-A, 994-A, and 1000-A, please see the respective Reports of the Committee on Housing and Buildings for Int Nos. 993-A, 994-A, and 1000-A printed in these Minutes).

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 999-A:)

Int. No. 999-A

By Council Member Gerson, the Speaker (Council Member Quinn), and Council Members Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Seabrook, Stewart, Weprin, Baez, White, Dilan, Garodnick, Katz, Lappin, Vallone Jr. and Mitchell (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to site safety managers and coordinators.**

Be it enacted by the Council as follows:

Section 1. Section 3310 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new section 3310.8.1.1 to read as follows:

**3310.8.1.1 Site safety manager or coordinator standpipe inspection responsibilities.** The site safety manager or coordinator shall, at a minimum, in accordance with rules promulgated by the department, conduct daily checks to ensure that a standpipe system is available and in a state of readiness at all times for use by fire fighting personnel, by verifying:

1. That valves are in place at each story below the construction floor;
2. That standpipes are connected to a water source or siamese connection; and
3. That siamese hose connections are free from obstruction and are marked by a red light and sign that reads, "Standpipe Siamese Connection."

The site safety manager or coordinator shall also, in accordance with such rules, conduct weekly checks to verify that no breach exists by visually tracing the standpipe, including risers, cross connections and siamese connections. A record of all such inspections shall be maintained by such site safety manager or coordinator in a log book.

§ 2. This local law shall take effect immediately.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROSIE MENDEZ, JAMES VACCA, THOMAS WHITE JR., ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, August 19, 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 Int. No. 1000-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to cutting and capping of standpipes and sprinklers.**

The Committee on Housing and Buildings, to which was referred on May 20, 2009 (Minutes, page 2022) the annexed amended proposed local law, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 993-A printed in these Minutes)

(The following is from the text of the Fiscal Impact Statement for Int. No. 1000-A:)

**FISCAL IMPACT STATEMENT:**

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

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** 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 as Int. 1000 by the Full Council and referred to the Committee on Housing and Buildings on May 20, 2009. The Committee on Housing and Buildings held a hearing on Int. 1000 and laid over the legislation on June 8, 2009. An amendment has been proposed and the committee will reconsider Proposed Int. 1000-A on August 19, 2009.

(For text of Int Nos. 993-A, 994-A, and 999-A, please see the respective Reports of the Committee on Housing and Buildings for Int Nos. 993-A, 994-A, and 999-A printed in these Minutes).

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1000-A:)

Int. No. 1000-A

By Council Member Ignizio, the Speaker (Council Member Quinn), and Council Members Fidler, Gentile, Gonzalez, James, Koppell, Liu, Nelson, Sanders, Weprin, Baez, White, Gerson, Oddo, Recchia, Dilan, Garodnick, Katz, Lappin, Vallone Jr. and Mitchell (in conjunction with the Mayor)

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to cutting and capping of standpipes and sprinklers.**

Be it enacted by the Council as follows:

Section 1. Items 1 and 2 of section 3303.8 of section 3303 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

1. When work reaches a height greater than 75 feet (22 860 mm) in a building for which a standpipe system will be required, a permanent or temporary standpipe meeting the requirements of Section 905 shall be kept in a state of readiness at all times for use by fire fighting personnel. *No standpipe shall be considered to be in a state of readiness unless it is painted red in*

*accordance with the provisions of Section 905.11 of this code. The system shall be a dry system when freezing conditions may be encountered.*

2. Existing standpipe systems in structures undergoing demolition shall be maintained as dry standpipes. At the commencement of demolition, the standpipe risers shall be capped above the outlet on the floor immediately below the floor being demolished so as to maintain the standpipe system on all lower floors for Fire Department use. *Cutting and capping of standpipes during demolition work shall be performed only by a licensed master plumber or licensed master fire suppression piping contractor who has obtained a permit for such work. Standpipe hose, nozzles and spanners are not required to be maintained and may be removed at any time. Siamese hose connections shall be kept free from obstruction and shall be marked by a metal sign reading, "Standpipe Siamese Connection" and by a red light at night. The red paint required pursuant to Section 905.11 of this code shall be maintained during any demolition operations. All existing house check valves shall remain in place until completion of the demolition work.*

§2. Subsection 3306.9.6 of section 3306 of the New York city building code, as added by local law number 33 for the year 2007, is amended and a new section 3306.9.6.1 is added to read as follows.

**3306.9.6 Sprinkler systems.** When existing sprinkler systems with siamese hose connections are present in structures undergoing full or partial demolition, such systems shall be maintained as a non-automatic sprinkler system, *except as provided in Section 3306.9.6.1.* When demolition starts, the sprinkler risers shall be capped immediately below the floor being demolished so as to maintain the sprinkler system on all lower floors for Fire Department use. *Cutting and capping of sprinklers during demolition work shall be performed only by a licensed master plumber or licensed master fire suppression piping contractor who has obtained a permit for such work. Siamese hose connections shall be kept free from obstruction and shall be marked by a metal sign reading "Sprinkler Siamese Connection" and by a red light at night. The red paint required pursuant to Section 903.6 of this code shall be maintained during any demolition operations.*

**3306.9.6.1 Removal of damaged sprinklers.** *Requests for a variance from the sprinkler requirements of this section shall be limited to requests to remove a damaged or inoperable sprinkler system or a portion of such system in connection with demolitions or gut rehabilitations. Applications for construction document approvals for such requests shall be filed with the department by a registered design professional in accordance with the following procedure:*

1. *The filed application shall include a complete report prepared by the professional describing the extent of the damage and attesting as to why the system cannot be restored; and*
2. *The variance shall not be approved by the department without the concurrence of the Fire Department as follows:*
  - 2.1. *The applicant shall file the request for variance with the Fire Department;*
  - 2.2. *The Fire Department shall review and recommend any necessary safety measures required as a condition of granting the variance; and*
  - 2.3. *The applicant shall submit the Fire Department's recommendation to the department along with proof of satisfactory implementation of such safety measures.*

§3. This local law shall take effect one hundred eighty days after enactment except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROSIE MENDEZ, JAMES VACCA, THOMAS WHITE JR., ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, August 19, 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. 1092

**Report of the Committee on Land Use in favor of approving Application no. 20095469 HAM an Urban Development Action Area Project located at 133-41 West 140th Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City**

**Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1744) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
133-41 West 140 <sup>th</sup> Street Interim Brooklyn	2009/23	20095469 HAM	1092	Tenant  Lease
63 Thompson Street Manhattan Rehabilitation	489/35	20095572 HAM	1109	Substantial
152 East 116 <sup>th</sup> Street Interim Manhattan Lease	1643/51	20095594 HAM	1110	Tenant
2228 Givan Avenue Bronx	5141/260	20105030 HAX	Pre.	Section 202 Supportive Housing
69-21 Bayfield Avenue Control Area 69-30 Elizabeth Avenue Queens	16045/21 16049/43	20105031 HAQ	Pre.	Asset
108-16 Guy R. Brewer Blvd. Control Area Queens	10150/44	20105032 HAQ	Pre.	Asset

**INTENT**

HPD requests that the Council:

1. Find that the present status of the Disposition Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 422 of the Real Property Tax Law for Non-ULURP No. 20105030 HAX; Section 577 of the Private Housing Finance Law for L.U. Nos. 1092 and 1110; and Section 696 of the General Municipal Law for Non-ULURP Nos. 20105031 HAQ and 20105032 HAQ.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009

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

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

Res. No. 2150

**Resolution approving an Urban Development Action Area Project located at 133-41 West 140<sup>th</sup> Street (Block 2009, Lot 23), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1092; 20095469 HAM).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 6, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 133-41 West 140<sup>th</sup> Street (Block 2009, Lot 23), Community District 10, Borough of Manhattan (the "Disposition Area"):

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

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on August 18, 2009;

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

**RESOLVED:**

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

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

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

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

**ATTACHMENT:**

**PROJECT SUMMARY**

20095469 HAM  
Page 1 of 1  
L.U. No. 1092

- 1. **PROGRAM:** TENANT INTERIM LEASE PROGRAM
- 2. **PROJECT:** 133-41 West 140<sup>th</sup> Street
- 3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY BOARD:** 10
  - c. **COUNCIL DISTRICT:** 9
  - d. **DISPOSITION AREA:**

BLOCK	LOT	ADDRESS
2009	23	133-41 West 140 <sup>th</sup> Street
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$250 per dwelling unit)
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
- 7. **APPROXIMATE NUMBER OF UNITS:** 55
- 8. **HOUSING TYPE:** Cooperative
- 9. **ESTIMATE OF INITIAL MAINTENANCE CHARGES:** Approximately \$1.15 to \$1.50 per square foot
- 10. **INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
- 11. **PROPOSED FACILITIES:** None
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Type II
- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

LAND USE DIVISION  
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MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1110

**Report of the Committee on Land Use in favor of approving Application no. 20095594 HAM, an Urban Development Action Area Project located at 152 East 116th Street, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

The Committee on Land Use, to which was referred on May 20, 2009 (Minutes, page 2062) the annexed Land Use resolution, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 1092 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2151

**Resolution approving an Urban Development Action Area Project located at 152 East 116<sup>th</sup> Street (Block 1643/Lot 51), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1110; 20095594 HAM).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 12, 2009 its request dated May 4, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 152 East 116<sup>th</sup> Street (Block 1643/Lot 51), Community District 11, Borough of Manhattan (the "Disposition Area"):

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

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on August 18, 2009;

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

**RESOLVED:**

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

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

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

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

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

The Council approves the Tax Exemption as follows:

Exemption from real property taxes, other than assessments for local improvements, of all of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), commencing upon the date of conveyance of the Disposition Area to Sponsor ("Effective Date") and terminating upon a date which is thirty two (32) years from the Effective Date ("Expiration Date"); provided, however, that such tax exemption shall terminate if the Department of Housing Preservation and Development determines that Sponsor is not organized as a housing development fund company, that Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or that Sponsor is not operating the housing project in accordance with the requirements of any agreements between Sponsor and City of New York.

**ATTACHMENT:**

**PROJECT SUMMARY**

20095594 HAM  
Page 1 of 1  
L.U. No. 1112

- |   |  |
|---|--|
| 1. PROGRAM:                                 | TENANT INTERIM LEASE PROGRAM   |
| 2. PROJECT:                                 | 152 East 116 <sup>th</sup> Street  |
| 3. LOCATION:                                |  |
| a. BOROUGH:                                 | Manhattan  |
| b. COMMUNITY DISTRICT:                      | 11   |
| c. COUNCIL DISTRICT:                        | 8  |
| d. DISPOSITION AREA:                        | <u>BLOCK</u> <u>LOT</u> <u>ADDRESS</u>   |
|   | 1643      51      152 East 116 <sup>th</sup> Street  |
| 4. BASIS OF DISPOSITION PRICE:              | Nominal price one dollar (\$1.00)  |
| 5. TYPE OF PROJECT:                         | Rehabilitation   |
| 6. APPROXIMATE NUMBER OF BUILDINGS:         | 1 Multiple Dwelling  |
| 7. APPROXIMATE NUMBER OF UNITS:             | Nine   |
| 8. HOUSING TYPE:                            | Cooperative  |
| 9. ESTIMATE OF INITIAL MAINTENANCE CHARGES: | Approximately \$1.15 to \$1.50 per square feet.  |
| 10. INCOME TARGETS:                         | The Disposition Area contains one occupied building, which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median income. |
| 11. PROPOSED FACILITIES:                    | None   |
| 12. PROPOSED CODES/ORDINANCES:              | None   |
| 13. ENVIRONMENTAL STATUS:                   | Type II  |
| 14. PROPOSED TIME SCHEDULE:                 | Approximately sixteen (16) months from closing to completion of construction.  |

CITY OF NEW YORK  
 LAND USE DIVISION  
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MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1172

**Report of the Committee on Land Use in favor of approving Application no. 20095655 HKM (N 090458 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of Fort Washington Presbyterian Church located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174th Street), Council District no 10 .**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4388) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 12**

**20095655 HKM (N 090458 HKM)**

Designation by the Landmarks Preservation Commission (List No. 414/LP-2337) pursuant to Section 3020 of the New York City Charter of the landmark designation of Fort Washington Presbyterian Church, located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174<sup>th</sup> Street) (Block 2143, Lot 38 in part), as an historic landmark.

Report Summary:

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009

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

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

Res. No. 2152

**Resolution affirming the designation by the Landmarks Preservation Commission of the Fort Washington Presbyterian Church, located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174<sup>th</sup> Street) (Block 2143, Lot 38 in part), Borough of Manhattan, Designation List No. 414, LP-2337 (L.U. No. 1172; 20095655 HKM; N 090458 HKM).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on May 20, 2009 a copy of its designation dated May 12, 2009 (the "Designation"), of the Fort Washington Presbyterian Church, located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174<sup>th</sup> Street), Community District 12, Borough of Manhattan, as a landmark and Block 2143, Lot 38 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on July 2, 2009 its report on the Designation dated July 1, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on August 18, 2009; and

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

**RESOLVED:**

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1173

**Report of the Committee on Land Use in favor of approving Application no. 20095656 HKK (N 090460 HKK) , pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of the Fillmore Place Historic District, Council District no. 34 .**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4389) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 01**                      **20095656 HKK (N 090460 HKK)**

Designation by the Landmarks Preservation Commission (List 414, LP 2333) pursuant to Section 3020 of the New York City Charter for the landmark designation of the Fillmore Place Historic District.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009

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

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

Res. No. 2153

**Resolution affirming the designation by the Landmarks Preservation Commission of Fillmore Place Historic District, Borough of Brooklyn, Designation List No. 414, LP-2333 (L.U. No. 1173; 20095656 HKK; N 090460 HKK).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on May 20, 2009 a copy of its designation dated May 12, 2009 (the "Designation"), of the Fillmore Place Historic District. The district boundaries are: bounded by a line beginning at the intersection of the northern curblineline of Fillmore Place and the western curblineline of Roebling Street, continuing southerly across the roadbed of Fillmore Place and along the western curblineline of Roebling Street to a point formed by its intersection with a line extending easterly from the southern property line of 168 Roebling Street, westerly along said line and the southern property line of 168 Roebling Street, southerly along a portion of the eastern property line of 30 Fillmore Place, westerly along the southern property lines of 30 through 18 Fillmore Place, southerly along a portion of the eastern property line of 16 Fillmore Place, westerly along the southern property lines of 16 through 10 Fillmore Place, northerly along a portion of the western property line of 10 Fillmore Place, westerly along the southern property line of 675 Driggs Avenue to the eastern curblineline of Driggs Avenue, northerly along said curblineline to a point formed by its intersection with a line extending easterly from the northern curblineline of North 1st Street, westerly across the roadbed of Driggs Avenue and along the northern curblineline of North 1st Street to a point formed by its intersection with a line extending southerly from the western property line of 676 Driggs Avenue, northerly along the western property lines of 676 through 662 Driggs Avenue, easterly along the northern property line of 662 Driggs Avenue to the western curblineline of Driggs Avenue, southerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 667 Driggs Avenue, easterly along said line across the roadbed of Driggs Avenue and along the northern property lines of 667 Driggs Avenue and 7 Fillmore Place, northerly along a portion of the western property line of 9 Fillmore Place, easterly along the northern property lines of 9 through 21 Fillmore Place, southerly along a portion of the eastern property line of 21 Fillmore Place, easterly along the northern property line of 23 Fillmore Place, southerly along the eastern property line of 23 Fillmore Place to the northern curblineline of Fillmore Place, easterly along said curblineline to the point of the beginning, Community District 1, Borough of Brooklyn, as a historic district pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on July 2, 2009 its report on the Designation dated July 1, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on August 18, 2009; and

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

**RESOLVED:**

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1174

**Report of the Committee on Land Use in favor of approving Application no. 20095657 HKM (N 090459 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of the Audubon Historic District, Council District no 7.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4389) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 12**                      **20095657 HKM (N 090459 HKM)**

Designation by the Landmarks Preservation Commission (List 414, LP 2335) pursuant to Section 3020 of the New York City Charter for the landmark designation of the Audubon Park Historic District.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009

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

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

Res. No. 2154

**Resolution affirming the designation by the Landmarks Preservation Commission of the Audubon Park Historic District, Borough of Manhattan, Designation List No. 414, LP-2335 (L.U. No. 1174; 20095657 HKM; N 090459 HKM).**

By Council Members Katz and Lappin.



**WHEREAS**, the Landmarks Preservation Commission filed with the Council on May 20, 2009 a copy of its designation dated May 12, 2009 (the "Designation"), of the Audubon Park Historic District. The district boundaries are: property bounded by a line beginning at the intersection of the southern curblineline of West 156<sup>th</sup> Street and the western curblineline of Broadway, extending northerly across West 156<sup>th</sup> Street and continuing northwesterly along the southwestern curblineline of Edward M. Morgan Place to its intersection with the southeastern curblineline of Riverside Drive, continuing northeasterly across Edward M. Morgan Place to the intersection of the northeastern curblineline of Edward M. Morgan Place with the southern curblineline of West 158<sup>th</sup> Street, easterly along the southern curblineline of West 158<sup>th</sup> Street to a point formed by its intersection with a line extending southerly from the eastern property line of 609 West 158<sup>th</sup> Street, northerly across the roadbed and along said property line to the northern property line of 611 West 158<sup>th</sup> Street (aka 810 Riverside Drive) to the western property line of 611 West 158<sup>th</sup> Street (aka 810 Riverside Drive), southerly along said property line to the northern curblineline of West 158<sup>th</sup> Street, westerly across Riverside Drive and along said curblineline to a point formed by its intersection with a line extending northerly from the western property line of 807 Riverside Drive (aka 620-624 West 158<sup>th</sup> Street), southerly across the roadbed and along said property line to the northern property line of 801 Riverside Drive, westerly along a portion of said property line to the western property line of 801 Riverside Drive, southerly along portion of said property line to the northern property line of 779 Riverside Drive (aka 779-789 Riverside Drive), westerly along said property line to the western property line of 779 Riverside Drive (aka 779-789 Riverside Drive), southerly along said property line to the northern property line of 775 Riverside Drive (aka 773-777 Riverside Drive), westerly along a portion of said property line and along the northern property line of Manhattan Tax Map Block 2134 Lot 250 to the northeastern curblineline of Riverside Drive West, southeasterly and easterly along said curblineline, continuing easterly along the southern curblineline of Riverside Drive, easterly across Riverside Drive to the eastern curblineline of Riverside Drive, southerly along said curblineline to its intersection with the northern curblineline of West 155<sup>th</sup> Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the eastern property line of 780 Riverside Drive (aka 780-784 Riverside Drive; 635-639 West 155<sup>th</sup> Street), northerly along said property line and along the eastern property line of 788 Riverside Drive (aka 786-788 Riverside Drive; 640-642 West 156<sup>th</sup> Street) to the southern curblineline of West 156<sup>th</sup> Street, easterly along said curblineline to the point of the beginning, Community District 12, Borough of Manhattan, as a historic district pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on July 2, 2009 its report on the Designation dated July 1, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on August 18, 2009; and

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

**RESOLVED:**

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1175

**Report of the Committee on Land Use in favor of approving Application no. 20105001 HHM pursuant to §7385 (6) of the Enabling Act, concerning the lease of approximately 25,000 square feet of space on the 3rd floor of the "C&D Building" on the campus of Bellevue Hospital Center, Council District no. 3.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4389) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 06**

**20105001 HHM**

Application submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the lease of an approximately 25,000 square feet of space on the 3<sup>rd</sup> floor of the "C&D Building" on the campus of Bellevue Hospital Center between the Health and Hospitals Corporation and the City University of New York for use as a clinical simulation laboratory.

**INTENT**

To approve the lease of the 3<sup>rd</sup> floor of the C&D Building at Bellevue Hospital for use as a Clinical Simulation Laboratory.

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009

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

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

Res. No. 2155

**Resolution approving the leasing of 25,000 s.f. of space on the 3<sup>rd</sup> floor of the C&D Building on the campus of the Bellevue Hospital Center, located at 462 First Avenue (Block 961, Lot 1), Borough of Manhattan (20105001 HHM; L.U. No. 1175).**

By Council Members Katz and Lappin.

**WHEREAS**, the New York City Health and Hospitals Corporation filed with the Council on June 30, 2009 notice of the Board of Directors authorization dated June 23, 2009 of the leasing agreement of approximately 25,000 square feet of space on the third floor of the C&D Building on the campus of the Bellevue Hospital Center located at 462 First Avenue (Block 961, Lot 1) to the City University of New York (CUNY), upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing the leasing, to facilitate the development of a clinical simulation laboratory, a copy of which is attached hereto (the "Leasing"), Community District 6, Borough of Manhattan;

**WHEREAS**, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Act;

**WHEREAS**, upon due notice, the Council held a public hearing on the Leasing on August 18, 2009; and

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

**RESOLVED:**

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Act, the Council approves the Leasing upon the terms and conditions set forth in the Board of Directors' resolution authorizing the Leasing, a copy of which is attached hereto.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK,

JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1178

**Report of the Committee on Land Use in favor of approving Application no. C 090003 ZSM submitted by RJM/EM 4 East 94th Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Sections 23-691, 23-633 (b), 23-633 (d) and 23-663 to allow the renovation of two buildings located at 4 and 6-8 East 94th Street (Block 1505, Lot 66). This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4390) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 8**

**C 090003 ZSM**

City Planning Commission decision approving an application submitted by RJM/EM 4 East 94<sup>th</sup> Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the requirements of Sections 23-691 (Limited Height Districts), 23-633 (Required rear setbacks for tall buildings in other districts) to allow the renovation of two buildings located at 4 and 6-8 East 94<sup>th</sup> Street (block 1505, Lot 66) in an R8B/LH1A and R10 districts, within the Special Park Improvement District (PI).

**INTENT**

To allow the renovation of two buildings located at 4 and 6-8 East 94<sup>th</sup> Street.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009 and recessed to August 19, 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. 2156

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090003 ZSM (L.U. No. 1178), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-691 (Limited Height Districts), 23-633 (b) and 23-633 (d) (Street wall location and height and setback regulations), and 23-663 (Required rear setbacks for tall buildings in other districts) to allow the renovation of two buildings located at 4 and 6-8 East 94th Street (Block 1505, Lot 66) in an R8B/LH1A and R10 Districts, within the Special Park Improvement District (PI), Borough of Manhattan.**

By Council Members Katz and Avella.

**WHEREAS**, the City Planning Commission filed with the Council on July 9, 2009 its decision dated July 1, 2009 (the "Decision"), on the application submitted by RJM /EM 4 East 94th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711

of the Zoning Resolution to modify the requirements of Section 23-691 (Limited Height Districts), 23-633 (b) and 23-633 (d) (Street wall location and height and setback regulations), and 23-663 (Required rear setbacks for tall buildings in other districts) to allow the renovation of two buildings located at 4 and 6-8 East 94th Street (Block 1505, Lot 66) in an R8B/LH1A and R10 Districts, within the Special Park Improvement District (PI) (ULURP No. C 090003 ZSM), Community District 8, Borough of Manhattan (the "Application");

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on August 18, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on March 16, 2009 (CEQR No. 08DCP064M);

**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, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1181

**Report of the Committee on Land Use in favor of approving Application no. 20095609 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sullivan Restaurant, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 230 Ninth Avenue, Borough of Manhattan, Council District no. 3.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4391) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20095609 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sullivan Restaurant LLC, d/b/a Co, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 230 Ninth Avenue.

**INTENT**

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

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009 and recessed to August 19, 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. 2157

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 230 Ninth Avenue, Borough of Manhattan (20095609 TCM; L.U. No. 1181).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on July 20, 2009 its approval dated July 20, 2009 of the petition of Sullivan Restaurant LLC, d/b/a Co, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 230 Ninth Avenue, Community District 4, 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 August 18, 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, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1182

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 080012 PCM submitted by the Police Department and the Department of Citywide Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1), for use as a police mounted unit facility and stables.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4392) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**C 080012 PCM**

City Planning Commission decision approving an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1) for use as a police mounted unit facility and stables.

**INTENT**

To approve the site selection and acquisition of property for use as a police mounted unit facility and stables.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 18, 2009

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

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

Res. No. 2158

**Resolution approving the decision of the City Planning Commission on ULURP No. C 080012 PCM (L.U. No. 1182), for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1), Borough of Manhattan, for use as a police mounted unit facility and stables.**

By Council Members Katz and Lappin.

**WHEREAS**, the City Planning Commission filed with the Council on July 9, 2009 its decision dated July 1, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS) for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1) (the "Site") for use as a police mounted unit facility and stables, Community District 4 (ULURP No. C 080012 PCM), Borough of Manhattan (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on August 18, 2009;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 6, 2009, with respect to this application, together with the Technical Memorandum, dated March 17, 2009 (CEQR No. 07DCP071M);

**RESOLVED:**

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated March 18, 2009.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1183

**Report of the Committee on Land Use in favor of approving Application no. 20095590 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of NYLA Café, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 101 Rivington Street, Borough of Manhattan, Council District no. 1.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4392) the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**20095590 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of NYLA Café, LLC, d/b/a Spitzer's Corner, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 101 Rivington Street.

**INTENT**

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

**Report Summary:**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009 and recessed to August 19, 2009

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

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

Res. No. 2159

**Resolution disapproving the petition for a revocable consent of an unenclosed sidewalk café located at 101 Rivington Street, Borough of Manhattan (20095590 TCM; L.U. No. 1183).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on July 23, 2009 its approval dated July 23, 2009 of the petition of NYLA Café, LLC, d/b/a Spitzer's Corner, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 101 Rivington Street, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on August 18, 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 disapproves 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, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 2009.

Coupled for Disapproval.

Report for L.U. No. 1184

**Report of the Committee on Land Use in favor of filing pursuant to a Letter of Withdrawal, Application no. 20105023 HAK, an Urban Development Action Area Project known as Vermont/Wyona 2, located in Community Board 5, Council District no. 42 Borough of Brooklyn.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4392) the annexed Land Use resolution, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 1092 printed in these Minutes.)**

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2160

**Resolution approving a motion to file pursuant to withdrawal of an Urban Development Action Area Project located at Block 3833/Lot 43, Block 3833/Lot 44, Block 3833/Lot 47, Block 4072/Lot 25, and Block 4072/Lot 27, Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1184; 20105023 HAK).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 25, 2009 its request dated June 1, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 3833/Lot 43, Block 3833/Lot 44, Block 3833/Lot 47, Block 4072/Lot 25, and Block 4072/Lot 27, Community District 5, Borough of Brooklyn (the "Disposition Area"):

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

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

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

**WHEREAS**, by submission dated July 24, 2009, the Department of Housing Preservation and Development withdrew the application.

**RESOLVED:**

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 2009.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 1185

**Report of the Committee on Land Use in favor of filing Application no. 20105024 HAK, an Urban Development Action Area Project known as Vermont/Wyona2, located in Community Board 5, Council District no. 37 Borough of Brooklyn.**

The Committee on Land Use, to which was referred on July 29, 2009 (Minutes, page 4393) the annexed Land Use resolution, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 1092 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2161

**Resolution approving a motion to file pursuant to withdrawal of an Urban Development Action Area Project located at Block 3773/Lot 56, Block 3775/Lot 150, Block 3790/Lot 49, Block 3791/Lot 25, Block 3791/Lot 26, and Block 3791/Lot 28, Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1185; 20105024 HAK).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 25, 2009 its request dated June 1, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 3773/Lot 56, Block 3775/Lot 150, Block 3790/Lot 49, Block 3791/Lot 25, Block 3791/Lot 26, and Block 3791/Lot 28, Community District 5, Borough of Brooklyn (the "Disposition Area"):

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

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

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

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

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

**WHEREAS**, by submission dated July 24, 2009, the Department of Housing Preservation and Development withdrew the application.

**RESOLVED:**

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 2009.

Coupled to be Filed pursuant to a Letter of Withdrawal.

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. 1186

**Report of the Committee on Land Use in favor of approving Application no. 20105032 HAQ, an Urban Development Action Area Project located at 108-16 Guy Brewer Boulevard, Council District no. 28, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a partial exemption from real property taxes.**

The Committee on Land Use, to which was referred on August 20, 2009 the annexed Land Use resolution, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 1092 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2162

**Resolution approving an Urban Development Action Area Project located at 108-16 Guy R. Brewer Boulevard (Block 10150/Lot 44), Borough of Queens, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 1186; 20105032 HAQ).**

By Council Members Katz and Garodnick.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 24, 2009 its request dated July 6, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 108-16 Guy R. Brewer Boulevard (Block 10150/Lot 44), Community District 12, Borough of Queens (the "Disposition Area"):

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on August 18, 2009;

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

**RESOLVED:**

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

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

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

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

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

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

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

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

**ATTACHMENT:**

		20105032 HAQ Page 1 of 1 L.U. No. 1187		
		<b>PROJECT SUMMARY</b>		
1. PROGRAM:	ACA PROGRAM			
2. PROJECT:	Queens, Site II			
3. LOCATION:				
a. BOROUGH:	Queens			
b. COMMUNITY DISTRICT:	12			
c. COUNCIL DISTRICT:	28			
d. DISPOSITION AREA:	<u>BLOCK</u> 10150	<u>LOT</u> 44	<u>ADDRESS</u> 108-16 Guy R. Brewer Blvd.	
4. BASIS OF DISPOSITION PRICE:	Not Applicable			
5. TYPE OF PROJECT:	Moderate to Substantial Rehabilitation			
6. APPROXIMATE NUMBER OF BUILDINGS:	One			
7. APPROXIMATE NUMBER OF UNITS:	Three			
8. HOUSING TYPE:	1-4 Family Homes.			
9. ESTIMATE OF INITIAL PRICE:	Affordable to individuals and families whose income does not exceed 115% of the area median income (AMI) for New York City (\$88,335). Purchasers must also repay any HUD and/or HPD subsidy attributable to their homes by delivering cash and/or notes and appropriate security instruments to HUD, and/or HPD. A portion of the HPD subsidy may be forgiven or unsecured based on the home's post-rehabilitation appraised value.			
10. INCOME TARGETS:	Up to 115% of AMI			
11. PROPOSED FACILITIES:	None			
12. PROPOSED CODES/ORDINANCES:	None			
13. ENVIRONMENTAL STATUS:	Type II			
14. PROPOSED TIME SCHEDULE:	Approximately 18 months from closing to completion of construction			

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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. 1187

**Report of the Committee on Land Use in favor of approving Application no. 20105035 RSY, a resolution authorizing an agreement between the Mayor**

**and Council establishing a Special Process for City Council review and approval of the “Coney Island Amusement Park Project Plan”.**

The Committee on Land Use, to which was referred on August 20, 2009 the annexed Land Use resolution, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13**

**20105035 RSY**

Resolution authorizing an agreement between the Mayor and the Council establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement park Project Plan.”

**INTENT**

To authorize agreements establishing a special process for Council Review and Approval of the Coney Island Amusement Park Project Plan.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** August 18, 2009 and recessed to August 19, 2009

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

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

Res. No. 2163

**Resolution authorizing an agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement Park Project Plan” (20105035 RSY; Preconsidered L.U. No. 1187).**

By Council Member Katz.

**WHEREAS**, on July 29, 2009, the Council adopted Res. No. 2132, L.U. No. 1136 (ULURP Application No. C 090272 ZMK); Res. No. 2133, L.U. No. 1137 (Application No. N 090273 (A) ZRK); Res. No. 2134, L.U. No. 1138 (ULURP Application No. C 090274 POK); Res. No. 2135, L.U. No. 1139 (ULURP Application No. C 090275 POK); Res. No. 2136, L.U. No. 1140 (ULURP Application No. C 090276 HAK); Res. No. 2137, L.U. No. 1141 (ULURP Application No. C 090277 PPK); and Res. No. 2138, L.U. No. 1142 (ULURP Application No. C 090107 MMK) which were filed with the Mayor on July 31, 2009;

**WHEREAS**, collectively, the actions approved by such resolutions facilitate the “Comprehensive Plan for Coney Island”;

**WHEREAS**, the Comprehensive Plan for Coney Island includes the acquisition of certain parkland and subsequent lease of such parkland to the New York City Economic Development Corporation for the operation of an amusement park, including without limitation amusement park features such as indoor and outdoor rides, arcades, attractions and ancillary uses, including small-scale retail use;

**WHEREAS**, it is in the interest of the city for the Council to participate in and play a major role in the selection of the proposed operator/developer for such amusement park;

**WHEREAS**, the Mayor and the Council have agreed that such participation shall be accomplished through the Council’s approval of a “Coney Island Amusement Park Project Plan (CIAPPP)” in the manner set forth in a “Coney Island Amusement Park Special Process Agreement” and “Agreement for Coney Island Parallel Process” (the Agreements), the terms of which are attached hereto as Exhibit A;

**WHEREAS**, the Mayor and the Council have agreed to seek appropriate state legislation specifying that the lease of the parkland described in the CIAPPP to or by

the New York City Economic Development Corporation shall be subject, exclusively, to the requirement that such lease or any amendment thereof, sublease or assignment of rights thereunder, shall be consistent in all material respects with the CIAPPP;

**WHEREAS**, upon due notice, the Council held a public hearing on August 18, 2009 on this resolution; and

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

**RESOLVED:**

The Council of The City of New York hereby authorizes the Speaker to execute the Agreement in accordance with the terms attached hereto as Exhibit A.

**ATTACHMENT: Exhibit A**

**EXHIBIT “A”**

**AGREEMENT**

**FOR**

**SPECIAL PROCESS**

**FOR**

**NEW YORK CITY COUNCIL REVIEW AND APPROVAL**

**OF**

**CONEY ISLAND AMUSEMENT PARK PROJECT PLAN**

THIS AGREEMENT dated as of the \_\_\_ day of August, 2009, by and between the Mayor of the City of New York (the “Mayor”) and the Council of the City of New York (the “Council”).

WHEREAS, ULURP Application No. C090107MMK designated certain real property within Brooklyn Community Board 13 as parkland to be identified as such on the City map (such parkland the “Coney Island Amusement Park); and

WHEREAS, the Council Land Use Committee filed proposed modifications with the City Planning Commission on July 21, 2009, and the City Planning Commission, by letter of July 22, 2009 indicated that no further environmental or land use review was necessary; and

WHEREAS, ULURP Application No. C090107MMK was approved by the City Council on July 29, 2009 by Resolution No. 2138; and

WHEREAS, the City intends to acquire private real property within the Coney Island Amusement Park; and

WHEREAS, real property within the Coney Island Amusement Park will not be subject to alienation by lease, sale or otherwise except pursuant to and under the authority of state legislation so providing for any such disposition; and

WHEREAS, the City intends to alienate by lease and thereby dispose of the property acquired within the Coney Island Amusement Park for the purposes of effectuating a plan to redevelop the Coney Island Amusement Park as an active, modern, family-oriented amusement park with state of the art amusement rides, games, food services, and other recreational features; and

WHEREAS, the Council has expressed a desire to review and approve any future disposition by the City, as the same may be authorized by state legislation, of real property within the Coney Island Amusement Park; and

WHEREAS, the Mayor and the Council have agreed to submit a proposed bill to the State Legislature for enactment into law authorizing the City to alienate by lease and thereby dispose of real property within the Coney Island Amusement Park in order to realize a project plan for the Coney Island Amusement Park (such draft legislation the “State Legislation Bill”); and

WHEREAS, the proposed State Legislation Bill will provide that the authority of the City to dispose, by lease, of real property within the Coney Island Amusement Park, shall be conditioned upon the prior approval by the Council of a project plan (further described below in paragraph 2 as the "CIAPPP"), which approval shall be achieved pursuant to an agreement which shall prescribe a special process to be followed by the New York City Department of Parks and Recreation ("DPR") and the New York City Economic Development Corporation ("NYCEDC," but together "DPR/EDC") and the Council; and

WHEREAS, the Mayor and the Council intend that this Agreement constitute the agreement contemplated by the proposed legislation pursuant to which the Council will approve a CIAPPP (as defined below in paragraph 2).

NOW, THEREFORE, in order to afford Council members the opportunity to review and approve the contemplated park alienation by lease pursuant to the contemplated state legislation, the parties hereto agree as follows:

**1. The RFP.** The designation of an Amusement Operator/Developer (the "O/D") to lease property within the Coney Island Amusement Park shall be made after (a) the issuance of a request for proposals soliciting potential O/D's to submit proposals for development and operation of the Amusement Park pursuant to standards, criteria and objectives set forth and reflected in said request for proposals (the "RFP"), (b) submission of proposals pursuant to the RFP, (c) negotiation with O/D candidates and (d) an evaluation procedure that will consider all the proposals and rate them in terms of their meeting the standards, criteria and objectives of the RFP (the "Selection Process"). This Selection Process will be activated and facilitated by DPR/EDC at such time as they deem appropriate. At the inception of the Selection Process and before the commencement of preparation of the RFP, DPR/EDC will form a task force consisting of the following community representatives (the "Task Force"): (A) the following elected officials, or their designees, whose districts are within that portion of the Coney Island community which the Coney Island Amusement Park would embrace: (1) the City Council member(s) (2) the Borough President (3) State Senator(s) (4) the State Assembly Person(s) and (5) the United States Congressional Representative, and (B) the following non-elected individuals: (6) the chairperson(s) of the Community Board(s) covering the geographic area of the Coney Island Amusement Park or his or her or their designee(s), and (7, 8, 9) three individuals appointed by the Mayor who will not be O/D candidates and whom the Mayor believes will be able to contribute specialized expertise to the Selection Process. The role of the Task Force shall be (a) to collaborate with DPR/EDC in developing the RFP, (b) to evaluate proposals submitted by potential O/Ds and to comment upon and critique such proposals and (c) to recommend to DPR/EDC which of the proposals submitted will optimize achievement of the goals for the Amusement Park project contemplated by the RFP.

**2. The Coney Island Amusement Park Project Plan.** The Council shall participate in the selection of the O/D finalist as the project's O/D as follows: The O/D Candidate will be presented to the Council by DPR/EDC through the vehicle of a formal project plan, which shall be characterized as the "Coney Island Amusement Park Project Plan" (or "CIAPPP"). The CIAPPP and the accompanying supporting materials shall include a description of and statement of goals and objectives for the Amusement Park project proposed to be built by the O/D including the following subjects: (1) A precise description of the boundaries of the proposed project within the Amusement Park; (2) the identity of the proposed O/D including any contemplated controlled affiliate of the O/D (such as a special purpose entity to be created by the O/D); (3) the length of the lease term and any renewal rights; (4) rent, (5) terms governing use consistent with permitted uses set forth in the State legislation governing the Amusement Park, (6) any phasing program, and (7) such reservations out of the lease, and other provisions in the lease, intended to accommodate the Vourderis/Wonder Wheel easements: (a) for pedestrian access and vehicular access from the north over the Amusement Park area to service the Wonder Wheel, and (b) for vehicular access from the easterly line of the former West 12<sup>th</sup> Street to the Wonder Wheel site, running along the northerly edge of the western extension of Lot 145, known as the "Panhandle", all pursuant to the Wonder Wheel agreement between the City and Vourderis.

**3. CIAPPP Approval.**

(a) The Council shall have the right and opportunity to hold hearings on the CIAPPP, and the designation of an O/D for the Amusement Park project shall be subject to and conditioned upon the approval of the CIAPPP by the Council. The Council shall have the right to approve, disapprove or approve with modifications the CIAPPP with respect to the subject matters enumerated as (1), (5) and (6) in paragraph 2 above, provided, however, that the Council shall only be entitled to make such modifications to the CIAPPP as are consistent with, and not in derogation or contravention of, the development and operational standards, criteria and objectives set forth and reflected in the RFP. Furthermore, the Council shall make no modifications to the CIAPPP as may be inconsistent in any material respect with the state legislation.

(b) The Council shall approve, disapprove or approve with modifications the CIAPPP by resolution of the Council. Such approval, disapproval or approval with modifications of the CIAPPP by the Council shall be made within fifty (50) calendar days of submission to it of the CIAPPP by DPR/EDC. Such 50 day period may be extended once by agreement of the parties for a period of time not to exceed fifteen (15) calendar days. In the event of a failure of the Council to act within the 50-day period, as the same may be extended, the CIAPPP shall be deemed approved by the Council. Upon the Council's approval of a CIAPPP, DPR/EDC, together with the designated O/D, shall be obligated to proceed, in good faith, to negotiate and draft a final lease and any associated collateral documents. If, however, the Council has issued an approval of a CIAPPP with modifications, then, and in that event, DPR/EDC shall have no obligation to proceed to negotiate and

draft a lease and associated collateral documents. The Mayor and the Council expect that the legislation supporting the lease alienation of the Amusement Park, or any portion thereof, will prescribe that the executed lease and all associated documents must be consistent in all material respects with the CIAPPP in order for such lease and collateral documents to be valid and enforceable.

**4. State Legislation.** The Mayor shall submit and the Council shall support the State Legislation Bill, and neither party shall seek or support provisions in such state legislation that would conflict with this Agreement. The Council shall adopt by resolution a home rule message in support of the Legislation. Furthermore, the Council and the Mayor will only support state legislation that is consistent with the expectations of the parties as articulated in both (a) that certain Points of Agreement and associated attachments dated July 21, 2009 and executed by Robert C. Lieber, Deputy Mayor for Economic Development and (b) the zoning text changes approved by the Council on July 29, 2009. In the event that the state legislation as finally enacted does not permit the full effectuation of the Agreement, the parties shall continue to be bound by the terms of this Agreement and shall not take any action in contravention thereof. In that event, however, the parties shall negotiate in good faith to amend this Agreement to render it consistent with the legislation. It is understood, nevertheless, that neither party shall be required to agree to any amendment if it believes doing so would irreconcilably conflict with the intent of this Agreement. In no event, however, shall this Agreement be in force and effect and bind the parties from and after twelve (12) years following the date the legislation becomes effective.

**5. Interim Lease.**

(a) Understanding that it will be in the public interest for the City to reactivate amusement activity within the Amusement Park as rapidly as possible, as soon as reasonably practicable following the acquisition by EDC of land and improvements within the Amusement Park, DPR/EDC will prepare an RFP to solicit proposals for an operating lease of all or portion of such land and existing improvements as shall create the reasonable opportunity to reactivate amusement park activity within the Amusement Park as soon as possible. Such lease shall be understood by DPR/EDC and the Council to constitute an interim lease to provide for continuing activity within the Amusement Park until such time as necessary infrastructure to service the Amusement Park, as it will be developed under and pursuant to a CIAPPP, has been completed and economic conditions support the availability of financing for the project to be built pursuant to the Council approved CIAPPP.

(b) The interim lease shall be for a term not to exceed ten (10) years.

(c) The interim lease shall not permit the operator to engage in uses of the premises as may be considered to constitute development activities within the contemplation of the CIAPPP. The uses shall be limited to reactivating the amusement park, including operating existing amusements, to the extent they are functional and not obsolete, and to installing new amusements on available open land within the interim lease premises or replacing obsolete and non-functional existing amusements. New amusements installed within the Amusement Park during the interim lease period shall be (i) removable in nature, (ii) family-friendly amusement and entertainment uses as defined by, but not necessarily limited to those listed in, Use Group A of 131-121 of the text of the Zoning Resolution, (iii) removed prior to the construction and emplacement of infrastructure for Coney Island East.

(d) The RFP for the interim lease, in draft form, shall be delivered to the Councilperson for the district embracing the Amusement Park. The Councilperson shall have such opportunity to comment on the draft RFP as the Councilperson shall deem appropriate. DPR/EDC will consult with the Councilperson and make such of the recommended modifications to the RFP as the Councilperson may suggest and as DPR/EDC shall deem appropriate. EDC shall conduct and manage the RFP proposal, evaluation and selection process, at the conclusion of which EDC shall select an amusements operator and, as quickly as possible, enter into a binding interim lease with such operator. EDC shall inform the Councilperson as to the progress of the RFP regularly, but at least once a month, throughout the proposal, evaluation and selection process and the execution of the final interim lease.

(e) After the execution of the interim lease by EDC and the operator/interim lessee, EDC and DPR shall promptly take such actions as shall be required in order for EDC to convey fee title to the Coney Island Amusement Park land and improvements to the City, subject, however, to the interim lease. Until the fee conveyance from EDC to the City, the parties recognize that, as a matter of law, the Coney Island Amusement Park real property will not enjoy the status of "parkland" and that, therefore, EDC shall be free to enter into the interim lease with the operator. After the conveyance to the City and the concomitant assignment of jurisdiction over the land to DPR, the land so conveyed shall acquire the status of parkland, but the same shall nevertheless be subject to the interim lease to the operator, such lease to be exclusively for uses which qualify as park uses.

(f) This Agreement shall become effective upon the execution hereof by (i) the Mayor; and (ii) the Speaker of the Council upon the adoption by the Council of a resolution approving this Agreement.

IN WITNESS WHEREOF, the Mayor and the Speaker have hereunto executed this Agreement the date and year first above written.

\_\_\_\_\_  
Mayor of the City of New York



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Speaker of the New York City Council

**ATTACHMENT: Agreement for Coney Island Parallel Process**

AGREEMENT  
for  
CONEY ISLAND PARALLEL PROCESS

THIS AGREEMENT dated as of the \_\_\_ day of August, 2009, by and between the Mayor of the City of New York (the "Mayor") and the Council of the City of New York (the "Council").

WHEREAS, ULURP Application No. 090277PPK authorized a disposition of certain city-owned real property within Brooklyn Community Board 13 ("The Coney Island Master Plan Area"); and

WHEREAS, the city intends to acquire certain property within the Coney Island Master Plan Area known as the former Astroland amusement park consisting of Tax Block 8696 p/o Lot 212 ("Astroland"); and

WHEREAS, pursuant to ULURP Application No. C090277 (L.U. No. 141) and City Council Resolution No.2137, dated July 29, 2009, the City intends to dispose of Astroland for the purposes of effectuating the Coney Island Master Plan; and

WHEREAS, the Council has expressed a desire to review and approve any future disposition by the City of real property within the Coney Island Amusement Park in proximity to Astroland as such disposition may be authorized by State Legislation; and

WHEREAS, simultaneously herewith, the Mayor and the Council are executing an Agreement for a Special Process to Approve a Coney Island Amusement Park Project Plan which will set forth the methodology for Council review and approval of real property within the Coney Island Amusement Park ("Special Process Agreement"); and

WHEREAS, if the Mayor shall include within an RFP (as that term is defined in the Special Process Agreement) the opportunity for a single O/D (as that term, as well, is defined in the Special Process Agreement) to develop both Coney Island Amusement Park real property and Astroland real property, the parties have tentatively resolved that the Amusement Park real property and the Astroland real property will be subject to an integrated parallel process to authorize the disposition of Astroland property and the Amusement Park property (the "Integrated Process"); and

NOW, THEREFORE, in order to afford Council members the opportunity to review and approve the disposition of Astroland real property at the same time as they review and approve the disposition of Coney Island Amusement Park real property to a single O/D, as part of an integrated RFP, the parties hereto agree as follows with respect to an Integrated Process:

1. In the event that DPR/EDC (as that term is defined in the Special Process Agreement) resolve to proceed with an RFP for a single O/D involving both the Coney Island Amusement Park and all or part of Astroland, Astroland shall not be the subject of the CIAPPP (as that term is defined in the "Special Process Agreement") and shall not be referenced therein, but nevertheless, DPR/EDC will conduct the Selection Process for the single O/D in conjunction with and pursuant to the identical procedure set forth in the Special Process Agreement with respect to the Amusement Park as more fully set forth herein.

2. Following the Selection Process (as that term is defined in the Special Process Agreement) and preparation of a CIAPPP for the Council's review and approval, DPR/EDC in parallel fashion, shall prepare an Astroland Project Plan ("APP") for submission to the Council simultaneously with the CIAPPP. The APP shall contain with respect to the Astroland Site the identical detail for the Astroland disposition as is contained in the CIAPPP.

3. Upon submission to it of the CIAPPP and the APP, the Council may hold hearings with respect to the disposition of both the Coney Island Amusement Park real property and the Astroland real property. The Council shall have the right to approve, disapprove or approve with modifications the APP in the same fashion and pursuant to the same standards as it may with respect to the CIAPPP.

4. As long as the proposed O/D selection is proceeding as a single O/D selection for both the Coney Island Amusement Park and Astroland, DPR/EDC may not proceed with a disposition of the Astroland real property, unless the Council has approved the APP.

5. After approval of the APP by the Council, the disposition of Astroland shall be submitted for approval and authorization pursuant to Section 384(b)(4) of the New York City Charter. The terms of any disposition of Astroland shall be materially consistent with the APP as approved by the Council, or the disposition shall be deemed void and without force and effect as between the Mayor and the Council. In the event of material inconsistency, DPR/EDC shall not proceed with a disposition of Astroland.

6. If the Astroland disposition shall, at any point in the process, cease to be integrated with the disposition to a single O/D for purposes of realizing the CIAPPP, this Agreement shall be ineffective and of no force or effect. It is the express intention of the parties that this Agreement shall be of no force and effect if the disposition of Astroland is not conducted in an integrated fashion with the Coney Island Amusement Park.

7. This Agreement shall become effective upon its execution by (i) the Mayor and (ii) the Speaker upon the adoption by the Council of a resolution approving this Agreement.

\_\_\_\_\_  
Mayor of the City of New York

\_\_\_\_\_  
Speaker of The New York City Council

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, August 19, 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 Rules, Privileges and Elections

Report for M-1509

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Ernest J. Cavallo as a member of the New York City Environmental Control Board.**

The Committee on Rules, Privileges and Elections, to which was referred on July 29, 2009 (Minutes, page 3857) the annexed communication, respectfully

### REPORTS:

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-1510 printed in these Minutes.)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 1404 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Ernest J. Cavallo as a member of the New York City Environmental Control Board to serve for the remainder of a four-year term expiring on March 5, 2011.

The matter was referred to the Committee on July 29, 2009

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

Res. No. 2164

**Resolution approving the appointment by the Mayor of Ernest J. Cavallo as a member of the New York City Environmental Control Board.**

By Council Member Reyna.

**RESOLVED**, that pursuant to §§ 31 and 1404 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Ernest J. Cavallo as a member of the New York City Environmental Control Board for the remainder of a four-year term expiring on March 5, 2011.

DIANA REYNA, Chairperson; JOEL RIVERA, MARIA BAEZ, LEROY G. COMRIE, LEWIS A. FIDLER, LARRY B. SEABROOK, DAVID I. WEPRIN, VINCENT J. GENTILE, DANIEL R. GARODNICK, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, August 20, 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 M-1510

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Manhattan Borough President of Anna Hayes Levin as a Commissioner of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which was referred on July 29, 2009 (Minutes, page 3858) the annexed communication, respectfully

**REPORTS:**

**Topic I: *New York City Planning Commission – (Manhattan Borough President nominee for appointment upon advice and consent of the Council)***

• **Anna Hayes Levin [M-1510]**

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. All members, except the Chair, are subject to the advice and consent of the Council. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment.

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* section 191), serves at the pleasure of the Mayor. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City. There is no limitation on the number of terms that a CPC member may serve. CPC members are prohibited from holding any other City office while they serve on CPC. The Chair receives an annual salary of \$181, 719. The member who is designated as Vice-Chair receives an annual salary of \$57, 573. The other members receive an annual salary of \$50, 064.

CPC is responsible for:

- undertaking long-range planning for the City’s orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture;
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs*;
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8);
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies; and
- approving or disapproving the acquisition by the City of office space.

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* (“ULURP”) applications and specific time periods for pre-certification review;
- creating capital site selection criteria;
- setting minimum standards for the form and content of plans for the development of the City and boroughs; and
- defining “major concessions.”

Ms. Levin is scheduled to appear before the Committee on Rules, Privileges, and Elections on August 20, 2009. Upon appointment by the Manhattan Borough President with the advice and consent of the Council, Ms. Levin, a resident

of Manhattan, will be eligible to serve for the remainder of a five-year term that expires on June 30, 2014. A copy of Ms. Levin’s résumé and report/resolution is annexed to this Briefing paper.

**Topic II: *New York City Environmental Control Board – (Mayoral nominee for appointment upon advice and consent of the Council)***

• **Ernest J. Cavallo [M-1509]**

Within the New York City Department of Environmental Protection there is an Environmental Control Board (“ECB”) that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB’s responsibilities and structure are outlined in *New York City Charter* section 1404.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the purity of the water supply; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB may also adopt regulations pertaining to emissions into the city air and into the waters. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and Consumer Affairs, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Commissioner of the Department of Environmental Protection serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties.

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commissioner member represents the general public. Members other than the agency Commissioners are compensated and receive a \$175.10 per-diem when performing the work of ECB. Member terms are for four years.

Mr. Cavallo is scheduled to appear before the Committee on Rules, Privileges and Elections on Thursday, August 20, 2009. Upon appointment by the Mayor with the advice and consent of the Council, Mr. Cavallo will fill the General Public member vacancy and serve the remainder of a four-year term that will expire on March 5, 2011. A copy of Mr. Cavallo’s résumé and report/resolution is annexed to this Briefing paper.

*After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointments of the nominees (for nominee Ernest J. Cavallo, please see the Report of the Committee on Rules, Privileges and Elections for M-1509 printed in these Minutes; for nominee Anna Hayes Levin, please see below).*

*In regard to nominee Anna Hayes Levin, the Committee on Rules, Privileges and Elections respectfully reports:*

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Manhattan Borough President of Anna Hayes Levin as a Commissioner of the New York City Planning Commission to serve for the remainder of a five-year term expiring on June 30, 2014.

The matter was referred to the Committee on July 29, 2009

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

Res. No. 2165

**Resolution approving the appointment by the Manhattan Borough President of Anna Hayes Levin, as a Commissioner of the New York City Planning Commission.**

By Council Member Reyna

**RESOLVED**, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Manhattan Borough President of Anna Hayes Levin as a Commissioner of the New York City Planning Commission for the remainder of a five-year term expiring on June 30, 2014.

DIANA REYNA, Chairperson; JOEL RIVERA, MARIA BAEZ, LEROY G. COMRIE, LEWIS A. FIDLER, LARRY B. SEABROOK, DAVID I. WEPRIN, VINCENT J. GENTILE, DANIEL R. GARODNICK, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, August 20, 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*

Yasar A. Ali	1760 Lexington Avenue #2B New York, NY 10029	8
Denise Perez	2075 3rd Avenue #13C New York, NY 10029	8
Melanie J. Wright	875 Amsterdam Avenue #8F New York, NY 10025	8
Shangela Brooks	150-50 126th Street Queens, NY 11420	28
Christopher J. Hanna-Dorsey	150-77 116th Drive Queens, NY 11434	28
Dorothy Islam	119-23 Inwood Street Queens, NY 11436	28
Daniella Carelli	438 Main Street #1 Brooklyn, NY 11231	39
JoAnn Martino	556 Henry Street Brooklyn, NY 11231	39
Thomas Mazzella	110 Seeley Street Brooklyn, NY 11218	39
Scott Cohen	73-44 Austin Street #3Q Queens, NY 11375	29
Shari Rachel Glickman	42-12 Bell Blvd #2 Queens, NY 11361	19
Monica D. Haile	1240 Sutter Avenue #IE Brooklyn, NY 11208	42
Juanita Hayes	125 Schroedors Avenue #16G Brooklyn, NY 11239	42
Eva Mercer-Andrews	595 Pennsylvania Avenue Brooklyn, NY 11207	42
Andre Horton	887 Bryant Avenue #3D Bronx, NY 10474	17
Nancy LaBella	7003 Ridgecrest Terrace Brooklyn, NY 11209	43
Denise Rallakis	240 94th Street Brooklyn, NY 11209	43
Thelma Lynch	103-03 Farmers Blvd Queens, NY 11423	27
Yvette Matos	20-15 18th Street #2C	22

Patricia Milien	Queens, NY 11105 6319 Avenue T Brooklyn, NY 11234	46
William M. Neal	2116 Royce Street Brooklyn, NY 11234	46
Hector Pellot	2242 East 73rd Street Brooklyn, NY 11234	46
Karyl J. Miller	2400 Hunter Avenue #10C Bronx, NY 10475	12
Carmen Montano	507 West 186th Street #C6 New York, NY 10033	10
William F. Montero	69-40 Burchell Avenue Queens, NY 11692	31
Erika Stafford	2-21 Beach 80th Street Queens, NY 11693	31
Sharon K. Mortenson	48 Westervelt Avenue Staten Island, NY 10301	49
Petionila A. Peralta	15 North Street #6F Bronx, NY 10468	14
Anna M. Roberts	1445 Nelson Avenue #4B Bronx, NY 10452	16
Diallie Rodriguez	97-31 80th Street Queens, NY 11416	32
Jeffrey Schouten	421 East 23rd Street Brooklyn, NY 11226	40
Varughese K. Skariah	82-41256th Street Queens, NY 11004	23
Reesha C. Stephens	884 Greene Avenue #1B Brooklyn, NY 11221	36
Ronald Wilcox	1971 Webster Avenue #3H Bronx, NY 10457	15

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Samuel Amster	123 Pembroke Street Brooklyn, NY 11235	48
Larisa Lutso	1237 Avenue Z #2M Brooklyn, NY 11235	48
Stacy Paver	1519 East 15th Street 1st Floor Brooklyn, NY 11230	48
Jamal M. Asad	191 32nd Street Brooklyn, NY 11232	38
Jaczaida Ayala	2160 Seward Avenue #9F Bronx, NY 10473	18
Audrey M. Baker	300 Clermont Avenue Brooklyn, NY 11205	35
Deborah Perez	285 Adelphi Street Brooklyn, NY 11205	35
Jacquelyn Safi	55 North Elliot Place Brooklyn, NY 11205	35
Denita Williams	333 Lafayette Avenue #10K Brooklyn, NY 11238	35
Leah Balaban	1016 Beverly Road Brooklyn, NY 11218	40
Victor Marshall Jr.	80 Maple Street Brooklyn, NY 11225	40
Paulette Bennett	2931 Fredrick Dgl Blvd New York, NY 10039	9
Gabrielle K. Connor	42 Edgecombe Avenue New York, NY 10030	9
Alice Y. Brown	1238 St. Marks Avenue #ID Brooklyn, NY 11213	36
Gloria Burrows Sealy	172-24 13 3rd Avenue Queens, NY 11434	28
Esthel Francis	163-17 130th Avenue #121 Queens, NY 11434	28
Frank Cassara	7524 15 Avenue Brooklyn, NY 11228	43

Martha Hamboussi	9021 3rd Avenue Brooklyn, NY 11209	43
Joanne Close	54 Bowling Green Place Staten Island, NY 10314	50
Suse A.M. Eppel	63 Fr. Capodanno Blvd Staten Island, NY 10305	50
Julie Moll	186 Arthur Avenue Staten Island, NY 10305	50
Abdalla I. Soliman	37 Hunton Street Staten Island, NY 10304	50
Yvonne Contreras	211 Scheaffer Street #2R Brooklyn, NY 11207	37
Charles Garcia	65 Hendrix Street Brooklyn, NY 11207	37
Briseida J. Rodriguez	111 Truxton Street Brooklyn, NY 11233	37
Denise Crenshaw	940 St. Nicholas Avenue #5K New York, NY 10032	7
Rowena Ingram	502 West 143rd Street #5D New York, NY 10031	7
Josefina Reyes	35 Hamilton Place #5 New York, NY 10031	7
Sheila Scott	55 LaSalle Street #1 New York, NY 10027	7
Kathryn Duffy	1534 Ericson Place Bronx, NY 10461	13
Lesly A. Miranda	1467 Outlook Avenue #1 Bronx, NY 10465	13
Marcia M. Eisen	50 Kenilworth Place Brooklyn, NY 11210	45
Aurelia S. Grey	8907 Avenue A Brooklyn, NY 11236	45
Kimberly J. Jones	319 East 49th Street Brooklyn, NY 11203	45
Kacey E. Nero	299 East 34th Street Brooklyn, NY 11203	45
Catherine Smalls	1372 New York Avenue #4C Brooklyn, NY 11203	45
Christine Fenton	223-15 65th Avenue Queens, NY 11364	23
Norson Pierre-Louis	86-09 208th Street #2F Queens, NY 11427	23
Paula Co. Ferguson	700 Westchester Avenue #6B Bronx, NY 10455	17
Leticia Rodriguez	1232 Spofford Avenue Bronx, NY 10474	17
Madeleine L. Walton	550 Cauldwell Avenue Bronx, NY 10455	17
Evelyn Fernandez	1734 George Street Queens, NY 11385	34
Evelyn Monserrat	100 Himrod Street Brooklyn, NY 11221	34
Beverly Shider	25 Boerum Street #14L Brooklyn, NY 11206	34
Sheila D. Forbes	1327 East 85th Street #2 Brooklyn, NY 11236	46
Robert Gelfant	1481 East 53rd Street Brooklyn, NY 11234	46
Lavel D. Saunderson	1435 East 80th Street Brooklyn, NY 11236	46
Sophia Gordon	621 Ashford Street Brooklyn, NY 11207	42
Andrea Greenberg	86-10 151st Avenue Howard Beach, NY 11414	32
Barbara Koehler	187 Beach 121st Street Rockaway Park, NY 11694	32
Yvonne Ponce	92-01 Jamaica Avenue Queens, NY 11421	32
Dronmati Singh	104-41 103rd Street Queens, NY 11417	32
Fern J. Howell	116-18 166th Street Queens, NY 11434	27
Delores Hull	712 East Gunhill Road #4H	12

Arnold E. Martin	Bronx, NY 10467 100 Asch Loop #24G	12
Stephany R. Jones	Bronx, NY 10475 1849 Sedgwick Avenue #6F	16
Isabel Ramos	Bronx, NY 10453 1126 WoodyCrest Avenue #1B	16
Linda Singleton	Bronx, NY 10452 20 East179th Street #3A	16
Michelle Levi	Bronx, NY 10453 82-09 Chevy Chase Street	24
Andrea R. Luft	Queens, NY 11432 217-17 Rockaway Point	31
Shui Yan Ong	Breezy Point, NY 11697 440 East 105th Street	8
Diana Perez	New York, NY 10029 50-48 Broadway	26
Yenny C. Valero	Queens, NY 11377 34-55 12th Street #4E	26
Rosa E. Ruiz	Astoria, NY 11106 65-84 Booth Street #6A	29
Rosemarie Zegarski	Queens, NY 11374 5 Windham Loop #2J	51
	Staten Island, NY 10314	

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)**

- |  |   |
|--|---|
| <b>(1) M 1509 &amp; Res 2164 -</b>     | <b>Ernest J. Cavallo</b> - New York City Environmental Control Board.   |
| <b>(2) M 1510 &amp; Res 2165 -</b>     | <b>Anna Hayes Levin</b> - New York City Planning Commission   |
| <b>(3) Int 859-A -</b>                 | Provision of language assistance services in pharmacies.  |
| <b>(4) Int 890-A -</b>                 | Regionally significant projects and empire zones.   |
| <b>(5) Int 993-A -</b>                 | Submittal documents for demolition.   |
| <b>(6) Int 994-A -</b>                 | Requiring painting of dedicated standpipes and sprinklers.  |
| <b>(7) Int 999-A -</b>                 | Site safety managers and coordinators.  |
| <b>(8) Int 1000-A -</b>                | Cutting and capping of standpipes and sprinklers.   |
| <b>(9) Res 2096-A -</b>                | Setting the date, time and place for the public hearing to hear all persons interested in extension of the Times Square Business Improvement District.  |
| <b>(10) Res 2139-A -</b>               | Setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.                    |
| <b>(11) Res 2147 -</b>                 | Approving the new designation and changes in the designation of certain organizations to receive funding pursuant to the fiscal 2007, Fiscal 2009, and Fiscal 2010 expense budgets ( <b>Transparency Resolution, August 20, 2009</b> ). |
| <b>(12) Res 2148 -</b>                 | Pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.  |
| <b>(13) L.U. 1092 &amp; Res 2150 -</b> | App. <b>20095469 HAM</b> UDAAP, 133-41 West 140th Street, Council District no. 9, Borough of Manhattan.   |
| <b>(14) L.U. 1110 &amp; Res 2151 -</b> | App. <b>20095594 HAM</b> , UDAAP, 152 East 116th Street, Council District no. 8, Borough of Manhattan.  |
| <b>(15) L.U. 1162 &amp; Res 2149 -</b> | Full exemption from real property taxes for Moshulu Parkway South in Council  |

- District 11, Bronx.
- (16) L.U. 1172 & Res 2152 - App. 20095655 HKM Fort Washington Presbyterian Church located at 21 Wadsworth Avenue Council District no 10.
- (17) L.U. 1173 & Res 2153 - App. 20095656 HKK Fillmore Place Historic District, Council District no. 34 .
- (18) L.U. 1174 & Res 2154 - App. 20095657 HKM Audubon Historic District, Council District no 7.
- (19) L.U. 1175 & Res 2155 - App. 20105001 HHM "C&D Building" on the campus of Bellevue Hospital Center, Council District no. 3.
- (20) L.U. 1178 & Res 2156 - App. C 090003 ZSM special permit renovation of two buildings located at 4 and 6-8 East 94th Street (Block 1505, Lot 66).
- (21) L.U. 1181 & Res 2157 - App. 20095609 TCM, Sullivan Restaurant, LLC, unenclosed sidewalk café located at 230 Ninth Avenue, Manhattan, CD 3.
- (22) L.U. 1182 & Res 2158 - ULURP, app. C 080012 PCM 770 Eleventh Avenue (Block 1082, p/o Lot 1), for use as a police mounted unit facility and stables.
- (23) L.U. 1183 & Res 2159 - App. 20095590 TCM, NYLA Café, LLC, unenclosed sidewalk café located at 101 Rivington Street, Manhattan, CD 1 (Coupled for Disapproval).
- (24) L.U. 1184 & Res 2160 - App. 20105023 HAK, UDAAP, Vermont/Wyona 2, located in Community Board 5, Council District no. 42 Brooklyn (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (25) L.U. 1185 & Res 2161 - App. 20105024 HAK, UDAAP, Vermont/Wyona2, located in Community Board 5, Council District no. 37 Brooklyn (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (26) L.U. 1186 & Res 2162 - App. 20105032 HAQ, UDAAP, 108-16 Guy Brewer Boulevard, Council District no. 28, Borough of Queens.
- (27) L.U. 1187 & Res 2163 - App. 20105035 RSY, Special Process for City Council review and approval of the "Coney Island Amusement Park Project Plan".
- (28) Resolution approving various persons Commissioners of Deeds.

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

**Affirmative** –Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gentile, Gerson, Gioia, Gonzalez, Ignizio, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – 43.

**The General Order vote recorded for this Stated Meeting was 43-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 859-A:**

**Affirmative** – Arroyo, Avella, Baez, Barron, Brewer, Comrie, de Blasio, Eugene, Ferreras, Fidler, Foster, Gentile, Gerson, Gioia, Gonzalez, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Sanders, Seabrook, Sears, Stewart, Vacca, Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) – 36.

**Negative** – Crowley, Felder, Garodnick, Ignizio, Oddo, Ulrich, and Vallone, Jr. – 7.

The following was the vote recorded for **LU No. 1182 & Res No. 2158:**

**Affirmative** –Arroyo, Avella, Baez, Brewer, Comrie, Crowley, de Blasio, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gentile, Gerson, Gioia, Gonzalez, Ignizio, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – 42.

**Negative** – Barron – 1.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 890-A, 859-A, 993-A, 994-A, 999-A, and 1000-A.*

#### INTRODUCTION AND READING OF BILLS

Res. No. 2140

**Resolution calling upon the United States Congress to pass H.R. 1686, the "Mail Network Protection Act of 2009," which would provide for the protection and integrity of the United States mail.**

By Council Members Avella, Gentile and James.

**Whereas**, H.R. 1686, introduced in the United States House of Representatives and sponsored by Congressman Stephen F. Lynch, referred to as the "Mail Network Protection Act of 2009," would provide for the protection and integrity of the United States mail; and

**Whereas**, The Mail Network Protection Act of 2009 requires the U.S. Postal Service (USPS) to bargain with unions representing career Postal Service employees before entering into a contract for mail processing, mail handling, or surface transportation of mail if the contract in a 12 month period would involve work that would otherwise be performed, in whole or in part, by those employees and either: (1) involve more than a specified amount of work time; or (2) cost over \$5 million; and

**Whereas**, USPS delivers more mail to more addresses in a larger geographical area than any other post in the world and delivers to more than 149 million residences, businesses and Post Office Boxes; and

**Whereas**, USPS is the second largest employer in the country with 656,000 career employees and an annual revenue of \$75 billion in 2008, and

**Whereas**, Contracting out the delivery of services is increasingly being promoted as a business strategy to create improved efficiencies in the USPS system; and

**Whereas**, According to the Government Accountability Office, USPS spent \$23.6 billion on contract delivery routes; and

**Whereas**, The National Association of Letter Carriers (NALC) points out that by using Contract Delivery Services (CDS), the USPS has bypassed the normal recruitment and hiring processes that ensure that only qualified and trustworthy people are entrusted to handle Americans' mail; and

**Whereas**, The NALC indicates that the CDS contracting process lacks transparency, results in wage levels that reportedly are less than 50 percent of those enjoyed by career letter carriers, lends to the payment of fees and costs to contractors for "vehicle expenses" and "overhead costs" that eat up whatever labor cost savings might exist, and asserts that the details of CDS contracts are subject to little or no scrutiny; and

**Whereas**, The same union points out that since CDS contractors often subcontract their delivery work to unknown individuals, neither customers nor the Postal Service can know who is responsible for service problems or delivery concerns; and

**Whereas**, The requirement to bargain will enhance the ability of unions that represent postal workers to oppose wasteful, inefficient, and possibly detrimental subcontracting which often ends up costing USPS more money than if the work were performed by postal employees; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass H.R. 1686, the "Mail Network Protection Act of 2009," which would provide for the protection and integrity of the United States mail.

Referred to the Committee on State and Federal Legislation.

Res. No. 2141

**Resolution calling upon the United States Congress to pass H.R. 22, the "United States Postal Service Financial Relief Act of 2009," which would amend chapter 89 of title 5, United States Code, to allow the United States Postal**

**Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund.**

By Council Members Avella, Barron, Gentile and James.

**Whereas**, H.R. 22, introduced in the United States House of Representatives and sponsored by Congressman John M. McHugh, referred to as the "United States Postal Service Financial Relief Act of 2009," would amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund; and

**Whereas**, The United States Postal Service Financial Relief Act of 2009 would require that government contributions for health benefits for an individual who first becomes an annuitant by reason of retirement from employment with the United States Postal Service on or after July 1, 1971, or for a survivor of such an individual or of an individual who died on or after that date while employed by the Postal Service, be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the Postal Service; and

**Whereas**, The current law requires the Postal Service to pre-fund 80 percent of future retiree health benefit costs to be paid by the Postal Service through September 30, 2016; and

**Whereas**, According to the American Postal Workers Union (APWU), such contributions costs the Postal Service more than \$5.5 billion annually in addition to the \$3 million it pays annually for current retirees; and

**Whereas**, The money in the Retiree Health Benefits Fund is Postal Service money that was the result of overpayments into the Civil Service Retirement System; and

**Whereas**, Rather than refund the overpayments to the USPS, the Bush administration required that the money be placed into an escrow account, which currently holds more than \$32 billion; and

**Whereas**, If passed, the United States Postal Service Financial Relief Act of 2009 would save the Postal Service approximately \$3.5 billion per year from its operating budget; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass H.R. 22, the "United States Postal Service Financial Relief Act of 2009," which would amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund.

Referred to the Committee on State and Federal Legislation.

Res. No. 2142

**Resolution calling upon the City University of New York ("CUNY") to incorporate the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha as observed school holidays throughout the CUNY system.**

By Council Member Avella.

**Whereas**, The City University of New York ("CUNY") is the largest public urban university in the nation and serves more than 243,000 degree-credit students and 273,000 continuing and professional education students; and

**Whereas**, The undergraduate student body at CUNY reflects the diversity of New York City, tracing their ancestries to 205 countries and approximately 47% of undergraduates have a native language other than English; and

**Whereas**, The "Muslims in New York City Project," an initiative through Columbia University's Middle East Institute, estimates that approximately 600,000 Muslims live in New York City, and represent one of the fastest growing religious communities in the City; and

**Whereas**, Despite this growing population, two important Muslim holidays, Eid Ul-Fitr and Eid Ul-Adha, are not recognized as school holidays at CUNY; and

**Whereas**, Eid Ul-Fitr, is a time of joy and thanksgiving that is celebrated at the completion of Ramadan and involves various celebrations and special services; and

**Whereas**, Eid Ul-Adha, or the "Feast of Sacrifice," is the second most important festival on the Muslim calendar, and is a day of remembrance; and

**Whereas**, The first day is the most important day of both Muslim holidays; and

**Whereas**, Efforts are being made to incorporate these Muslim holidays into the New York City school calendar; and

**Whereas**, Assembly Member Michael Benjamin and Senator Bill Perkins have introduced State legislation (A.8108/S.5837) that would require the New York City school district to close schools on the first day of both Muslim holidays; and

**Whereas**, Similar efforts should be made for New York City's postsecondary institutions; and

**Whereas**, Currently, CUNY campuses are closed on a number of religious holidays, including, Christmas, Good Friday, Rosh Hashanah, Yom Kippur and Passover; and

**Whereas**, CUNY prides itself in its continuing development of programs and policies designed to meet the academic and social needs of its diverse student body population, and therefore, should incorporate these two important Muslim holidays into the University's academic calendar; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the City University of New York (CUNY) to incorporate the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha as observed school holidays throughout the CUNY system.

Referred to the Committee on Higher Education.

Int. No. 1059

By Council Member Brewer, the Public Advocate (Ms. Gotbaum) and Council Members Avella, Lappin, Palma, Weprin, Mendez, Nelson, James, Gerson, Jackson, Mark-Viverito, Sears, Gioia, Gentile, Yassky, Liu, Vann, Ferreras, Gennaro, Katz, Mitchell, Seabrook, White, Mealy, Barron, Garodnick, Gonzalez, Koppell, Reyna, Crowley, Eugene, Recchia, de Blasio, Foster, Sanders, Comrie, Rivera, Arroyo and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of paid sick time earned by employees.**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The Council finds and declares that nearly every worker in New York City will at some time during the year need temporary time off from work to take care of their own health needs or the health needs of members of their families or to deal with health and safety issues arising from domestic or sexual violence. The Council recognizes that a sizeable number of workers in New York City are not entitled to any paid sick time to care for their own health needs or the health needs of members of their families or the need for safety in domestic violence situations. Low income workers are significantly less likely to have paid sick time than other members of the workforce. Providing workers time off to attend to their own health care and the health care of family members will ensure a healthier and more productive work force in New York City. Paid sick time will have a positive effect on the public health of New York City by allowing sick workers the occasional option of staying at home to care for themselves when ill thus lessening their recovery time and reducing the likelihood of spreading illness to other members of the workforce and the general public. A high proportion of the New York City workforce travels to work by public transportation making it even more important that sick workers can stay at home when they are ill. Paid sick time will allow parents to provide personal care for their sick children. Parental care makes children's recovery faster, prevents more serious illnesses, and improves children's overall mental and physical health. Paid sick time will protect the public health when there are serious outbreaks of contagious disease by insuring that workers can stay home when they exhibit symptoms of disease and parents can keep their sick children out of school. It will also protect workers and their children who are not sick but who must stay home to care for children when public officials close schools or when their businesses are closed due to public health emergencies. Providing time for domestic violence victims to go to court or to relocate to safety has a positive effect on the ability of victims to protect themselves and is important for the public health and safety of the City. Providing minimal paid sick time is affordable for employers and good for business. Employers who provide paid sick time have greater employee retention and reduce the problem of workers coming to work sick. Studies have shown that costs from on-the-job productivity losses resulting from sick workers on the job exceed the cost of absenteeism among employees.

§2. Title 22 of the administrative code of the city of New York is amended by adding a new section 22-507 to read as follows:

§3. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect ninety days after enactment, provided, however, that the administering agency shall promulgate rules and take such other measures as may be necessary for the purposes of implementing and carrying out the provisions of this local law prior to such effective date, and provided further that in the case of employees covered by a collective bargaining agreement in effect on the effective date prescribed herein, this local law shall apply on the date of the termination of such agreement.

Referred to the Committee on Civil Service and Labor.

Res. No. 2143

**Resolution calling upon the Department of Education to change the policy that places responsibility on the child to notify the bus driver or escort when the adult who is designated to pick them up from the bus stop is not present.**

By Council Members de Blasio, Barron, Brewer, Comrie, Fidler, Foster, Gentile, Gerson, Gonzalez, James, Liu, Vann and Weprin.

**Whereas**, The Department of Education currently serves approximately 1 million school children in New York City; and

**Whereas**, Within the Department of Education, the Office of Pupil Transportation (OPT) provides transportation services to over 600,000 students in public and non-public schools; and

**Whereas**, The Chancellor's Regulations provide that if the adult designated to receive the child is not present when the child is returned home from the school by bus, the child may not be left with an unauthorized individual; and

**Whereas**, A parent or guardian may elect to designate another family member, neighbor or other individual to receive the student; and

**Whereas**, A parent may elect to permit the driver to deliver the child without an authorized adult present to receive the child; and

**Whereas**, In any case, such alternative designations must be in writing by the parent or guardian and provided to the principal and driver; and

**Whereas**, The OPT policy for general education students provides that for a student receiving school-to-stop service, the student will be allowed to get off the bus at their stop unless such student notifies the bus driver that the designated adult is not present, at which point the student will be allowed to remain on the bus until the driver returns to such student's bus stop upon completing the bus route; and

**Whereas**, The OPT policy for special education students provides that for a student receiving door-to-door service, if the designated adult is not present to receive the student, the bus driver will drop off other students and return to the student's home stop on the return trip; and

**Whereas**, The OPT policy provides further that if the designated adult is still not there, the driver will radio the dispatcher at OPT to determine if there is a pre-existing arrangement; and

**Whereas**, on September 23, 2008, the Daily News reported that a good Samaritan brought a five year old boy home after the boy was placed on the wrong bus and a bus driver forced him to get off of the bus at the end of the line without a designated adult; and

**Whereas**, On May 13, 2009, the Post reported that a five year old boy was placed on the wrong bus and was dropped off at a busy intersection in Queens without a designated adult; and

**Whereas**, On May 14, 2009, the Daily News reported that a five year old girl wandered around for blocks after a bus driver dropped her off at in Queens without a designated adult; and

**Whereas**, These reported incidents show that the responsibility should be placed on the bus driver or escort and not on the child to determine whether the appropriately designated adult is present to receive the child; and

**Whereas**, It is the responsibility of the DOE to ensure the safety of New York City school children who are bused under the auspices of the DOE; now, therefore, be it

**Resolved**, That the New York City Council calls upon the Department of Education to change the policy that places responsibility on the child to notify the bus driver or escort when the adult who is designated to pick them up from the bus stop is not present

Referred to the Committee on Education.

Int. No. 1060

By Council Members Dilan, Comrie and Stewart (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to suspension of licenses.**

*Be it enacted by the Council as follows:*

Section 1. Item 12 of section 28-401.19 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

12. [Conviction] *Indictment for or conviction* of a criminal offense where the underlying act arises out of the individual's *regulated activities or* professional dealings with the city or any other governmental entity,

§2. Section 28-401.19.1 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§28-401.19.1 Notice and hearing. The commissioner shall not revoke or suspend a license or certificate of competence for any cause or impose any other sanction on a licensee unless and until the holder has been given at least five calendar days prior written notice and an opportunity to be heard. However, when the public safety may be imminently jeopardized the commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any license [for a period not exceeding five working days] *without such prior notice and opportunity to be heard except that after such suspension, upon request of the license holder, a hearing shall be provided on the charges within twenty calendar days after the receipt of such request by the department or with respect to a suspension based on a criminal indictment, the earlier of twenty calendar days after the department's receipt of a request for such hearing from the licensee or five working days following the department's receipt of notice from the licensee of the termination of the criminal proceeding in the licensee's favor. In such case where public safety would not be jeopardized, the administrative law judge assigned to hear the matter may lift the suspension pending the determination of the disciplinary charges.*

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1061

By Council Members Dilan, Lappin, Recchia, Brewer, Comrie, Fidler, Gentile, Gerson, Gonzalez, Nelson, Stewart and Weprin (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to crane safety.**

*Be it enacted by the Council as follows:*

Section 1. Section 3302.1 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as amended by local law number 46 for the year 2008, is amended by adding new definitions in alphabetical order and amending existing definitions to read as follows:

**CRANE.** A power operated machine, *including all parts, components, and attachments thereto*, for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine. The definition of a crane shall also include articulating boom crane, regardless of whether it has a hoisting mechanism integral to the machine.

**EQUIPMENT OWNER.** *The entity that owns the equipment.*

**EQUIPMENT USER.** *The entity that receives authorization from the department to operate the equipment.*

**MOBILE CRANE.** A commercial truck mounted crane, [crawler crane,] wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).

**PILE DRIVER.** *A machine used exclusively to deliver repeated blows to the top of a pile for driving it into the ground that consists of a frame which supports and guides a hammer weight, together with a mechanism for raising and dropping the hammer or for driving the hammer. The definition of a pile driver shall not include a crane modified or equipped with attachments to drive piles; such modified or equipped cranes shall be considered to be a crane.*

**SELF ERECTING TOWER CRANE.** *A form of crane whose tower and boom and/or jib elements are not disassembled into component sections and which can be transported between sites as a complete unit, and whose erection and dismantling processes are an inherent part of the crane's function.*

**SERVICE CRANE.** *A mobile crane used to perform tasks on a job site not directly related to the construction, alteration, or demolition of a building. A service crane shall not include a mobile crane used to assemble or disassemble scaffolds, sidewalk sheds, cranes, derricks, hoists, or other construction related items, or a mobile crane used to place or extract equipment or trailers.*

§2. The heading of section 3319 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as



follows:

**SECTION BC 3319  
CRANES, [AND] DERRICKS, AND PILE DRIVERS**

§3. Section 3319.1 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**3319.1 Scope.** The [construction] *design*, installation, inspection, maintenance, *repair, modification*, and use of cranes, [and] derricks, and *pile drivers* shall be in conformance with the requirements of this section, Section 3316, and with rules promulgated by the commissioner.

**Exceptions:**

1. *The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.*
2. *The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks that are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than 5 feet (1524 mm) and that any material transported thereon shall not be raised more than 2 feet (610 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.*
3. *The requirements of this section shall not apply to cranes, derricks, or pile drivers used in industrial or commercial plants or yards not used for the construction of the facility in accordance with subdivision 3 of section 643 of the New York City Charter. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.*
4. *The requirements of this section shall not apply to floating cranes, floating derricks, and cranes and derricks used on floating equipment. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.*
5. *The requirements of this section shall not apply to augurs, churn-drills and other drilling equipment not used for hoisting any objects. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.*
6. *The requirements of this section shall not apply to mechanic's trucks with a hoisting device, including those used in activities related to the maintenance and repair of construction-related equipment.*
7. *The requirements of this section shall not apply to cranes, derricks, or pile drivers where an engineer, on behalf of the equipment user, demonstrates to the satisfaction of the department that the use of the crane, derrick, or pile driver conforms with the following:*
  - 7.1. *The setup, assembly, disassembly, and/or operation of the crane, derrick, or pile driver, including all hoisting, occurs entirely within the property lines, and that such property is closed to the public; and*
    - 7.1.1. *For a mobile crane, crawler crane, or articulating boom crane, the crane will not come within a distance equal to or greater than 125% of the boom length (including jibs and any extensions thereto) from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property; or*
    - 7.1.2. *For a tower crane, self erecting tower crane, or derrick, the crane or derrick will not come within a distance equal to or greater than two times the final height of the crane or derrick plus the boom length (including jibs and any extensions thereto) from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property; or*
    - 7.1.3. *For a pile driver, the pile driver will not come within a distance equal to or greater than 125% of the height of the rig from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property.*
  - 7.2. *No loads are moved over a public street or sidewalk, area accessible to the public, occupied building,*

*structure on an adjoining lot, or city owned property; and*

- 7.3. *The crane, derrick, or pile driver, in all conditions of loading, will not overload any subsurface vault, tunnel, or utility structure.*

§4. Section 3319.3 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**3319.3 [Requirements] Certificates required.** No *equipment* owner, *equipment user* or other person shall authorize or permit the operation of any crane [or], derrick, or *pile driver* without a certificate of approval, a certificate of operation and a certificate of on-site inspection.

**Exceptions:**

1. [The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.]
- [2.] The requirements of this section shall not apply to cranes [or], derricks, or *pile drivers* performing an emergency use pursuant to the lawful order of the head of any department.
- [3.] 2. The requirements of this section shall not apply to mobile cranes *that are not otherwise exempted by section 3319.1*, including jibs and any other extensions to the boom not exceeding 50 feet (15 240 mm) in length and with a manufacturer's rated capacity of 3 tons (2722 kg) or less.
- [4.] 3. The requirements of this section shall not apply to mobile cranes *that are not otherwise exempted by section 3319.1*, including jibs and any other extensions, exceeding 50 feet (15 240 mm) but not exceeding 135 feet (41 148 mm) in length, and with a manufacturer's rated capacity of 3 tons (2722 kg) or less, except that a certificate of operation, as provided for in Section 3319.5, shall be required. The requirement for a certificate of operation shall not apply to such a crane used exclusively as a man basket. The commissioner may, by rule, exempt other mobile cranes of limited size from any or all requirements of this section.
- [5. The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks that are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than 5 feet (1524 mm) and that any material transported thereon shall not be raised more than 2 feet (610 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
6. The requirements of this section shall not apply to cranes or derricks used in industrial or commercial plants or yards not used for the construction of the facility. Floating cranes, floating derricks, and cranes and derricks used on floating equipment shall also be exempt from the requirements of this section. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
7. The requirements of this section shall not apply to augurs, churn-drills and other drilling equipment not used for hoisting any objects. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
- 8.] 4. The requirements of this section shall not apply to derricks having a maximum rated capacity not exceeding 1 ton (907 kg).
- [9. The requirements of this section shall not apply to mechanic's truck with a hoisting device when used in activities related to the maintenance and repair of construction-related equipment.
- 10.] 5. The requirements of this section shall not apply to articulating boom cranes *that are not otherwise exempted by section 3319.1*, that do not have an integral hoisting mechanism, and that are used exclusively for loading and unloading of trucks or trailers, provided that the length of boom does not exceed 135 feet (41 148 mm) and that any material transported thereon shall not be raised more than 100 feet (30 480 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
6. *The requirements for a certificate of on-site inspection shall not apply where the setup and operation, including all hoisting operations, of a*

mobile crane or articulating boom crane are to be performed under the supervision of a licensed master rigger provided the following conditions are met:

- 6.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
  - 6.2. The licensed master rigger, or master rigger foreman, will be personally present to supervise the entire setup and operation of the crane, including all hoisting operations;
  - 6.3. Such operation is limited to the placement of non-construction materials or non-construction equipment near, on, or within a building;
  - 6.4. The boom length of the crane, including jibs and any extension thereto, is not greater than 250 feet (76.2m) in length;
  - 6.5. The crane will not be supported by a building, foundation, platform, or temporary structure, and shall be supported only by footing in accordance with section 3319.14.4;
  - 6.6. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
  - 6.7. The licensed master rigger provides notification to the department no less than 5 business days prior to the use of the crane, certifies that the above conditions shall be met, and further provides a user certification in accordance with section 3319.6.3.2; and
  - 6.8. The equipment owner provides certification in accordance with section 3319.6.3.1.
7. The requirements for a certificate of on-site inspection shall not apply for the use of a service crane, provided the following conditions are met:
- 7.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
  - 7.2. The setup, assembly, disassembly and/or operation of the service crane, including all hosting operations, occurs entirely within the property lines;
  - 7.3. Such property is closed to the public;
  - 7.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;
  - 7.5. The boom length, including jibs and any extensions thereto, is not greater than 110 feet (33.5m);
  - 7.6. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
  - 7.7. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the crane and certifies that the above conditions shall be met;
  - 7.8. The equipment user provides a user certification in accordance with section 3319.6.3.2; and
  - 7.9. The equipment owner provides certification in accordance with section 3319.6.3.1.
8. The requirements for a certificate of on-site inspection shall not apply for the use of a mobile crane operating with a clamshell provided the following conditions are met:
- 8.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
  - 8.2. The setup, assembly, disassembly and/or operation of the crane, including all hosting operations, occurs entirely within the property lines;
  - 8.3. Such property is closed to the public;
  - 8.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;
  - 8.5. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
  - 8.6. The crane is located a distance from the edge of the excavation equal to or greater than the depth of the excavation;
  - 8.7. Either:
    - 8.7.1. The crane is designed or supported on a platform so that the soil bearing pressure does not exceed 500 pounds per square foot (102.4 kg per square meter); or

8.7.2. Where the pressure on the soil is in excess of 500 pounds per square foot (102.4 kg per square meter) but does not exceed 2,500 pounds per square foot (512 kg per square meter), an engineer certifies and provides calculations to the department demonstrating that, on the basis of borings taken and filed with the department, that the soil is adequate to support the load imposed by the crane.

- 8.8. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the crane and certifies that the above conditions shall be met;
  - 8.9. The equipment user provides a user certification in accordance with section 3319.6.3.2; and
  - 8.10. The equipment owner provides certification in accordance with section 3319.6.3.1.
9. The requirements for a certificate of on-site inspection shall not apply for the use of a pile driver provided the following conditions are met:
- 9.1. The pile driver possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
  - 9.2. The setup, assembly, disassembly and/or operation of the pile driver occurs entirely within the property lines;
  - 9.3. Such property is closed to the public;
  - 9.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;
  - 9.5. The pile driver, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
  - 9.6. Either:
    - 9.6.6. The pile driver is designed or supported on a platform so that the soil bearing pressure does not exceed 500 pounds per square foot (102.4 kg per square meter); or
    - 9.6.7. Where the pressure on the soil is in excess of 500 pounds per square foot (102.4 kg per square meter) but does not exceed 2,500 pounds per square foot (512 kg per square meter), an engineer certifies and provides calculations to the department demonstrating that, on the basis of borings taken and filed with the department, that the soil is adequate to support the load imposed by the pile driver.
  - 9.7. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the pile driver and certifies that the above conditions shall be met;
  - 9.8. The equipment user provides a user certification in accordance with section 3319.6.3.2; and
  - 9.9. The equipment owner provides certification in accordance with section 3319.6.3.1.

§5. Section 3319.4 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**3319.4 Certificate of approval.** Certificates of approval shall comply with the [following:] requirements of sections 3319.4.1 through 3319.4.7.

- [1. The manufacturer, owner, or designated representative of a crane or derrick for which a certificate of approval is sought shall file an application for such certificate of approval and provide such information as set forth in rules promulgated by the commissioner.
2. Upon the department's approval of the application described in item 1 above, the department shall issue a certificate of approval for the equipment and an approval of the submitted load rating chart.
3. A new certificate of approval shall be required when a crane or derrick is modified or altered to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased.]

**3319.4.1 Application.** To request a certificate of approval, a prototype application shall be filed by a professional engineer on behalf of the equipment owner, or by the manufacturer of the crane, derrick, or pile driver if the manufacturer is certified by the department in accordance with rules promulgated by the commissioner. The application shall contain information and other such documents as required in rules promulgated by the commissioner, including, but not limited to, manuals and load rating chart(s)

supplied by the manufacturer.

**3319.4.2 Approval.** Upon the department's approval of the prototype application, the department shall approve the submitted load rating chart(s) and issue a certificate of approval for the crane, derrick, or pile driver.

**3319.4.3 Amendments.** An existing certificate of approval may be amended by a professional engineer on behalf of the equipment owner, or by the manufacturer of the crane, derrick, or pile driver if the manufacturer is certified by the department.

An amendment shall be required where the load ratings or configurations of the crane, derrick, or pile driver are altered, where the boom or mast length is increased, or where any components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other equipment not provided for in the certificate of approval are added.

Upon the department's approval of the amendments submitted, the department shall issue an amended certificate of approval.

**3319.4.4 Operation.** A crane, derrick, or pile driver requiring a certificate of approval shall not:

1. Be operated without a valid certificate of approval;
2. Lift beyond its maximum capacity or be operated in a manner or configuration not provided for in the certificate of approval;
3. Be modified to increase lifting capacity beyond that approved in the certificate of approval;
4. Be modified or altered to increase the boom or mast length beyond that in the certificate of approval; or
5. Be provided with any components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other equipment, not provided for in the certificate of approval.

**3319.4.5 Transferability.** Where equipment and its configurations are identical to equipment already possessing a valid certificate of approval from the department and will be operated as provided in that certificate of approval, the certificate of approval issued for the initial equipment and its configurations shall be accepted for the duplicate equipment and its configurations.

**3319.4.6 Existing certificates of approval.** Existing certificates of approval shall continue to remain valid until suspended or revoked by the department.

**3319.4.7 Suspension or revocation of a certificate of approval.** The department shall suspend or revoke a certificate of approval in accordance with the provisions of §28-105.10 of the Administrative Code.

§6. Section 3319.5 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**3319.5 Certificate of operation.** Certificates of operation shall comply with the [following:] requirements of sections 3319.5.1 through 3319.5.13.

- [1. The commissioner shall issue the initial certificate of operations for the crane or derrick with certificate of approval upon satisfactory inspection and test indicating that such crane or derrick is in a safe operating condition. The initial certificate of operation shall expire one year from the date of issuance.
2. The owner of a crane or derrick covered by the certificate of operation shall renew the certificate of operation each year.
3. If the owner of the covered crane or derrick applies for renewal of a certificate of operation within not more than 60 nor less than 30 days prior to the date of its expiration, such owner may continue to use the covered crane or derrick until the department grants or denies a new certificate;
4. When a crane or derrick configuration is changed to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased, a new certificate of operation shall be required. In such a case, the crane or derrick may not be operated until the new certificate of operation is obtained.
5. An application for a new certificate of operation shall be submitted when attachments that affect the stability or structure of the crane or derrick are added. Calculations and load rating charts as required by rules promulgated by the commissioner shall be submitted with the renewal request.]

**3319.5.1 Conformity with the certificate of approval.** No application for a certificate of operation, either an initial application or renewal application, may be filed unless there is a valid certificate of approval for the crane, derrick, or pile driver issued by the department. No certificate of operation or amendment to a certificate of operation shall be granted for a crane, derrick, or pile driver proposed to be operated in a manner that exceeds the approved load charts or the requirements of the certificate of approval, or a crane, derrick or pile driver that includes components, attachments, or other equipment not

specified in the certificate of approval.

**Exception:** Cranes, derricks, or pile drivers exempted by section 3319.3 from having a certificate of approval but requiring a certificate of operation.

**3319.5.2 Application for initial and renewal applications.** To request a certificate of operation, either an initial certificate or a renewed certificate, the equipment owner shall complete and sign a crane, derrick, or pile driver device application. The application shall contain the information required by sections 3319.5.2.1 through 3319.5.2.6.

**3319.5.2.1 Component listing.** The equipment owner shall list all components of the crane, derrick, or pile driver in accordance with rules promulgated by the commissioner.

**3319.5.2.2 Tracking.** The equipment owner shall adopt a program, acceptable to the commissioner, detailing the equipment owner's tracking of components and assigning a unique identification number to each component. The commissioner shall promulgate rules specifying components that must be tracked.

**3319.5.2.3 Periodic inspection.** The equipment owner shall certify that a qualified person has performed a periodic inspection in accordance with the requirements of the applicable standard, listed below, and any supplemental requirements in rules promulgated by the commissioner:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;
4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

The inspection shall have been performed within 14 days prior to the submittal of the application. A copy of the inspection results shall be provided with the application.

**3319.5.2.4 Crack detection inspection.** The equipment owner shall certify that crack detection inspections in accordance with rules promulgated by the commissioner have been performed, and provide a copy of the inspection results.

**3319.5.2.5 Deficiencies.** If any deficiencies are uncovered by the inspections required by sections 3319.5.2.3 or 3319.5.2.4, a certificate of operation shall not be issued until the equipment owner provides information on the additional level of inspection undertaken to determine if the deficiency constitutes a hazardous condition.

**3319.5.2.6 Operational certification.** The equipment owner shall certify that:

1. At the time of the application, the crane, derrick, or pile driver is in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver.
2. The equipment owner shall provide the crane, derrick, or pile driver to equipment user(s) in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver
3. All maintenance, repairs, modifications, or replacements made to the crane, derrick, or pile driver by or with the knowledge of the equipment owner shall be in accordance with section 3319.11.
4. The equipment owner shall notify the department of all accidents involving the crane, derrick, or pile driver in accordance with section 3319.5.11.

**3319.5.3 Provisions for an initial application.** To request an initial certificate of operation, the equipment owner shall file an application containing all the information required by section 3319.5.2 and the following information required by sections 3319.5.3.1 through 3319.5.3.3.

**3319.5.3.1 Disclosure of history.** The equipment owner shall:

1. Disclose the date of manufacture of the crane, derrick, or pile driver;
2. Disclose the age of components that will be tracked as required by section 3319.5.2.2;
3. Disclose if there is a manufacturer currently providing servicing and technical support to the crane, derrick, or pile driver;

4. Disclose if the crane, derrick, or pile driver has been in the continuous ownership of the equipment owner since it was manufactured, and if not, the name and contact information of previous owners;
5. Disclose the type of work the crane, derrick, or pile driver has typically been used for; and
6. Disclose if the crane, derrick, or pile driver has ever been involved in an accident that has damaged the structural, electrical, mechanical, operational systems, or safety devices of the crane, derrick, or pile driver, and, if so, disclose what steps were taken to repair the crane, derrick, or pile driver.

**3319.5.3.2 Certification of components.** The equipment owner shall:

1. Certify that all parts and components of the crane, derrick, or pile driver, either original or replacement, are supplied by the manufacturer; and
2. Certify that all repairs or modifications made to the crane, derrick, or pile driver have been in accordance with all manufacturer requirements, made by the manufacturer or a manufacturer's representative where the manufacturer so requires, and provide at least the manufacturer's original factor of safety.

**3319.5.3.3 Manufacturer certification alternative.** Where the equipment owner is unable to provide the information and certification required by sections 3319.5.3.1 and 3319.5.3.2 due to incomplete records or change of ownership, the equipment owner shall provide certification from the crane, derrick, or pile driver manufacturer or successor manufacturer that currently provides service and technical support to the crane, derrick, or pile driver that, upon inspection by the manufacturer, the manufacturer has found the crane, derrick, or pile driver to be in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver.

**3319.5.4 Approval.** Upon the department's approval of the crane, derrick, or pile driver device application, the department shall issue a certificate of operation for the crane, derrick, or pile driver.

**3319.5.5 Amendments.** An existing certificate of operation may be amended by the equipment owner.

An amendment shall be required where components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other equipment not provided for in the certificate of operation are added.

Upon the department's approval of the amendments submitted, the department shall issue an amended certificate of operation.

**3319.5.6 Renewal of the certificate of operation.** Certificates of operation shall be renewed in accordance with sections 3319.5.6.1 and 3319.5.6.2.

**3319.5.6.1 Renewal for mobile cranes, articulating boom cranes, self-erecting tower cranes, derricks permanently affixed to a building, and pile drivers.** The certificate of operation for a mobile crane, articulating boom crane, self-erecting tower crane, derrick permanently affixed to a building, or pile driver shall expire one year from the date of issuance, and the equipment owner shall renew the certificate of operation each year in accordance with section 3319.5.2.

If the owner of the crane, derrick, or pile driver applies for the renewal of a certificate of operation within not more than 60 nor less than 30 days prior to the date of its expiration, such equipment may continue to operate until the department grants or denies a renewed certificate of operation. If the application is not received within this time period, the certificate of operation shall expire at the end of the one year period. Expired certificates of operation shall be renewed in accordance with section 3319.5.7.

**3319.5.6.2 Renewal of the certificate of operation for crawler cranes, tower cranes, and derricks not permanently affixed to a building.** The certificate of operation for a crawler crane, tower crane, or derrick not permanently affixed to a building shall be valid for only one job site and shall expire one year from the date of issuance. Where such jobs are to extend beyond one year, the equipment owner shall file for a three month extension of the certificate of operation at the one year mark and every three months thereafter. Such applications for an extension shall contain the information required by section 3319.5.2.

If the owner of the crane or derrick files for the extension within not more than 14 nor less than 7 days prior to the date of expiration of the certificate of operation, such crane or derrick may continue to operate until the department grants or denies the extension. If the application for an

extension is not filed within this time period, the application may be filed at a later date, but the crane or derrick shall not be operated when the certificate of operation expires and shall not resume operation until the department grants the extension.

At the end of a job, the extension of the certificate of operation for the crane or derrick shall expire. The certificate of operation must be renewed prior to the start of a new job in accordance with section 3319.5.7.

**3319.5.7 Expired certificates of operation.** Equipment owners of cranes, derricks, or pile drivers with an expired certificate of operation may renew the expired certificate of operation by filing an application to renew a certificate of operation in accordance with section 3319.5.2, and the supplemental requirements listed in section 3319.5.7.1, provided that the expired certificate of operation was issued to the same equipment owner, and provided that the same equipment owner has owned the crane, derrick, or pile driver during the entire period the certificate of operation has been expired. If not, an application for an initial certificate of operation in accordance with section 3319.5.3 shall be filed.

A crane, derrick, or pile driver possessing an expired certificate of operation shall not be operated until the department grants a new or renewed certificate of operation.

**3319.5.7.1 Supplemental requirements.** An application to renew an expired certificate of operation shall be accompanied by an affidavit from the equipment owner:

1. Certifying that the crane, derrick, or pile driver has been in the continuous ownership of the equipment owner since the expiration of the certificate of operation;
2. Disclosing the type and location of work the crane, derrick, or pile driver has been used for since the expiration of the certificate of operation;
3. Certifying that since the expiration of the certificate of operation the crane, derrick, or pile driver has been maintained, repaired, modified, and replaced in accordance with section 3319.11.
4. Disclosing repairs, modifications, and replacements made to tracked components since the expiration of the certificate of operation in accordance with section 3319.5.10; and
5. Disclosing if the crane, derrick, or pile driver has been involved in an accident since the expiration of the certificate of operation in accordance with section 3319.5.11.

**3319.5.8 Provisions for boom sections, jibs and attachments.** All boom sections, jibs, or other attachments for a crane, derrick, or pile driver shall be listed in the certificate of operation. Where a new boom section, jib, or other attachment is to be added to a crane, derrick, or pile driver after a certificate of operation has been issued, the certificate of operation shall be amended. Such boom, jib, or other attachment shall not be installed or used until the amended certificate of operation is issued by the department. No boom section, jib, or other attachment not authorized by the certificate of approval shall be permitted to be listed under a certificate of operation.

**Exception:** Boom sections, jibs, or other attachments for a mobile crane, articulating boom crane, self-erecting tower crane, derrick permanently affixed to a building, or pile driver, but not a crawler crane, tower crane, or derrick not permanently affixed to a building, may be used on equipment separate from which they are listed provided the following conditions are met:

1. Such items are provided for in the certificate of approval for the equipment for which they are to be used;
2. Such items are to be used on a crane, derrick, or pile driver possessing a valid certificate of operation;
3. Such items come from a separate crane, derrick, or pile driver with a valid certificate of operation and such items are listed under that certificate of operation;
4. The crane, derrick, or pile driver from which the items come and the crane, derrick, or pile driver on which the items are to be used are owned by the same equipment owner;
5. Such items have been inspected, repaired, modified, replaced, maintained, and certified, and all accidents involving such items reported in accordance with the requirements for the certificate of operation for the crane, derrick, or pile driver under which they are listed; and
6. The crane, derrick, or pile driver notice application in connection with a certificate of on-site inspection, as provided in section 3319.6, notes such items are from a separate crane, derrick, or pile driver.

**3319.5.9 Operation.** A crane, derrick, or pile driver requiring a certificate of operation shall not be operated if it:

1. Does not possess a valid certificate of operation;

2. Includes components other than those listed in the certificate of operation as required by section 3319.5.2.1, except for components installed or used in accordance with section 3319.5.8;
3. Is found not to be in good condition or safe working order, or is found to possess a safety hazard;
4. Has not been inspected in accordance with the provisions of section 3319 of the building code or rules promulgated by the commissioner; or
5. Has not been maintained, repaired, modified, or replaced in accordance with section 3319.11.

**3319.5.10 Tracked components.** Where a component required to be tracked pursuant to section 3319.5.2.2 has been repaired, modified, or replaced by or with the knowledge of the equipment owner, either within or outside of New York City, such shall be reported to the department by the equipment owner. The certificate of operation for the crane, derrick, or pile driver shall be considered invalid upon conducting the repair, modification, or replacement. The crane, derrick, or pile driver shall not resume operation within New York City until an amended certificate of operation is approved by the department.

**3319.5.11 Accident reporting.** When a crane, derrick, or pile driver has been involved in an accident, either within or outside of New York City that damages the structural, electrical, mechanical, or operational systems, or safety devices of the equipment, the equipment owner shall notify the department, in writing, of the accident. The certificate of operation for the crane, derrick, or pile driver shall be considered invalid upon the occurrence of the accident. The crane, derrick, or pile driver shall not resume operation within New York City until an amended certificate of operation is approved by the department.

**3319.5.12 Sale of equipment.** When a crane, derrick, or pile driver possessing an active certificate of operation is sold to a new equipment owner, the department shall be notified, in writing, of the sale by the new equipment owner within 14 days after the date of sale. The new equipment owner shall include a copy of the bill of sale in the notification and certify that he/she has received from the previous equipment owner a copy of all logs and records required to have been maintained by the previous equipment owner by section 3319.11.

The new equipment owner shall not operate the crane, derrick, or pile driver within New York City until he/she has filed an application for a renewed certificate of operation in accordance with section 3319.5.2 and the department has granted a renewed certificate of operation for the crane, derrick, or pile driver. Where a component required to be tracked pursuant to section 3319.5.2.2 has been repaired, modified, or replaced by or with the knowledge of the either the old or new equipment owner, such shall be disclosed to the department in accordance with section 3319.5.10. Where such equipment has been involved in an accident while under the ownership of either the old or new owner, such shall be disclosed to the department in accordance with section 3319.5.11.

All maintenance, repairs, modifications, and replacements made to the crane, derrick, or pile driver by either the old owner or new owner shall be in accordance with section 3319.11.

**3319.5.13 Suspension or revocation of a certificate of operation.** The department shall suspend or revoke a certificate of operation in accordance with the provisions of §28-105.10 of the administrative code.

§7. Section 3319.6 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**3319.6 Certificate of on-site inspection.** Certificates of on-site inspection shall comply with the [following:] requirements of section 3319.6.1 through 3319.6.8.

1. The equipment user, or his or her designated representative, shall obtain a certificate of on site inspection for the use of any crane or derrick used for construction or demolition purposes at each job site. Such application for the certificate of on-site inspection shall include information set forth in rules promulgated by the commissioner.
2. Upon approval of the application, a copy of such approval shall be given to the applicant. It shall be unlawful to operate the equipment that is the subject of the approval until it has been inspected and found to be satisfactory by the department as set forth in rules promulgated by the commissioner. Upon inspection and a finding of satisfactory compliance, the approval shall be deemed a certificate of on-site inspection, which shall expire one year from the date of issuance. A certificate of on-site inspection may be renewed in accordance with rules promulgated by the commissioner;

3. The certificate of on-site inspection is y valid only if the conditions and statements contained in the approved application are complied with and the crane or derrick is operated in conformance with the provisions of this section and the rules applicable thereto.
4. A certificate of on-site inspection is not required for cranes or derricks performing work exempted from such requirement by rules promulgated by the commissioner.]

**3319.6.1 Conformity with the certificate of approval and certificate of operation.** No application for a certificate of on-site inspection, either an initial application or renewal application, may be filed unless there is a valid certificate of approval and certificate of operation for the crane, derrick, or pile driver issued by the department. No certificate of on-site inspection, or amendment to a certificate of on-site inspection, shall be granted for a crane, derrick, or pile driver proposed to be operated beyond that in the approved load charts, or provided with attachments or other equipment not provided for in the certificate of approval or certificate of operation.

**Exception:** An application for a certificate of on-site inspection may be filed when the crane, derrick, or pile driver has an expired certificate of operation, provided the certificate of operation is renewed in accordance with section 3319.5.7 prior to the issuance of the certificate of on-site inspection.

**3319.6.2 Application.** To apply for a certificate of on-site inspection, an engineer retained by the equipment user shall file a crane, derrick, or pile driver application known as a crane, derrick or pile driver notice application. The notice application shall contain the information required by sections 3319.6.2.1 through 3319.6.2.6. Accompanying plans and calculations shall be signed and sealed by the engineer, and include the project address.

**3319.6.2.1 Ground and subsurface conditions.** Where a crane, derrick, or pile driver is proposed to be located on the ground, the notice application shall include the following:

1. Certification from the engineer submitting the notice application that he/she has inspected the ground conditions at the proposed location of the crane, derrick, or pile driver and accounted for them in his or her design;
2. Identification of all pertinent ground and subsurface conditions, including but not limited to elevations and slopes, all sheeting, shoring, retaining walls, or excavations, all vaults, foundations, utilities, or other subsurface structures that could be impacted by the presence of the crane, derrick, or pile driver, along with identification of assumed soil, street, and sidewalk bearing values; and
3. Certification, supported by calculations, demonstrating that the crane, derrick, or pile driver, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition identified in item number 2 above.

**3319.6.2.2 Footing.** The notice application shall include plans for the footing of the crane, derrick, or pile driver, including matting needed to support and distribute the loads of the crane, derrick, or pile driver. The engineer shall demonstrate the adequacy of the footing and/or matting for all conditions of loading, or certify that timber in accordance with section 3319.14.4 is adequate and shall be provided.

The location of outriggers shall be clearly marked. If outriggers must be set at unequal positions, the engineer shall supply calculations verifying the stability of the crane, derrick, or pile driver.

**3319.6.2.3 Foundation.** Where a foundation, building, platform, or temporary structure is to support a crane, derrick, or pile driver, including but not limited to tie-in connections for tower cranes or the anchorages of derricks, the notice application shall contain all plans and calculations necessary to demonstrate the following, both for in service and out of service conditions:

1. The adequacy of the foundation, building, platform, or temporary structure to support the crane, derrick, or pile driver in all conditions of loading; and
  - 1.1. Any modifications needed to enable an existing foundation, building, platform, or temporary structure to support the crane, derrick, or pile driver in all conditions of loading; or
  - 1.2. The design of any foundation, platform, or temporary structure needed to be constructed to support the crane, derrick, or pile driver in all conditions of loading.
2. Means of supporting and bracing the equipment; and
3. Reactions imposed on the foundation, building, platform, or temporary structure by the crane, derrick, or pile driver, including

those due to impact and wind.

Where the building is a building under construction, the application shall also contain a copy of the crane plans stamped "reviewed for loads imposed" by the registered design professional for the building, or a letter from the registered design professional for the building stating that he or she has reviewed the crane plans(s) for the loads it will impose on the building and attesting to the adequacy of the building to support the loads.

**3319.6.2.4 Setup plan.** The notice application shall include site plan(s) and elevation plan(s) showing the following:

1. The intended location of crane, derrick, or pile driver;
2. Areas where the crane or pile driver is proposed to travel on site;
3. Temporary construction such as sidewalk sheds, scaffolds, and hoists;
4. All surrounding buildings and structures within 125% of the maximum swing radius and swing path of the crane, derrick, or pile driver, with details including items such as balconies and setbacks;
5. Above ground utilities, street lights, traffic lights, antennas, electrical lines, phone or other lines, bridges, viaducts, and infrastructure within the maximum swing radius of the crane, derrick, or pile driver; and
6. Details demonstrating that the crane, derrick, or pile driver will not come into contact with any structures or obstructions.

**3319.6.2.5 Configuration plan.** The notice application shall include site plan(s) and elevation plan(s) showing the crane, derrick, or pile driver in all configurations for which it will be utilized at the job site, including showing all proposed boom lengths, jibs, and other attachments. For tower cranes, all proposed counterweights, including the amounts and configurations, shall be supplied.

**3319.6.2.6 Assembly, jumping, and disassembly plan.** Where a crane, derrick, or pile driver requires assembly, jumping, or disassembly, including boom assembly, or the attachment of jibs or other attachments, or requires the use of assist cranes, an assembly and disassembly plan showing all phases of the assembly and disassembly shall be included. For tower cranes, the requirements of section 3319.8 shall apply.

**3319.6.3 Approval.** Upon approval of the crane, derrick, or pile driver notice application, a copy of such approval shall be given to the applicant. The crane, derrick, or pile driver shall not be set up or installed until the department has given such approval. Prior to setup or installation, the certifications required by section 3319.6.3.1 and 3319.6.3.2 shall be provided to the department.

**Exceptions:**

1. **Tower crane foundation.** The foundation for a tower crane may be installed prior to the submittal of a crane notice application provided that foundation plans for the tower crane foundation containing the information required by sections 3319.6.2.1 and 3319.6.2.3 are submitted to the department for review and approval prior to the installation of the tower crane foundation. This information does not need to reference a specific crane or crane set-up.
2. **Tower crane first mast section.** The first mast section of a tower crane may be installed without an approved notice application from the department for the tower crane, provided the assist crane or derrick possesses a valid certificate of on-site inspection, and provided the mast section is inspected and installed in accordance with rules promulgated by the commissioner.

**3319.6.3.1 Owner certification.** Prior to setup or installation of the crane, derrick, or pile driver, the equipment owner shall certify that the crane, derrick, or pile driver has been inspected, maintained, modified, repaired, and replaced by the owner in accordance with the provisions of the certificate of operation and section 3319.11, and that the crane, derrick, or pile driver has been provided to the equipment user in a good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver. The certification shall be in the form of a letter, specific to the job.

**3319.6.3.2 User certification.** Prior to setup or installation of the crane, derrick, or pile driver, the equipment user shall certify that he/she shall, while the crane, derrick, or pile driver is in his or her possession:

1. Set up and operate the crane, derrick, or pile driver in accordance with the provisions of the approved load chart, certificate of approval, certificate of operation, and certificate of on-site inspection, or where such equipment is proposed to be operated under an exemption from such certificate, the equipment is

operated in accordance with the provisions of the exemption;

2. Maintain the crane, derrick, or pile driver in accordance with section 3319.11;
3. Maintain a maintenance log in accordance with section 3319.11;
4. Maintain an inspection log in accordance with rules promulgated by the commissioner;
5. Not make any repairs, modifications, or replacements to the crane, derrick, or pile driver without the knowledge and authorization of the equipment owner in accordance with section 3319.11;
6. Immediately notify the department and the equipment owner of any accident involving the crane, derrick, or pile driver;
7. Provide flagperson(s), fences, barricades, or other adequate means to keep the public from coming into contact with the crane, derrick, or pile driver, or passing through a hoisting zone in accordance with section 3319.14;
8. Provide footing in accordance with section 3319.14;
9. Not permit hoisting over occupied buildings unless the provisions of section 3319.14 are satisfied;
10. Obtain all other permits and notifications required by section 3319.14;
11. Not permit the operation of the crane, derrick, or pile driver when a hazardous condition is known to exist; and
12. Not permit the set up or use of the crane, derrick, or pile driver without a valid approved application or certificate of on-site inspection in accordance with section 3319.6.

The certification shall be in the form of a letter, specific to the job.

**3319.6.4 Issuance of the certificate of on-site inspection.** Upon set up or installation, the crane, derrick, or pile driver shall not be operated until the crane, derrick, or pile driver has passed an inspection in accordance with rules promulgated by the department. Upon satisfactory compliance, the approved crane, derrick, or pile driver notice application shall be deemed a certificate of on-site inspection, which shall expire one year from the date of issuance.

**3319.6.5 Assist cranes or derricks.** Assist cranes or derricks are required to possess a valid certificate of on-site inspection. Assist cranes or derricks shall not be utilized to assemble or disassemble a crane, derrick, or pile driver until the notice application for the equipment to be assembled or disassembled has been approved by the department and the assist crane or derrick possesses a valid certificate of on-site inspection.

**3319.6.6 Amendments.** An existing certificate of on-site inspection may be amended by a professional engineer on behalf of the equipment user. Amendments shall be approved in the order which they were received. Amendments shall be required where the crane, derrick, or pile driver is proposed to be set up, located, configured, or operated in a manner not provided for in the certificate of on-site inspection, or to be operated by a different equipment user.

**3319.6.7 Operation.** The certificate of on-site inspection is valid only if the conditions and statements contained in the approved application are complied with and the crane, derrick, or pile driver is operated in conformance with the provisions of this section and the rules applicable thereto.

**3319.6.8 Suspension or revocation of a certificate of on-site inspection.** The department shall suspend or revoke a certificate of on-site inspection in accordance with the provisions of §28-105.10 of the Administrative Code.

§8. Chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, is amended by adding a new section 3319.11 to read as follows:

**3319.11 Maintenance, repairs, modifications, and replacements.** Cranes, derricks, and pile drivers shall be maintained, repaired and modified in accordance with, and all replacement part(s) shall comply with, the requirements of sections 3319.11.1 and 3319.11.2.

**3319.11.1 Maintenance.**

**3319.11.1.1 Manufacturer's maintenance procedures.** Cranes, derricks, and pile drivers shall be maintained by equipment owners and equipment users in accordance with all manufacturer procedures.

**3319.11.1.2 National maintenance standards.** Cranes, derricks, and pile drivers shall be maintained by equipment owners and equipment users in accordance with the requirements and the applicable standard, listed below:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;

4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

**3319.11.1.3 Lubrication and oiling.** Lubrication and oiling shall be performed under the supervision of the crane, derrick, or pile driver operator, oiler, or maintenance mechanic and be performed in accordance with sections 3319.11.1 and 3319.11.2.

**3319.11.1.4 Jobsite maintenance logs.** Where a crane, derrick, or pile driver is operated on a job site within New York City, the equipment user shall maintain a log of all maintenance performed on the crane, derrick, or pile driver at the job site, and make such log available to the commissioner upon request. The log shall also include information on all repairs, modifications, and replacements made to the crane, derrick, or pile driver at the job site.

**Exception:** Derricks permanently affixed to a building.

### 3319.11.2 Repairs, modifications, and replacements.

**3319.11.2.1 Factor of safety for repairs, modifications, and replacements.** All repairs, modifications, or replacements made to a crane, derrick, or pile driver by or with the knowledge of the equipment owner shall provide at least the manufacturer's original factor of safety.

**3319.11.2.2 Manufacturer's repair, modification, and replacement procedures and equipment.** Beginning January 1, 2010, all repairs, modifications, or replacements made to a crane, derrick, or pile driver by or with the knowledge of the equipment owner shall be made in accordance with all manufacturer procedures and requirements, and shall be made by the manufacturer or a manufacturer's representative where the manufacturer so requires. All part(s) or component(s) added to or replaced on the crane, derrick or pile driver shall be supplied by the equipment manufacturer or manufacturer approved vendor.

**Exception:** Where manufacturer procedures and/or requirements do not exist, or equipment manufacturer or manufacturer approved vendor part(s) or component(s) does not exist, such repair, modification, or replacement shall be conducted in accordance with the applicable national standard, listed in section 3319.11.2.3, and provide at least the manufacturer's original factor of safety.

**3319.11.2.3 National standards for repair, modification, and replacement.** Beginning January 1, 2010, all repairs, modifications, or replacements made to a crane, derrick, or pile driver by or with the knowledge of the equipment owner shall be in accordance with the applicable standard, listed below:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;
4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

**3319.11.2.4 Repair, modification, and replacement records.** Beginning January 1, 2010, the equipment owner shall, for the life of the crane, derrick, or pile driver, maintain logs and records of all repairs, modifications, and replacements made by or with the knowledge of the equipment owner and make such logs and records available to the commissioner upon request. If the equipment is sold, such logs and records shall be transferred to the new owner.

**3319.11.2.5 Equipment user notification of repairs, modifications, and replacements.** An equipment user shall make no repairs, modifications, or replacements to a crane, derrick, or pile driver operating within New York City without the knowledge and authorization of the equipment owner.

§9. Chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, is amended by adding a new section 3319.12 to read as follows:

**3319.12 Department review.** At the request of the commissioner, equipment owners and users shall perform inspections, or provide records, analysis, certification, or testing acceptable to the commissioner to demonstrate compliance with the requirements of this code and rules, to demonstrate the safety of the crane, derrick, or pile driver, to demonstrate that maintenance has been performed on the crane, derrick, or pile driver in accordance with section 3319.11, or to demonstrate the adequacy of all repairs, modifications, or replacements.

§10. Chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, is amended by adding a new section 3319.13 to read as follows:

**3319.13 Open applications.** Applications shall be deemed to have been abandoned 12 months after the date of its submission and shall expire pursuant to the provisions of §28-105.7 of the Administrative Code.

§11. Chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, is amended by adding a new section 3319.14 to read as follows:

### 3319.14 Additional requirements.

**3319.14.1 Department of transportation.** Where a crane or pile driver is to be located on or hoisting operations are to occur over a street or sidewalk, a permit from the department of transportation shall be obtained by the equipment user. A copy of this permit shall be included in the crane, derrick, or pile driver notice application.

**3319.14.2 Pedestrians.** No crane, derrick, or pile driver shall be located on a street, sidewalk, or in area accessible to the public, and no hoisting shall occur over a street, sidewalk, or area accessible to the public unless the equipment user provides flagperson(s), fences, barricades, or other adequate means and prevents the public from coming into contact with the crane, derrick, or pile driver, or from passing through a hoisting zone. A sidewalk shed shall not be considered adequate means to protect pedestrians in a hoisting zone.

**3319.14.3 Occupied buildings.** Loads shall not be carried over any occupied building unless the top two floors are vacated or overhead protection approved by the department is provided.

**3319.14.4 Footing.** Footing shall be provided by the equipment user to distribute loads so as not to exceed the bearing capacity of the underlying material. Footing under tires, crawler tracks, or outrigger pads shall be level within 1%.

Where a crane or pile driver is to be located on a street or sidewalk, the pressure on such surface shall not exceed 3500 pounds per square foot (716.86 kg per square meter). The pressure shall be distributed by the equipment user on the street or sidewalk by means of timber extending not less than twelve (12) inches (304.8 mm) beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the pressure as required above of all the loads including the weight of the crane or pile driver, or by other means acceptable to the commissioner. The timber mats shall have a minimum thickness of two (2) inches (50.8 mm). All cranes or pile drivers equipped with steel tracks shall be supported by timber not less than six (6) inches (152.4 mm) thick and covering the entire base of the crane or pile driver.

**3319.14.5 Aviation hazards.** All required applications and/or approvals related to the operation of a crane, derrick, or pile driver from the Federal Aviation Administration, including but not limited to any required pursuant to 14 CFR Part 77 and FAA Advisory Circular AC70/7460-2K shall be obtained by the equipment user. A copy of all required applications and/or approvals shall be kept on site, available to inspection by the commissioner.

**3319.14.6 Transit facilities.** If the body of a crane or pile driver is to be located within 200 feet (60.96 m) of a structure or vault owned by the Transit Authority, the approval of such is required. Such approval shall be acquired by the equipment user and included in the crane, derrick, or pile driver notice application.

**3319.14.7 Weekend operations.** To operate a crane, derrick, or pile driver on a weekend, the equipment user must obtain approval from the department as required by §24-223 of the Administrative Code.

§12. If any section, subdivision, paragraph, item, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§13. Notwithstanding any other provision of law, Reference Standard 19-2 Power Operated Cranes and Derricks of the appendix of chapter 1 of title 27 of the administrative code of the city of New York, as amended on September 14, 2006 by a taskforce appointed by the commissioner of buildings pursuant to section 27-131.1, is amended and shall apply to section 3319 of the New York city building code of chapter 7 of title 28 of the administrative code, as hereinafter provided:

1. Section 1 of Reference Standard 19-2 is repealed and superseded by section 3319.1 of the New York city building code as amended by section three of this law.
2. Sections 3, 4, and 16 of Reference Standard 19-2 shall be considered to

satisfy the requirements for rules promulgated by the commissioner under section 3319.4 of the New York city building code as amended by section five of this law until such time the commissioner promulgates new rules to satisfy the requirements of section 3319.4.

3. Section 8 of Reference Standard 19-2 is repealed and superseded by section 3319.6 of the New York city building code, as amended by section seven of this law, except section 8.2.2 of Reference Standard 19-2 which remains in effect.
4. Section 10 of Reference Standard 19-2 is repealed and superseded by section 3319.5 of the New York city building code, as amended by section six of this law.
5. Section 15 and 18.1 of Reference Standard 19-2 shall be considered to satisfy the requirements for rules promulgated by the commissioner under sections 3319.5.2.3 and 3319.5.2.4 of the New York city building code, as amended by section six of this law, until such time the commissioner promulgates new rules to satisfy the requirements of such sections. Until rules certifying a qualified inspector are promulgated by the department, the department shall continue to perform periodic inspections required for the issuance or renewal of a certificate of operation.
6. Sections 17, 18.2, and 18.3 of Reference Standard 19-2 are repealed and superseded by section 3319.11 of the New York city building code, as amended by section eight of this law.
7. All other sections of Reference Standard 19-2 shall remain in effect until repealed or superseded by new rules promulgated by the commissioner.

§14. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 2144

**Resolution calling upon the Mayor of the City of New York to reduce the unnecessary use of private contractors and consultants to perform public services typically performed by civil servants.**

By Council Members Foster, Brewer, Comrie, Fidler, Gentile, James, Koppell, Lappin, Liu, Stewart and Mark-Viverito.

**Whereas**, The City of New York routinely contracts with private companies to provide public services, such as social services, health or medical services, housing and shelter assistance services, legal services and employment assistance services; and

**Whereas**, Since 2005, New York City's contract expenditures have increased by 36%, from \$6.8 billion in Fiscal Year 2005 to \$9.2 billion in Fiscal Year 2009; and

**Whereas**, The allocation for Fiscal Year 2009 funds over 18,000 contracts and represents an increase of \$2.4 billion from Fiscal Year 2005; and

**Whereas**, Contracting public services out to private companies drains funds, hurts morale and reduces the reliable civil service workforce in City agencies; and

**Whereas**, While some of the 18,000 contracts are necessary for the effective functioning of City government, thousands of such discretionary contracts use contractors and consultants to carry out functions that should be performed by City workers at a considerably lower cost; and

**Whereas**, Concern exists that private sector employees are hired without the merit and fitness examinations and background checks that the City requires for civil service workers; and

**Whereas**, According to union research, the Human Resources Administration ("HRA") and the City Department of Education are using temporary clerical workers to perform routine daily functions at a higher cost than City workers, and the City could arguably save approximately \$2.4 million by eliminating the contracts with temp agencies and converting these temporary workers into City employees; and

**Whereas**, Some unions also maintain that HRA is contracting-out millions of dollars in custodial services when such jobs could be performed by Job Training Participants in the Transitional Workfare Program; and

**Whereas**, Union research indicates that this change would arguably produce savings of more than \$14.5 million for the City, while improving the lives of the families of workers assigned to the Transitional Program; and

**Whereas**, The City Department of Transportation is hiring contractors to install regulation and enforcement signs on City streets and sidewalks at almost three times the cost of the work done by the City's Traffic Device Maintainer, according to union research, arguably costing the City \$2.9 million; and

**Whereas**, In July 2008, New York State Governor David Paterson issued Executive Order No. 6: Ensuring the Cost-Effectiveness of Contracts for Personal Services, which established a Task Force on Personnel Services Contracting, composed of the Civil Service Commissioner, Deputy Secretary of Labor and Finance and others; and

**Whereas**, Under Executive Order No. 6, Qualified Personal Services Contract ("QPSC") means any contract entered into by a State agency with any private party

pursuant to State Finance Law § 163, under which: (a) the agency believes that a majority of the costs of the contract are attributable to compensation of the contractor's personnel, and (b) the agency can reasonably anticipate it will incur costs for the compensation of personnel of \$1 million or more over any twelve-month period; and

**Whereas**, Under the Executive Order, a State agency may not enter into QPSCs unless the agency has first determined that: (a) the contractor can carry out the task more efficiently or effectively than State employees, (b) the contractor can carry out the task for lower cost than such State employees, and (c) the contract is necessary to protect public health or safety or for some other compelling reason; and

**Whereas**, Executive Order No. 6 promotes transparency and openness for State agencies, private contractors and the public; and

**Whereas**, Since Governor Paterson issued Executive Order, State expenditures for personnel and professional services have been reduced by more than \$100 million; and

**Whereas**, With New York City facing cuts to vital public services, such as health, education, fire and sanitation, elected leaders must stop unnecessary contracting out of public services to the private sector; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York to reduce the unnecessary use of private contractors and consultants to perform public services typically performed by civil servants.

Referred to the Committee on Civil Service and Labor.

Int. No. 1062

By Council Members Gennaro, Brewer, Comrie, Fidler, Gonzalez, James, Koppell, Liu, Nelson and Stewart.

**A Local Law to amend the administrative code of the city of New York, in relation to controlling emissions from businesses located in mixed-use buildings that use chemicals.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that the Building Code and Zoning Resolution of New York City authorize locating certain businesses that use hazardous substances with residential uses in mixed-use buildings. While this practice predates New York City's original Zoning Resolution that was adopted in 1916, in the ensuing years knowledge about the potential adverse impacts resulting from use of chemicals has increased exponentially but has not been reflected in changes to the Building Code, that demonstrate appreciation of the risks posed by chemical use when fugitive emissions from ground floor commercial facilities permeate into residences above these businesses. The migration of fugitive perchloroethylene ("perc") emissions from dry cleaners to attached residences was initially identified as a public health issue in the 1980s. In the 1990s the New York State Department of Health (DOH) conducted the first national major study on co-location of dry cleaner facilities. That study led to legislation regulating dry cleaners in residential buildings due to the health risks posed by fugitive emissions. The New York City Department of Environmental Protection promulgated rules requiring reduction of perchloroethylene releases and containment booths for dry cleaning facilities co-located in buildings with residential uses. The United States Environmental Protection Agency (EPA) also expressed concern about the co-location issue as it pertains to dry cleaners in the preamble to the 1993 perchloroethylene National Emission Standard for Hazardous Air Pollutants ("NESHAP") but deferred to state and local officials to address the issue in relevant building codes or zoning ordinances. Unfortunately, no state or local agency moved to eliminate co-location of facilities that use perchloroethylene in residential buildings in New York City. Finally in the July 27, 2006 amendment of the perchloroethylene emission standard (NESHAP), the EPA took the issue out of local hands by essentially prohibiting co-location of drycleaners by December 21, 2020. The Final Rule for Perchloroethylene Air Emission Standards for Dry Cleaning Facilities notes that it "effectively prohibits new perchloroethylene machines in residential buildings" by requiring that owners or operators eliminate any emissions of perchloroethylene from dry cleaning systems that are installed after December 21, 2005. That regulation, promulgated pursuant to the amended NESHAP for perchloroethylene, includes a "sunset date" of December 21, 2020 for the use of perchloroethylene at any currently operating dry cleaning system located in a building with a residence. 71 FR 42724-42729;40 CFR 63.32.

Section 116 of the Clean Air Act preserves State and local authority to set requirements that are more stringent than federal standards (ie. Dry Cleaning NESHAP) as long as they do not set requirements that are less stringent than federal requirements and hope to be able to get those approved into State Implementation Plans or approved under the Clean Air Act section 112 (l). Further the NESHAP requires control of perchloroethylene emissions and implementation of good work practices for the dry cleaning facility but does not require or set any perchloroethylene limit for the residents who live in the apartments in those buildings. OSHA has guidance on worker exposure and California has specific perchloroethylene limits for worker exposure. Recently, the New York City department of health enacted a rule to address residential exposure in mixed use



buildings that include a dry cleaner. The New York City department of health rule may be the first one with perchloroethylene limits for children and residents who live in apartments above a dry cleaning facility, but it does not address the other facilities that use hazardous substances and are located in mixed use buildings.

The Council further finds that numerous other co-located commercial facilities present the potential for fugitive emissions of hazardous air pollutants to enter residences but have not been subject to regulation to reduce that public health risk. These businesses include printers, acrylic nail salons, furniture refinishers, metal platers, photofinishing, shoe repair and auto body repair facilities. Finally, the Council finds that the New York State legislature has recognized the public health threat that residential tenants face from sources of air pollution that result in indoor air contamination by passing the “Tenant Notification of Indoor Air Contamination” act requiring property owners to notify tenants of indoor air test results that exceed DOH Indoor Air Guidelines or United States Occupational Safety and Health Administration Guidelines for Indoor Air Quality.

Therefore the Council finds that it is important to eliminate public health risks to indoor air quality from fugitive emissions as a result of co-location of certain businesses that use hazardous substances in mixed-use buildings with residences.

§2. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding thereto a new section 24-141.1 to read as follows

§ 24-141.1 *Controlling emissions from businesses that use chemicals and are located in mixed-use buildings.*

(a) For purposes of this section the following terms shall have the following meanings:

(1) “Business that uses chemicals” shall mean any business that is located in a mixed-use building that uses a hazardous substance, an extremely hazardous substance or an acutely hazardous substance or whose operations use or generate hazardous air pollutants, with the exception of dry cleaners.

(2) “Department of health indoor air guidelines” shall mean the indoor air quality residential guidelines generated by the New York state department of health as a result of the “Final New York State Department of Health CEH BEEI Soil Vapor Intrusion Guidance” and background databases, including Appendix “C” Volatile Organic Chemicals in Air- summary of background databases referenced therein.

(3) “Hazardous air pollutant” shall mean an air pollutant designated as a reportable hazardous air pollutant and listed in section 202-2.6 of title six of the official compilation of New York codes, rules and regulations.

(4) “Hazardous substance” shall mean a listed hazardous substance pursuant to section 24-603 of this title, an extremely hazardous substance pursuant to section 41-03 of title fifteen of the rules of the city of New York, an acutely hazardous substance as defined in section 597.1 of title six of the official compilation of New York codes, rules and regulations or a mixture of substances which is toxic, flammable, combustible, corrosive, an irritant, a strong sensitizer, such as a significant allergen, or which generates pressure through decomposition, heat or other means, and which when used or handled in a customary manner or in a manner which may be reasonably anticipated is likely to cause injury or illness to man or the environment pursuant to section 173.01 of title twenty-four of the rules of the city of New York.

(5) “Mixed-use building” shall mean any building occupied in part for residential use, with one or more nonresidential uses located on a story below the lowest story occupied entirely by such residential use and includes any business that uses hazardous substances, extremely hazardous substances and sues or generates hazardous air pollutants.

(6) “Occupational safety and health administration guidelines for indoor air quality” shall mean the standards identified in the “Limits for Air Contaminants” set forth in table Z-1 of section 1910.1000 of title twenty-nine of the code of federal regulations, the “Enforcement Policy for Respiratory Hazards not covered by the OSHA Permissible Exposure Limits”, and any other applicable guidelines, including permissible exposure limits subsequently promulgated to protect indoor air quality in the work place and eliminate respiratory hazards.

b. It shall be unlawful for any business that uses chemicals, as defined above, to permit the escape of any fugitive emissions resulting from the operation of such business into any nonresidential indoor area of a building in excess of department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality.

c. It shall be unlawful for any business that uses chemicals to permit the escape of fugitive emissions into any residential area within the mixed-use building in which such business is located that exceed department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality.

d. Any person may make a complaint to the department or to the department of health and mental hygiene that the operation of any business is causing an exceedance of department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality and may request that the department or the department of health and mental hygiene or undertake air sampling for those emissions of hazardous substances, metabolites of those substances or constituents such substances. Such complaint shall be kept anonymous from disclosure by the department or the department of health and mental hygiene except to other governmental entities and except upon written permission of the complainant. Upon receipt of such a complaint the department or the department of health and mental hygiene shall investigate the allegations contained in the complaint and obtain air samples from any business complained of at a time likely to reflect usual operating activities and patterns.

e. Any occupant of a mixed-use building may independently obtain air sampling results for such occupant’s dwelling unit and of common areas, such as hallways, if

the occupant suspects that there is an exceedance of the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality. Such independently obtained air sampling results for indoor air quality may be submitted to the department or the department of health and mental hygiene as a basis for conducting an investigation by either of such agencies. If the initial and any subsequent indoor air quality sampling does not disclose any exceedances of the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality, no further investigation of indoor air quality in the area complained of shall be required.

f. Where indoor air sampling results, as a result of a complaint, an independent air sample obtained by a residential occupant or an investigation commenced by the department or the department of health and mental hygiene establishing that either the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality have been exceeded, the department or the department of health and mental hygiene shall notify the residential occupant or the complainant and, in the case of a business, the owner and/or the on-site manager and the department of environmental protection of the results of the tests.

g. Where indoor air sampling results establishes an exceedance of either the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality, the department shall develop, working jointly with the department of health and mental hygiene, a mitigation plan for each such business focused upon control strategies including, but not limited to, source control, improved ventilation, air cleaning and exposure control.

h. The department shall be responsible for assuring implementation and enforcement of the mitigation plan and shall have the authority to issue a notice of violation and a compliance order pursuant to subchapter nine of chapter one of this title in order to assure compliance. Failure to comply with an order issued by the department shall subject the business to such enforcement measures as are provided for in section 24-188 of this chapter.

i. Where the department has determined that an exceedance of either the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality cannot be expeditiously addressed through a mitigation plan implemented pursuant to subdivision i of this section, the department shall issue notice of such determination to the business and the co-location of such business in a mixed-use building shall terminate no later than six months after such notice, unless the department makes a written finding that reasonable progress is being made towards compliance.

j. Where it has been determined by the department or the department of health and mental hygiene that an exceedance of either the department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality has been committed in a mixed-use building by a business that uses chemicals, such exceedance shall be deemed to be a breach of the warranty of habitability with respect to any residential portion of such mixed-use building where an exceedance has occurred, and such rights as flow from a violation of the warranty of habitability shall inure to the affected occupants.

k. Where a business that uses chemicals refuses, without justification, to undertake a mitigation plan determined to be warranted by the department or the department of health and mental hygiene or fails to comply with such mitigation plan, such business and the owner of such business shall each be subject to a civil penalty of fifty dollars a day for each day for which there is a failure to comply with a mitigation plan.

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection and the commissioner of health and mental hygiene shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 1063

By Council Members Gerson, Comrie, Foster, Gentile, Gonzalez, James, Lappin and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to notice of major street construction projects.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.2 to read as follows:

§19-101.2 *Review of major street construction projects.* a. For the purposes of this section, the following terms shall be defined as follows:

1. “Affected council member(s) and community board(s)” shall mean the council member(s) and community board(s) in whose districts a proposed major street construction project is to be located.

2. “Major street construction project” shall mean any street construction project by the department that is projected to alter motor vehicle volumes along the affected streets by ten percent or more.

b. The department shall forward major street construction project plans to affected council member(s) and community board(s). Each plan shall include, at a minimum, the cost of such project, a map showing the streets affected by such

project, all traffic studies related to such project, and the projected start and end dates for such project.

c. Upon receipt of such plans, the affected council member(s) and community board(s) shall have thirty days to forward written comments, if any, to the department regarding such plans.

d. After receipt of comments, if any, from the affected council member(s) and community board(s), the department shall consider such comments and may incorporate changes, where appropriate, into its major street construction project plan.

e. The department shall forward either an amended major street construction project plan or notice that it will proceed with its original major street construction project plan to the affected council member(s) or community board(s) at least thirty days before starting construction on such project.

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 1064

By Council Members Gerson, James, Avella, Mark-Viverito, Mendez, Barron, Gentile, Gonzalez, Koppell and Liu.

**A Local Law to amend the administrative code of the city of New York, in relation to the required signage warning of heat dangers of playground equipment, including safety surfacing.**

Be it enacted by the Council as follows:

Section 1. Section 18-135 of chapter 1 of title 18 of the administrative code of the city of New York is hereby amended to read as follows:

§18-135 Requiring signage warning of heat dangers of playground equipment. The department shall place at all entrances to all playgrounds operated by or under the jurisdiction of the department, including those for which the department has an agreement with a conservancy or other not-for-profit organization with respect to operation of any aspect of a playground a sign reading, "Warning: Some surfaces may become hot and may cause burns. Please take precautions with exposed skin."

Such signs shall be placed at all entrances of all playgrounds [where presently there is not a sign at all entrances warning that shoes are required to be worn in such playground. Such signs shall also be placed at the entrances to all other playgrounds upon replacement of a sign in any such playground warning that shoes are required to be worn]. All signs shall be securely affixed at such entrances. The above described warning shall also be placed on every sign in any playground stating the rules of such playground when any such sign is replaced. All signs shall be in English and, where appropriate, additional languages. For purposes of this section, "securely affixed" shall mean that at a minimum the signs shall be tethered to not less than two stationary fixtures.

§2. This local law shall take effect forty-five days after enactment, except that the commissioner of parks and recreation shall take all steps necessary to implement this local law prior to such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 1065

By Council Members Lappin, Garodnick, The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Fidler, Gentile, Gerson, James, Stewart, Weprin, Nelson, Dilan, Gennaro, Jackson and Sears.

**A Local Law to amend the administrative code of the city of New York, in relation to providing a biotechnology credit against the general corporation tax, and the unincorporated business tax.**

Be it enacted by the Council as follows:

Section 1. Section 11-604 of the administrative code of the city of New York is amended by adding a new subdivision 21 to read as follows:

21. *Biotechnology Credit.* (a) (1) A taxpayer that is a qualified emerging technology company, engages in biotechnologies, and meets the eligibility requirements of this subdivision, shall be allowed a credit against the tax imposed by this subchapter. The amount of credit shall be equal to the sum of the amounts specified in subparagraphs (3), (4), and (5) of this paragraph, subject to the limitations in subparagraph (7) of this paragraph and paragraph (b) of this subdivision. For the purposes of this subdivision, "qualified emerging technology company" shall mean a company located in city: (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten million dollars or less; or (B) a company that has research and development activities in city and whose ratio of research and development funds

to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation in the most recent published results from its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or less. For the purposes of this subdivision, the definition of research and development funds shall be the same as that used by the National Science Foundation in the aforementioned survey. For the purposes of this subdivision, "biotechnologies" shall mean the technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, antigenetic switching, bioaugmentation, bioenrichment, bioremediation, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bio-transduction, bio-mechanical and bio-electrical engineering, and bio-informatics.

(2) An eligible taxpayer shall (A) have no more than one hundred full-time employees, of which at least seventy-five percent are employed in the city, (B) have a ratio of research and development funds to net sales, as referred to in section thirty-one hundred two-e of the public authorities law, which equals or exceeds six percent during the calendar year ending with or within the taxable year for which the credit is claimed, and (C) have gross revenues, along with the gross revenues of its "affiliates" and "related members" not exceeding twenty million dollars for the calendar year immediately preceding the calendar year ending with or within the taxable year for which the credit is claimed. For the purposes of this subdivision, "affiliates" shall mean those corporations that are members of the same affiliated group (as defined in section fifteen hundred four of the internal revenue code) as the taxpayer. For the purposes of this subdivision, the term "related members" shall mean a person, corporation, or other entity, including an entity that is treated as a partnership or other pass-through vehicle for purposes of federal taxation, whether such person, corporation or entity is a taxpayer or not, where one such person, corporation or entity, or set of related persons, corporations or entities, directly or indirectly owns or controls a controlling interest in another entity. Such entity or entities may include all taxpayers under chapters five, eleven and seventeen of this title, and subchapters two and three of this chapter. A controlling interest shall mean, in the case of a corporation, either thirty percent or more of the total combined voting power of all classes of stock of such corporation, or thirty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation; and in the case of a partnership, association, trust or other entity, thirty percent or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

(3) An eligible taxpayer shall be allowed a credit for eighteen per centum of the cost or other basis for federal income tax purposes of research and development property that is acquired by the taxpayer by purchase as defined in section 179(d) of the internal revenue code and placed in service during the calendar year that ends with or within the taxable year for which the credit is claimed. Provided, however, for the purposes of this paragraph only, an eligible taxpayer shall be allowed a credit for such percentage of the (A) cost or other basis for federal income tax purposes for property used in the testing or inspection of materials and products, (B) the costs or expenses associated with quality control of the research and development, (C) fees for use of sophisticated technology facilities and processes, and (D) fees for the production or eventual commercial distribution of materials and products resulting from the activities of an eligible taxpayer as long as such activities fall under activities relating to biotechnologies. The costs, expenses and other amounts for which a credit is allowed and claimed under this paragraph shall not be used in the calculation of any other credit allowed under this subchapter. For the purposes of this subdivision, "research and development property" shall mean property that is used for purposes of research and development in the experimental or laboratory sense. Such purposes shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions, or research in connection with literary, historical or similar projects.

(4) An eligible taxpayer shall be allowed a credit for nine per centum of qualified research expenses paid or incurred by the taxpayer in the calendar year that ends with or within the taxable year for which the credit is claimed. For the purposes of this subdivision, "qualified research expenses" shall mean expenses associated with in-house research and processes, and costs associated with the dissemination of the results of the products that directly result from such research and development activities; provided, however, that such costs shall not include advertising or promotion through media. In addition, costs associated with the preparation of patent applications, patent application filing fees, patent research fees, patent examinations fees, patent post allowance fees, patent maintenance fees, and grant application expenses and fees shall qualify as qualified research expenses. In no case shall the credit allowed under this subparagraph apply to expenses for litigation or the challenge of another entity's intellectual property rights, or for contract expenses involving outside paid consultants.

(5) An eligible taxpayer shall be allowed a credit for qualified high-technology training expenditures as described in this subparagraph paid or incurred by the taxpayer during the calendar year that ends with or within the taxable year for which the credit is claimed.

(A) The amount of credit shall be one hundred percent of the training expenses described in clause (C) of this subparagraph, subject to a limitation of no more than four thousand dollars per employee per calendar year for such training expenses.

(B) Qualified high-technology training shall include a course or courses taken and satisfactorily completed by an employee of the taxpayer at an accredited, degree granting post-secondary college or university in city that (i) directly relates to biotechnology activities, and (ii) is intended to upgrade, retrain or improve the productivity or theoretical awareness of the employee. Such course or courses may include, but are not limited to, instruction or research relating to techniques, meta, macro, or micro-theoretical or practical knowledge bases or frontiers, or ethical concerns related to such activities. Such course or courses shall not include classes in the disciplines of management, accounting or the law or any class designed to fulfill the

discipline specific requirements of a degree program at the associate, baccalaureate, graduate or professional level of these disciplines. Satisfactory completion of a course or courses shall mean the earning and granting of credit or equivalent unit, with the attainment of a grade of "B" or higher in a graduate level course or courses, a grade of "C" or higher in an undergraduate level course or courses, or a similar measure of competency for a course that is not measured according to a standard grade formula.

(C) Qualified high-technology training expenditures shall include expenses for tuition and mandatory fees, software required by the institution, fees for textbooks or other literature required by the institution offering the course or courses, minus applicable scholarships and tuition or fee waivers not granted by the taxpayer or any affiliates of the taxpayer, that are paid or reimbursed by the taxpayer. Qualified high-technology expenditures do not include room and board, computer hardware or software not specifically assigned for such course or courses, late-charges, fines or membership dues and similar expenses. Such qualified expenditures shall not be eligible for the credit provided by this section unless the employee for whom the expenditures are disbursed is continuously employed by the taxpayer in a full-time, full-year position primarily located at a qualified site during the period of such coursework and lasting through at least one hundred eighty days after the satisfactory completion of the qualifying course-work. Qualified high-technology training expenditures shall not include expenses for in-house or shared training outside of a city higher education institution or the use of consultants outside of credit granting courses, whether such consultants function inside of such higher education institution or not.

(D) If a taxpayer relocates from an academic business incubator facility partnered with an accredited post-secondary education institution located within city, which provides space and business support services to taxpayers, to another site, the credit provided in this subdivision shall be allowed for all expenditures referenced in clause (C) of this subparagraph paid or incurred in the two preceding calendar years that the taxpayer was located in such an incubator facility for employees of the taxpayer who also relocate from said incubator facility to such city site and are employed and primarily located by the taxpayer in city. Such expenditures in the two preceding years shall be added to the amounts otherwise qualifying for the credit provided by this subdivision that were paid or incurred in the calendar year that the taxpayer relocates from such a facility. Such expenditures shall include expenses paid for an eligible employee who is a full-time, full-year employee of said taxpayer during the calendar year that the taxpayer relocated from an incubator facility notwithstanding (i) that such employee was employed full or part-time as an officer, staff-person or paid intern of the taxpayer when such taxpayer was located at such incubator facility or (ii) that such employee was not continuously employed when such taxpayer was located at the incubator facility during the one hundred eighty day period referred to in clause (C) of this subparagraph, provided such employee received wages or equivalent income for at least seven hundred fifty hours during any twenty-four month period when the taxpayer was located at the incubator facility. Such expenditures shall include payments made to such employee after the taxpayer has relocated from the incubator facility for qualified expenditures if such payments are made to reimburse an employee for expenditures paid by the employee during such two preceding years. The credit provided under this paragraph shall be allowed in any taxable year that the taxpayer qualifies as an eligible taxpayer.

(E) For purposes of this subdivision the term "academic year" shall mean the annual period of sessions of a post-secondary college or university.

(F) For the purposes of this subdivision the term "academic incubator facility" shall mean a facility providing low-cost space, technical assistance, support services and educational opportunities, including but not limited to central services provided by the manager of the facility to the tenants of the facility, to an entity located in city. Such entity's primary activity must be in biotechnologies, and such entity must be in the formative stage of development. The academic incubator facility and the entity must act in partnership with an accredited post-secondary college or university located in city. An academic incubator facility's mission shall be to promote job creation, entrepreneurship, technology transfer, and provide support services to incubator tenants, including, but not limited to, business planning, management assistance, financial-packaging, linkages to financing services, and coordinating with other sources of assistance.

(6) An eligible taxpayer may claim credits under this subdivision for three consecutive years. In no case shall the credit allowed by this subdivision to a taxpayer exceed two hundred fifty thousand dollars per calendar year for eligible expenditures made during such calendar year.

(7) The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in clause (4) of

subparagraph (a) of paragraph E of subdivision one of this section. Provided, however, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section 11-677 of this chapter; provided, however, that notwithstanding the provisions of section 11-679 of this chapter, no interest shall be paid thereon.

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand thirteen.

(b) (1) The percentage of the credit allowed to a taxpayer under this subdivision in any calendar year shall be:

(A) If the average number of individuals employed full time by a taxpayer in the city during the calendar year that ends with or within the taxable year for which the credit is claimed is at least one hundred five percent of the taxpayer's base year employment, one hundred percent, except that in no case shall the credit allowed under this clause exceed two hundred fifty thousand dollars per calendar year. Provided, however, the increase in base year employment shall not apply to a taxpayer allowed a credit under this subdivision that was, (i) located outside of the city, (ii) not doing business, or (iii) did not have any employees, in the year preceding the first year that the credit is claimed. Any such taxpayer shall be eligible for one hundred percent of the credit for the first calendar year that ends with or within the taxable year for which the credit is claimed, provided that such taxpayer locates in the city, begins doing business in the city or hires employees in the city during such calendar year and is otherwise eligible for the credit pursuant to the provisions of this subdivision.

(B) If the average number of individuals employed full time by a taxpayer in the city during the calendar year that ends with or within the taxable year for which the credit is claimed is less than one hundred five percent of the taxpayer's base year employment, fifty percent, except that in no case shall the credit allowed under this clause exceed one hundred twenty five thousand dollars per calendar year. In the case of an entity located in city receiving space and business support services by an academic incubator facility, if the average number of individuals employed full time by such entity in the city during the calendar year in which the credit allowed under this subdivision is claimed is less than one hundred five percent of the taxpayer's base year employment, the credit shall be zero.

(2) For the purposes of this subdivision, "base year employment" means the average number of individuals employed full-time by the taxpayer in the city in the year preceding the first calendar year that ends with or within the taxable year for which the credit is claimed.

(3) For the purposes of this subdivision, average number of individuals employed full-time shall be computed by adding the number of such individuals employed by the taxpayer at the end of each quarter during each calendar year or other applicable period and dividing the sum so obtained by the number of such quarters occurring within such calendar year or other applicable period.

(4) Notwithstanding anything contained in this section to the contrary, the credit provided by this subdivision shall be allowed against the taxes authorized by this chapter for the taxable year after reduction by all other credits permitted by this chapter.

§2. Section 11-503 of the administrative code of the city of New York is amended by adding a new subdivision (o) to read as follows:

(o) *Biotechnology Credit.* (a) (1) A taxpayer that is a qualified emerging technology company, engages in biotechnologies, and meets the eligibility requirements of this subdivision, shall be allowed a credit against the tax imposed by this subchapter. The amount of credit shall be equal to the sum of the amounts specified in subparagraphs (3), (4), (5) of this paragraph, subject to the limitations in subparagraph (7) of this paragraph and paragraph (b) of this subdivision. For the purposes of this subdivision, "qualified emerging technology company" shall mean a company located in city: (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten million dollars or less; or (B) a company that has research and development activities in city and whose ratio of research and development funds to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation in the most recent published results from its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or less. For the purposes of this subdivision, the definition of research and development funds shall be the same as that used by the National Science Foundation in the aforementioned survey. For the purposes of this subdivision, "biotechnologies" shall mean the technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, antigenic switching bioaugmentation, bioenrichment, bioremediation, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bio-transduction, bio-mechanical and bio-electrical engineering, and bio-informatics.

(2) An eligible taxpayer shall (A) have no more than one hundred full-time employees, of which at least seventy-five percent are employed in the city, (B) have

a ratio of research and development funds to net sales, as referred to in section thirty-one hundred two-e of the public authorities law, which equals or exceeds six percent during the calendar year ending with or within the taxable year for which the credit is claimed, and (C) have gross revenues, along with the gross revenues of its "affiliates" and "related members" not exceeding twenty million dollars for the calendar year immediately preceding the calendar year ending with or within the taxable year for which the credit is claimed. For the purposes of this subdivision, "affiliates" shall mean those corporations that are members of the same affiliated group (as defined in section fifteen hundred four of the internal revenue code) as the taxpayer. For the purposes of this subdivision, "related members" shall mean a person, corporation, or other entity, including an entity that is treated as a partnership or other pass-through vehicle for purposes of federal taxation, whether such person, corporation or entity is a taxpayer or not, where one such person, corporation or entity, or set of related persons, corporations or entities, directly or indirectly owns or controls a controlling interest in another entity. Such entity or entities may include all taxpayers under chapters six, eleven and seventeen of this title, and subchapters two and three of this chapter. A controlling interest shall mean, in the case of a corporation, either thirty percent or more of the total combined voting power of all classes of stock of such corporation, or thirty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation; and in the case of a partnership, association, trust or other entity, thirty percent or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

(3) An eligible taxpayer shall be allowed a credit for eighteen per centum of the cost or other basis for federal income tax purposes of research and development property that is acquired by the taxpayer by purchase as defined in section 179(d) of the internal revenue code and placed in service during the calendar year that ends with or within the taxable year for which the credit is claimed. Provided, however, for the purposes of this paragraph only, an eligible taxpayer shall be allowed a credit for such percentage of the (A) cost or other basis for federal income tax purposes for property used in the testing or inspection of materials and products, (B) the costs or expenses associated with quality control of the research and development, (C) fees for use of sophisticated technology facilities and processes, (D) fees for the production or eventual commercial distribution of materials and products resulting from the activities of an eligible taxpayer as long as such activities fall under activities relating to biotechnologies. The costs, expenses and other amounts for which a credit is allowed and claimed under this paragraph shall not be used in the calculation of any other credit allowed under this subchapter. For the purposes of this subdivision, "research and development property" shall mean property that is used for purposes of research and development in the experimental or laboratory sense. Such purposes shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions, or research in connection with literary, historical or similar projects.

(4) An eligible taxpayer shall be allowed a credit for nine per centum of qualified research expenses paid or incurred by the taxpayer in the calendar year ending with or within the taxable year for which the credit is claimed. For the purposes of this subdivision, "qualified research expenses" shall mean expenses associated with in-house research and processes, and costs associated with the dissemination of the results of the products that directly result from such research and development activities; provided, however, that such costs shall not include advertising or promotion through media. In addition, costs associated with the preparation of patent applications, patent application filing fees, patent research fees, patent examinations fees, patent post allowance fees, patent maintenance fees, and grant application expenses and fees shall qualify as qualified research expenses. In no case shall the credit allowed under this paragraph apply to expenses for litigation or the challenge of another entity's intellectual property rights, or for contract expenses involving outside paid consultants.

(5) An eligible taxpayer shall be allowed a credit for qualified high-technology training expenditures as described in this paragraph paid or incurred by the taxpayer during the calendar year that ends with or within the taxable year for which the credit is claimed.

(A) The amount of credit shall be one hundred percent of the training expenses described in subparagraph (C) of this paragraph, subject to a limitation of no more than four thousand dollars per employee per calendar year for such training expenses.

(B) Qualified high-technology training shall include a course or courses taken and satisfactorily completed by an employee of the taxpayer at an accredited, degree granting post-secondary college or university in city that (i) directly relates to biotechnology activities, and (ii) is intended to upgrade, retrain or improve the productivity or theoretical awareness of the employee. Such course or courses may include, but are not limited to, instruction or research relating to techniques, meta, macro, or micro-theoretical or practical knowledge bases or frontiers, or ethical concerns related to such activities. Such course or courses shall not include classes in the disciplines of management, accounting or the law or any class designed to fulfill the

discipline specific requirements of a degree program at the associate, baccalaureate, graduate or professional level of these disciplines. Satisfactory completion of a course or courses shall mean the earning and granting of credit or equivalent unit, with the attainment of a grade of "B" or higher in a graduate level course or courses, a grade of "C" or higher in an undergraduate level course or courses, or a similar measure of competency for a course that is not measured according to a standard grade formula.

(C) Qualified high-technology training expenditures shall include expenses for

tuition and mandatory fees, software required by the institution, fees for textbooks or other literature required by the institution offering the course or courses, minus applicable scholarships and tuition or fee waivers not granted by the taxpayer or any affiliates of the taxpayer, that are paid or reimbursed by the taxpayer. Qualified high-technology expenditures do not include room and board, computer hardware or software not specifically assigned for such course or courses, late-charges, fines or membership dues and similar expenses. Such qualified expenditures shall not be eligible for the credit provided by this section unless the employee for whom the expenditures are disbursed is continuously employed by the taxpayer in a full-time, full-year position primarily located at a qualified site during the period of such coursework and lasting through at least one hundred eighty days after the satisfactory completion of the qualifying course-work. Qualified high-technology training expenditures shall not include expenses for in-house or shared training outside of a city higher education institution or the use of consultants outside of credit granting courses, whether such consultants function inside of such higher education institution or not.

(D) If a taxpayer relocates from an academic business incubator facility partnered with an accredited post-secondary education institution located within city, which provides space and business support services to taxpayers, to another site, the credit provided in this subdivision shall be allowed for all expenditures referenced in subparagraph (C) of this paragraph paid or incurred in the two preceding calendar years that the taxpayer was located in such an incubator facility for employees of the taxpayer who also relocate from said incubator facility to such city site and are employed and primarily located by the taxpayer in city. Such expenditures in the two preceding years shall be added to the amounts otherwise qualifying for the credit provided by this subdivision that were paid or incurred in the calendar year that the taxpayer relocates from such a facility. Such expenditures shall include expenses paid for an eligible employee who is a full-time, full-year employee of said taxpayer during the calendar year that the taxpayer relocated from an incubator facility notwithstanding (i) that such employee was employed full or part-time as an officer, staff-person or paid intern of the taxpayer when such taxpayer was located at such incubator facility or (ii) that such employee was not continuously employed when such taxpayer was located at the incubator facility during the one hundred eighty day period referred to in subparagraph (C) of this paragraph, provided such employee received wages or equivalent income for at least seven hundred fifty hours during any twenty-four month period when the taxpayer was located at the incubator facility. Such expenditures shall include payments made to such employee after the taxpayer has relocated from the incubator facility for qualified expenditures if such payments are made to reimburse an employee for expenditures paid by the employee during such two preceding years. The credit provided under this paragraph shall be allowed in any taxable year that the taxpayer qualifies as an eligible taxpayer.

(E) For purposes of this subdivision the term "academic year" shall mean the annual period of sessions of a post-secondary college or university.

(F) For the purposes of this subdivision the term "academic incubator facility" shall mean a facility providing low-cost space, technical assistance, support services and educational opportunities, including but not limited to central services provided by the manager of the facility to the tenants of the facility, to an entity located in city. Such entity's primary activity must be in biotechnologies, and such entity must be in the formative stage of development. The academic incubator facility and the entity must act in partnership with an accredited post-secondary college or university located in city. An academic incubator facility's mission shall be to promote job creation, entrepreneurship, technology transfer, and provide support services to incubator tenants, including, but not limited to, business planning, management assistance, financial-packaging, linkages to financing services, and coordinating with other sources of assistance.

(6) An eligible taxpayer may claim credits under this subdivision for three consecutive years. In no case shall the credit allowed by this subdivision to a taxpayer exceed two hundred fifty thousand dollars per calendar year for eligible expenditures made during such calendar year.

(7) The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount computed in subdivision (a) of this section. Provided, however, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section 11-526 of this chapter; provided, however, that notwithstanding the provisions of section 11-528 of this chapter, no interest shall be paid thereon.

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand thirteen.

(b)(1) The percentage of the credit allowed to a taxpayer under this subdivision in any calendar year shall be:

(A) If the average number of individuals employed full time by a taxpayer in the city during the calendar year that ends with or within the taxable year which the credit is claimed is at least one hundred five percent of the taxpayer's base year employment, one hundred percent, except that in no case shall the credit allowed under this clause exceed two hundred fifty thousand dollars per calendar year. Provided, however, the increase in base year employment shall not apply to a taxpayer allowed a credit under this subdivision that was (I) located outside of the city, (II) not doing business, or (III) did not have any employees, in the year preceding the first year that the credit is claimed. Any such taxpayer shall be eligible for one hundred percent of the credit for the first calendar year that ends

with or within the taxable year for which the credit is claimed, provided that such taxpayer locates in the city, begins doing business in the city or hires employees in the city during such calendar year and is otherwise eligible for the credit pursuant to the provisions of this subdivision.

(B) If the average number of individuals employed full time by a taxpayer in the city during the calendar year that ends with or within the taxable year for which the credit is claimed is less than one hundred five percent of the taxpayer's base year employment, fifty percent, except that in no case shall the credit allowed under this clause exceed one hundred twenty five thousand dollars per calendar year. In the case of an entity located in city receiving space and business support services by an academic incubator facility, if the average number of individuals employed full time by such entity in the city during the calendar year in which the credit allowed under this subdivision is claimed is less than one hundred five percent of the taxpayer's base year employment, the credit shall be zero.

(2) For the purposes of this subdivision, "base year employment" means the average number of individuals employed full-time by the taxpayer in the city in the year preceding the first calendar year that ends with or within the taxable year for which the credit is claimed.

(3) For the purposes of this subdivision, average number of individuals employed full-time shall be computed by adding the number of such individuals employed by the taxpayer at the end of each quarter during each calendar year or other applicable period and dividing the sum so obtained by the number of such quarters occurring within such calendar year or other applicable period.

(4) Notwithstanding anything contained in this section to the contrary, the credit provided by this subdivision shall be allowed against the taxes authorized by this chapter for the taxable year after reduction by all other credits permitted by this chapter.

§ 3. The aggregate amount of tax credits allowed under this local law in any calendar year shall be 3 million dollars. Such aggregate amount of credits shall be allocated by the department of finance of the city of New York among eligible taxpayers on a pro rata basis. Taxpayers eligible for such pro rata allocation shall be determined by the department of finance of the city of New York no later than February twenty-eighth of the succeeding calendar year in which the credit provided in this local law is applied.

§ 4. The department of finance of the city of New York shall establish by rule by October 31, 2009 procedures for the allocation of tax credits as required by section 3 of this local law. Such rules shall include provisions describing the application process, the due dates for such applications, the standards that shall be used to evaluate the applications, the documentation that will be provided to taxpayers to substantiate the amount of tax credits allocated to such taxpayers, and such other provisions as deemed necessary and appropriate.

§ 5. This local law shall take effect immediately; provided, however, that this local law shall apply to taxable years beginning on or after January 1, 2010 and before January 1, 2013.

Referred to the Committee on Finance.

Int. No. 1066

By Council Members Lappin, Brewer, Comrie, Gerson, James, Stewart and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to allocation of bus stops to private bus companies.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.2 to read as follows:

§19-175.2 *Bus stops.* a. For the purposes of this section, the term "affected council member and community board" shall mean the council member and community board in whose respective district the department is proposing to authorize the use of a bus stop by a private bus company.

b. Thirty days before the department authorizes a private bus company to use a bus stop, it shall submit the plan to authorize such use to the department of consumer affairs, the New York state metropolitan transportation authority, the affected council member and community board.

c. The department of consumer affairs, the New York state metropolitan transportation authority, the affected council member and community board shall have ten days from receipt of such plan to forward comments, if any, to the department on such plan.

d. After receipt of comments, if any, from the department of consumer affairs, New York state metropolitan transportation authority, affected council member and community board, the department shall consider such comments and may incorporate changes, where appropriate, into its plan to assign a bus stop to a private bus company.

e. The department shall forward either an amended bus stop plan or notice that it will proceed with its original bus stop plan to the department of consumer affairs, New York state metropolitan transportation authority, the affected council member and community board at least ten days before it implements such bus stop plan.

§2. This local law shall take effect immediately after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 1067

By Council Members Lappin, Foster, Gerson, James and Stewart.

**A Local Law to amend the administrative code of the city of New York, in relation to plastic garment bags used by 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 -DRY CLEANING BAGS

§16-470 Definitions

§16-471 Use of Dry Cleaning Bags.

§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 brings or sends clothing or other materials to a dry cleaning establishment for the establishment to clean.

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.

d. "Dry cleaning bag" shall have the same meaning as "film plastic" as such term is defined in subdivision c of section 16-452 of this code.

§16-471 Use of dry cleaning bags. Dry cleaning establishments may only use one dry cleaning bag per every five garments returned to a consumer. Quantities of more than five garments shall be returned to a consumer using one dry cleaning bag per every five garments, with all remaining garments in quantities of less than five returned to a consumer in a single dry cleaning bag.

§16-472 Penalties. 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 enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1068

By Council Members Mark-Viverito, Avella, Brewer, James, Koppell, Mitchell and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to filing of registration statements by owners of dwellings.**

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 27-2098 of the administrative code of the city of New York is amended read as follows:

(2) An identification of the owner by name, residence and business address. If the owner is a corporation, the identification shall include the name and address of such corporation together with the names, residences and business addresses of the officers. [In the case of any class A multiple dwelling used for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law, if] If the owner of a multiple dwelling is a corporation, the identification shall also include the names and addresses of any person whose share of ownership of the corporation exceeds twenty-five percent. For the purposes of this subdivision, any person owning a share of a parent corporation shall be deemed to be an owner of a share of a subsidiary corporation equal to the product of the percentage of his or her ownership of the parent corporation multiplied by the percentage of the parent corporation's ownership of the subsidiary corporation. If the owner of a multiple dwelling is a partnership, the identification shall include the name and business address of such partnership together with the name, residences and business addresses of each general partner and for each limited partner whose share of ownership of the partnership exceeds twenty-five percent, the names, residences and business addresses of all such limited partners. If the owner is under the age of eighteen years or has been judicially declared incompetent, his or her legal representative shall file the registration statement.

§2. Subdivision a of section 27-2098 of the administrative code of the city of New York, as amended by local law number 56 for the year 2008, is amended by adding a new paragraph 6 to read as follows:

(6) *If the dwelling is a multiple dwelling, the total number of dwelling units in such dwelling and the average monthly number of units not lawfully occupied within the six-month period prior to when a registration statement for such multiple dwelling is required to be filed.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1069

By Council Members Mendez, Brewer, James and Stewart.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of outdoor areas by certain business establishments as patio cafes.**

*Be it enacted by the Council as follows:*

Section 1. The title of subchapter 6 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

SUBCHAPTER 6

SIDEWALK AND PATIO CAFES

§2. Section 20-223 of the administrative code of the city of New York is amended by adding new subdivisions d through i to read as follows:

d. *“Patio cafe” shall mean any outdoor, unenclosed portion of a restaurant, bar, public dance hall or cabaret, such as a yard, a rooftop or any other similar area, or any portion thereof, that is regularly accessible to the customers of such establishment, that directly abuts or adjoins such establishment and whose use is under the control of such establishment. Such term shall not include a sidewalk cafe as defined in subdivision a of this section.*

e. *“Restaurant” shall mean any premises or any portion of a premises operated by or on behalf of any entity that is regularly accessible to the customers of such entity, which is devoted to the selling and serving of food for consumption on the premises by the public, guests, patrons, or members, in accordance with a permit or other authorization issued by the department of health and mental hygiene.*

f. *“Bar” shall mean any premises or any portion of a premises operated by or on behalf of any entity that is regularly accessible to the customers of such entity, which is devoted to the selling and serving of alcoholic beverages for consumption on the premises by the public, guests, patrons, or members of such entity and in which the serving of food, if served at all, is only incidental to the sale or consumption of such beverages; provided, however, that for the purposes of this subdivision, service of food shall be considered incidental to the sale or consumption of alcoholic beverages if the food service generates less than forty percent of total annual gross sales.*

g. *“Public dance hall” shall mean any room, place or space in which dancing is carried on by patrons of such room, place or space and to which such patrons gain admission, with or without the payment of a fee, which is required to be licensed by the department of consumer affairs pursuant to section 20-360 of this code.*

h. *“Cabaret” shall mean any room, place or space in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with a restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places which provide incidental musical entertainment without dancing, either by mechanical devices, or by not more than three persons, which is required to be licensed by the department of consumer affairs pursuant to section 20-360 of this title.*

i. *“Establishment” shall mean any restaurant, bar, public dance hall or cabaret.*

§3. Section 20-224 of the administrative code of the city of New York is amended to read as follows:

§20-224 License required. a. Any person owning, leasing, managing or operating a restaurant [under permit from the department of health and mental hygiene] upon property which abuts upon any street within the city may maintain or operate upon the sidewalk of such street in an area immediately adjacent to its premises, a sidewalk cafe, provided that such sidewalk cafe shall be granted a license and a revocable consent by the commissioner.

b. *Any person owning, leasing, managing or operating an establishment that utilizes a patio café in conjunction with the operation of such establishment may maintain or operate upon such outdoor or unenclosed portion of such establishment, a patio cafe, provided that such patio cafe is granted a license by the commissioner.*

c. *Any license for a patio café may be suspended or revoked by the commissioner where the holder of such license has been determined to have committed in the aggregate four violations of sections 24-218, 24-231 and 24-244 of this code within any twelve-month period.*

[b]d. The commissioner, consistent with the provisions of this subchapter and the applicable provisions of the zoning resolution, shall establish such rules, [regulations,] terms and conditions as the commissioner deems proper in respect to the granting and issuance of such licenses and revocable consents, priorities or rights

between applicants for a license covering the same space, and operation (including hours of operation) and maintenance of any sidewalk cafe *or patio cafe*, to ensure good order and to prevent undue obstruction of the sidewalk *and exits*, which shall have the force and effect of law. A license to operate a sidewalk cafe shall be issued after the review and approval of a petition for a revocable consent to construct and operate such sidewalk cafe pursuant to the provisions of section 20-225, 20-226 or 20-227 of this subchapter. The operator of a sidewalk cafe *or patio cafe* under license from the commissioner shall cause the boundary of the area licensed as a sidewalk cafe *or patio cafe* to be marked in a manner prescribed under rules promulgated by the commissioner.

d-1. *An applicant for a license to operate a patio cafe shall within five days of submitting such application to the department forward a copy of such application to the council member in whose district the patio café is proposed to be located and to the community board for the community district in which the patio cafe is proposed to be located. The community board shall, not later than forty-five days after receipt of such application, either (i) notify the public of the application in a manner specified by the department, conduct a public hearing thereon and submit a written recommendation to the department or (ii) waive by a written statement its public hearing and recommendation on such application and submit such statement to the department. Within thirty days after the expiration of the forty-five day period allowed for the filing of a recommendation or waiver by the community board, the department shall (i) hold a public hearing on the application and (ii) approve the application, disapprove it or approve it with modifications. If within the time period provided, the department fails to take the actions on an application as provided for in this subdivision, the application shall be deemed to have been denied. For a period of not less than fifteen calendar days prior to the date of such public hearing, the applicant shall post notice of the public hearing in accordance with rules of the department. At least fifteen days prior to the date of such hearing, the department shall give notice to the community board for the district in which the patio cafe is proposed to be located and to the council member in whose district the patio cafe is proposed to be located.*

[c]e. No license shall be granted for an enclosed sidewalk cafe *or patio cafe* until an alteration permit or any other required permit is issued by the department of buildings. No license shall be granted for a sidewalk cafe *or patio cafe* located in a historic district, on a landmark site or attached or adjacent to a landmark or an improvement containing an interior landmark without the required approval of the landmarks preservation commission. No license shall be granted for an unenclosed sidewalk cafe *or patio cafe* which obstructs the means of egress from any portion of a building nor for any unenclosed sidewalk cafe *or patio cafe* with an awning unless a permit therefor is issued by the department of buildings.

[d]f. The fee for [such] a sidewalk cafe *or patio cafe* license shall be at the rate of five hundred and ten dollars for a two-year license. Such license fee shall be in addition to any fee imposed, pursuant to rules of the commissioner, upon approval of a petition for a revocable consent, or a renewal of such revocable consent, to construct and operate a sidewalk cafe or any other applicable fee.

[e]g.1. A licensee must provide waiter or waitress service to patrons in [the] any sidewalk cafe *or patio cafe* if alcohol is served. [If no alcohol is served at the restaurant, a licensee must provide adequate service to maintain tables in the sidewalk cafe and the adjacent sidewalk in a manner that ensures good order and cleanliness.]

2. *Even if no alcohol is served, a licensee must provide adequate service to maintain tables in a sidewalk cafe and the adjacent sidewalk or a patio café in a manner that ensures good order and cleanliness.*

[f]h. The license shall be personal to the applicant and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of the lease or of title to the building or structure to which the sidewalk cafe *or patio cafe* is related.

§4. Section 20-227.1 of the administrative code of the city of New York is amended by adding a title to such section and amending subdivisions a, b, and e of such section to read as follows:

§20-227.1 *Violations; penalties.* a. Any person found to be operating an unlicensed sidewalk cafe *or patio cafe* shall be liable for a civil penalty of at least two hundred and not more than one thousand dollars for the first violation, at least two hundred and not more than one thousand dollars for each additional violation occurring on the same day; and at least five hundred and not more than two thousand dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe *or patio cafe* shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

b. Any holder of a license found to be operating a sidewalk cafe *or patio cafe* in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of at least two hundred and not more than one thousand dollars for the first violation, at least two hundred and not more than one thousand dollars for each additional violation occurring on the same day; and at least five hundred and not more than two thousand dollars for the second violation, and at least one thousand and not more than four thousand dollars for each subsequent violation at the same place of business within a two-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person licensed to operate a sidewalk cafe *or patio cafe* at such

place of business shall be subject to suspension or revocation of his or her sidewalk cafe *or patio cafe* license for such place of business. For purposes of this section, any such violation by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. A sidewalk cafe *or patio cafe* license shall be suspended or revoked at the same hearing at which a person is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

e. In addition to any other enforcement procedures authorized by this subchapter or any other provision of law or rule, the commissioner after notice and a hearing shall be authorized to order that any sidewalk cafe *or patio cafe* and the [restaurant] *establishment* of which it is a portion be sealed for a period not to exceed thirty consecutive days. Such notice may be included with notice of any hearing for a second violation for operating an unlicensed sidewalk *or patio cafe* as provided in subdivision a of this section, or a third violation of this subchapter, the terms and conditions of a license and/or a revocable consent or rules promulgated by the commissioner, as provided in subdivision b of this section. For purposes of this subdivision, any such violations at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. The procedures provided for in subdivisions c and e through j of section 20-105 of this title shall apply to an order by the commissioner for sealing of a sidewalk cafe *or patio cafe* and the [restaurant] *establishment* of which it is a portion.

§5. This local law shall take effect one hundred twenty days after enactment, except that the commissioner of consumer affairs shall promulgate such rules and take any other action necessary for the implementation of this local law, prior to such effective date. Any person owning, leasing, managing or operating an establishment as defined in subdivision i of section 20-223 of the administrative code of the city of New York, as added by section 2 of this local law, that utilizes any outdoor or unenclosed portion of such establishment in conjunction with the operation of such establishment prior to the effective date of this local law, shall have sixty days from such effective date to apply to the commissioner of consumer affairs for a license to maintain or operate a patio cafe upon such outdoor or unenclosed portion of such establishment, as provided in this local law.

Referred to the Committee on Consumer Affairs.

Res. No. 2145

**Resolution calling upon the New York State Assembly to pass A. 2565 and the Governor to sign A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, and who are receiving shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30% of their household's monthly income towards shelter costs, including rent and utilities.**

By Council Members Mendez, the Speaker (Council Member Quinn), and Council Members Barron, Brewer, Comrie, Fidler, Foster, Gerson, James, Koppell, Liu, Sanders, de Blasio, White, Jackson, Palma, Dickens and Weprin.

**Whereas**, The HIV/AIDS epidemic of the 1980s left many people struggling with sickness and the idea that they could be next; and

**Whereas**, Highly Active Anti-retroviral Therapy (HAART) allows individuals living with HIV/AIDS to live longer; and

**Whereas**, Despite this medical advancement a cure for the virus is still elusive; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH), New York City is the epicenter of the HIV/AIDS epidemic, with more than 100,000 New Yorkers living with HIV, and approximately one-fourth of such individuals not knowing that they are infected; and

**Whereas**, DOHMH reports that New York City has the highest AIDS case rate in the country, with more cases than Los Angeles, San Francisco, Miami and Washington, D.C. combined; and

**Whereas**, In New York City, the Human Resources Administration (HRA) was one of the first government agencies to respond to the AIDS epidemic by creating an office that eventually became known as the HIV/AIDS Services Administration (HASA); at the time HASA provided emergency, support services, and burial assistance services for people who were dying almost immediately after being diagnosed with the disease; and

**Whereas**, At that time, many other service organizations were not inclined to engage with people suffering from AIDS; and

**Whereas**, Since that time, a series of laws concerning those with HIV/AIDS have been passed to ensure that they receive access to numerous benefits, services, and housing resources; and

**Whereas**, HASA now provides a range of services to low income New Yorkers with HIV/AIDS including linkages to social services benefits (food stamps and cash assistance), assistance applying for supplemental security income (SSI) and social security disability income (SSDI), fostering access to medical services and Medicaid, individualized service planning, and rental assistance, among other things; and

**Whereas**, Since the mid-1980s, New York City has recognized the connection between stable housing and health by providing rental assistance to help persons with HIV/AIDS maintain stable housing; and

**Whereas**, Persons living with HIV/AIDS need quality housing to stay healthy; and

**Whereas**, Persons who have stable housing are less likely to use drugs and engage in high-risk sexual activities and are more likely to adhere to and receive proper medical care according to several research studies; and

**Whereas**, As of June 2009, HASA has served 44,662 persons and provides housing rental assistance to close to 24,936 clients; and

**Whereas**, A. 2565 and its companion bill, S. 2664, which passed the Senate on July 16, 2009, would cap the rent and utility contributions of individuals with clinical/symptomatic HIV/AIDS and who are receiving shelter assistance or an emergency shelter allowance to 30 percent of their income; and

**Whereas**, This legislation only applies to HASA clients who are both living independently and have supplemental sources of income; and

**Whereas**, HASA clients who are in "independent living" are individuals who are living in private market apartments, not in supportive housing units; and

**Whereas**, Supplemental sources of income that would qualify clients for the cap are SSI, SSDI, veterans benefits, and earned income; and

**Whereas**, According to the June 2009 HASA Report, there were 13,268 clients receiving either SSI, SSDI, or veterans benefits and 919 clients with earned income; and

**Whereas**, Currently, HASA clients who are recipients of either SSI, SSDI, or veterans benefits or who have earned income do not have a contribution cap on the amount of their income that could be directed towards rent; and

**Whereas**, The income contribution cap of 30%, which is derived from federal guidelines, does not apply to this group of HASA clients because the program is subject to the budgeting guidelines issued by OTDA; and

**Whereas**, If the rental assistance program were funded federally like many other supportive housing programs and Section 8, HASA participants would be required to contribute only 30% of their income towards rent costs; and

**Whereas**, HASA clients often find that as much as 50% to 70% of their benefits have to be put towards rent each month leaving them on average with a little over \$11 per day to direct towards other expenses; and

**Whereas**, Currently the costs of the rental assistance program are equally shared between the state and the city; and

**Whereas**, HRA, in opposition to the 30% rent cap, argues that, if implemented, the program would cost \$25 million and the state might not in the future fund the program in the same manner as it has previously due to budgetary constraints; and

**Whereas**, Advocates, however, question the manner in which these calculations were made, arguing that there are contradictions in the estimates provided by both HRA and OTDA and that the estimates fail to take into account the savings that could result because HASA clients would be more likely to stay housed; and

**Whereas**, New York City law entitles HASA clients to medically appropriate housing, whether transitional or permanent, which has individual refrigeration for food and medicine storage and adequate private bathrooms; and

**Whereas**, Additionally, judicial mandates have required that HASA pay for moving expenses, security deposits if clients default, and brokers' fees, according to strict time frames; and

**Whereas**, Therefore, HASA clients are eligible for eviction prevention services which include arrears payments; and

**Whereas**, If HASA clients are evicted, the law requires that HASA provide housing immediately on the day that it is requested and, after permanent housing arrangements are found, funds to move into new apartment; and

**Whereas**, Researchers argue that paying for the 30% contribution cap could therefore create an annualized savings of \$12 million because HASA would have fewer clients needing eviction prevention services and emergency housing services; and

**Whereas**, Emergency housing services for HASA clients are provided through transitional congregate housing arrangements, but the majority are placed in Commercial Single Room Occupancy (SRO) hotels or Memorandum of Understanding (MOU) hotels; and

**Whereas**, Currently nearly 978 clients are being housed in SRO and MOU hotels and 911 clients are in transitional congregate facilities; both are emergency housing services which technically deems them homeless; and

**Whereas**, A. 2565 and S. 2664 would allow HASA clients to keep more of their earnings to pay for expenses other than rent and utilities; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Assembly to pass A. 2565 and the Governor to sign A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, and who are receiving shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30% of their household's monthly income towards shelter costs, including rent and utilities.

Referred to the Committee on General Welfare.

Int. No. 1070

By Council Members Sanders, Comrie, Gerson and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to distressed property consultants.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Findings.

The country is currently in the midst of a foreclosure crisis, with thousands of homes being foreclosed upon monthly. Foreclosures in New York City increased steadily throughout 2008, with the highest rates of foreclosure in the Bronx, Queens and Staten Island. Increasing rates of foreclosures and defaults on home loans created an industry of distressed property consultants, or individuals who market themselves as uniquely able to help homeowners negotiate with their lenders. The Council finds that unfortunately, homeowners already in precarious situations find themselves in even worse positions as unscrupulous consultants take their money and do nothing on their behalf. In an effort to combat the perceived wide-spread fraud in this industry, New York State enacted a law in August 2008 that prohibited distressed property consultants from collecting any funds prior to rendering services or taking power of attorney from a homeowner and mandated the parties enter into a fully executed, written contract prior to rendering services. Additionally, consultants are required to notify potential clients that they should consider consulting an independent attorney or government-approved housing counselor prior to signing any documents pertaining to their home and must provide the homeowner with information about how to locate a government-approved housing counselor.

The Council finds that while the state law seeks to prevent fraud by unscrupulous distressed property consultants, distressed property consultants continue to solicit business in communities with high foreclosure rates throughout the City. Many local non-profits offer foreclosure prevention or loan modification services for free, but as long as for-profit distressed property consultants exist, it behooves City residents to be aware of the legal constraints placed on consultants under state law. Therefore, the Council finds it necessary to mandate disclosure requirements in advertisements placed by distressed property consultants. These disclosures will ensure New York City residents are aware of their rights when paying for distressed property consulting services.

§2. Subchapter 5 of Chapter 5 of title 20 of the administrative code of the City of New York is amended by adding a new section 20-723.3 to read as follows:

§ 20-723.3 *Disclosure Requirements for Distressed Property Consultants.*  
*a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. *"Consulting services" means services promised by a distressed property consultant to a homeowner, including but not limited to services that the consultant represents will help to achieve any of the following:*

i. *An action to stop, enjoin, delay, set aside, annul, stay or postpone a foreclosure filing, a foreclosure sale or the loss of a home for nonpayment of taxes;*

ii. *A forbearance from any servicer, beneficiary or mortgagee or relief with respect to the potential loss of the home for nonpayment of taxes;*

iii. *The exercise of a right of reinstatement or similar right by the homeowner as provided in the mortgage documents or any law or the refinancing of a distressed home loan;*

iv. *Any extension of the period within which the homeowner may reinstate or otherwise restore his or her rights with respect to the property;*

v. *A waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a property in foreclosure;*

vi. *A loan or advance or funds;*

vii. *Assistance to the homeowner in answering or responding to a summons and complaint, or otherwise providing information regarding the foreclosure complaint and process;*

viii. *The avoidance or amelioration of the impairment of the homeowner's credit resulting from the commencement of a foreclosure proceeding or tax sale;*

ix. *The saving of the homeowner's property from foreclosure or loss for non-payment of taxes; or*

x. *Any other action as may be deemed subject to New York State General Business Law section 265-b.*

2. *"Distressed home loan" means a home loan that is in danger of being foreclosed because the homeowner has one or more defaults under the mortgage*

*that entitles the lender to accelerate full payment of the mortgage and repossess the property, or a home loan where the lender has commenced a foreclosure action. For purposes of this paragraph, a "home loan" is a loan in which the debt is incurred by the homeowner, or shareholder in a cooperative corporation, primarily for personal, family, or household purposes, and the loan is secured by a mortgage or deed of trust on property, or in the case of a cooperative by a security agreement in shares in a corporation, upon which there is located or there is to be located a structure or structures intended principally for occupancy of from one to four families, which is or will be occupied by the homeowner as the homeowner's principal dwelling.*

3. *"Distressed property consultant" means an individual or corporation, partnership, limited liability company or other business entity that, directly or indirectly, solicits or undertakes employment to provide consulting services to a homeowner for compensation or promise of compensation with respect to a distressed home loan or a potential loss of the home for nonpayment of taxes, or any individual or business entity considered a distressed property consultant for purposes of New York State Real Property Law §265-b. A distressed property consultant does not include the following:*

i. *An attorney admitted to practice in the State of New York;*

ii. *A person or entity who holds or is owed an obligation secured by a lien on any property in foreclosure while the person or entity performs services in connection with the obligation or lien;*

iii. *A bank, trust company, private banker, bank holding company, savings bank, savings and loan association, thrift holding company, credit union or insurance company organized under the laws of this state, another state or the United States, or a subsidiary or affiliate of such entity or a foreign banking corporation licensed by the superintendent of banks or the comptroller of the currency;*

iv. *A federal Department of Housing and Urban Development approved mortgage and any subsidiary or affiliate of such mortgagee, and any agent or employee of these persons while engaged in the business of such mortgagee;*

v. *A judgment creditor of the homeowner, if the judgment creditor's claim accrues before the written notice of foreclosure sale is sent;*

vi. *A title insurer authorized to do business in this state, while performing title insurance and settlement services;*

vii. *A person licensed as a mortgage banker or registered as a mortgage broker or registered as a mortgage loan servicer as defined in article 12-d of the New York State Banking Law;*

viii. *A bona fide not-for-profit organization that offers counseling or advice to homeowners in foreclosure or loan default; or*

ix. *A person or entity that the superintendent of banks has determined is not subject to section 265-b(e) of the New York State Real Property Law.*

4. *"Homeowner" means a natural person who is the mortgagor with respect to a distressed home loan or who is in danger of losing a home for nonpayment of taxes.*

b. *Every distressed property consultant who advertises distressed property consulting services via a unit or units of advertising space, shall disclose in such advertising, in accordance with the rules established by the commission, in clear and prominent letter type, in a print color that contrasts with the background against which it appears:*

1. *that, pursuant to section 265-b of the New York State Real Property Law, a distressed property consultant is prohibited from:*

i. *performing services without a written, fully executed contract with a homeowner;*

ii. *accepting payment for consulting services before the full completion of such services;*

iii. *taking power of attorney from a homeowner; and*

iv. *retaining any original loan document or other original document related to the distressed home loan, the property, or the potential loss of the home for nonpayment of taxes.*

2. *that a homeowner may call 311 to receive assistance for any complaint against a distressed property consultant or for more information pertaining to foreclosure prevention and assistance.*

c. *The commissioner may make and promulgate such rules as may be necessary for the proper implementation and enforcement of this section.*

d. (1) *Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this section. The department shall have the power to render decisions and orders and to impose civil penalties of not less than two thousand five hundred dollars nor more than five thousand dollars for each violation. All proceedings authorized pursuant to this paragraph shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this paragraph shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.*

(2) *All such proceedings shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.*

(3) *The commissioner shall conspicuously disclose on its web site all persons, partnerships, firms, corporations or business entities that have been found to have violated any provisions of this section, or rules promulgated hereunder,*



within the preceding twelve months. Such disclosure shall, at minimum, list the name of each person, partnership, firm, corporation or business entity found to have violated any provisions of this section, or rules promulgated hereunder, as well as the nature of each violation.

§3. This local law shall take effect 90 days after its enactment into law; provided, however, that the commissioner of consumer affairs shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Res. No. 2146

**Resolution calling on the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.**

By Council Members Seabrook, Barron, Comrie, Foster, James, Liu, Sears and Vann.

**Whereas**, The Dubois Bunche Center for Public Policy has issued a policy plan (the “Thurgood Marshall Plan”) which calls for lawmakers to create new localized systems for employment opportunities and business development within urban centers to address the negative impact of economic disparities that impact African American and Latino communities within New York City; and

**Whereas**, The 2008/2009 recession has had a severe effect on the United States’ economy leading to an increase in the unemployment rate, and

**Whereas**, It has been reported that in New York City, the unemployment rate will reach 9.5 percent by 2010 leaving 400,000 New Yorkers jobless; and

**Whereas**, Additionally, black New Yorkers have been disproportionately impacted with an unemployment rate of 14.7 percent in comparison to the unemployment rate of 5.7 for white New Yorkers; and

**Whereas**, A component of the Thurgood Marshall Plan calls for the establishment of a Recovery and Opportunity Trust Fund modeled after the Massachusetts Workforce Training Fund; and

**Whereas**, The Recovery and Opportunity Trust Fund should finance job training for residents living with in neighborhoods plagued with high rates of long-term chronic unemployment; and

**Whereas**, Proponents believe the Recovery and Opportunity Trust Fund should also subsidize pre-apprenticeship and apprenticeship training that is linked to energy conservation, renewable energy, the rebuilding of core infrastructure, and the installation of broadband telecommunications networks throughout the City; and

**Whereas**, Lawmakers should develop policies that acknowledge disparities in urban neighborhoods, that identify those with high rates of chronic unemployment and that promote outcomes that advance equity and stability in job opportunities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.

Referred to the Committee on Civil Service and Labor

Int. No. 1071

By Council Members Vann, Dickens, Liu, White, James, Avella, Gentile, Arroyo, Baez, Barron, Comrie, Dilan, Felder, Ferreras, Foster, Gennaro, Gerson, Mark-Viverito, Mendez, Nelson, Sanders, Katz, Weprin, Rivera, Ignizio and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of water liens.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and a-1 of section 11-319 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, are amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class 1 property or on class 2 property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of abandoned class 1 property or abandoned class 2 property that is a residential

condominium or residential cooperative, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or where the owner of such residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class 1 or on any two or three family residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or where the owner of any two or three family residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date.

A tax lien or tax liens on any property classified as a class 2 property, except a class 2 property that is a residential condominium or residential cooperative, or class 3 property, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class 4 property, as such class of property is defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component or water rents component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class 1 property or class 2 property that is a residential condominium or residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining “abandoned” property, as such term is used in this subdivision.

a-1. A subsequent tax lien or tax liens on a property or any component of the amount thereof may be sold by the city pursuant to this chapter, provided, however, that notwithstanding any provision in this chapter to the contrary, such tax lien or tax liens may be sold regardless of whether such tax lien or tax liens have remained unpaid in whole or in part for one year and, notwithstanding any provision in this chapter to the contrary, in the case of any class 1 property or class 2 property that is a residential condominium or residential cooperative, such tax lien or tax liens may be sold if the real property tax component of such tax lien or tax liens has remained unpaid in whole or in part for one year, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or where the owner of such residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class 1 or on any two or three family residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or where the owner of any two or three family residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. For purposes of this subdivision, the term "subsequent tax lien or tax liens" shall mean any tax lien or tax liens on property that become such on or after the date of sale of any tax lien or tax liens on such property that have been sold pursuant to this chapter, provided that the prior tax lien or tax liens remain unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien or tax liens. A subsequent tax lien or tax liens on any property classified as a class 2 property, except a class 2 property that is a residential condominium or residential cooperative, or class 3 property, as such

classes of property are defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A subsequent tax lien or tax liens on a property classified as a class 4 property, as such class of property is defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component or water rents component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 2. Subdivisions a-2 and a-3 of section 11-319 of the administrative code of the city of New York, as added by local law 68 for the year 2007, are amended to read as follows:

a-2. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on [December] *August* first, two thousand [seven] *nine*, the water rents, sewer rents and sewer surcharges components of any tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such water rents, sewer rents or sewer surcharges component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for [one year] *three years*, and (ii) equals or exceeds the sum of one thousand dollars; provided, however, that such water rents, sewer rents or sewer surcharges component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such water rents, sewer rents or sewer surcharges component of such tax lien may be transferred in the manner provided by this chapter. *Beginning August 1, 2009, the commissioner of the department of environmental protection, after consultation with the commissioner of finance, shall use best efforts to identify owners of residential real property in class 1 listed in such publication eligible to receive an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or any two or three family residential real property in class 1 eligible to receive a credit pursuant to subsection (e) of section six hundred six of the tax law, and may exclude such real property from the sale of a tax lien or tax liens imposed by this subdivision. Such efforts shall include the use of public or private online databases that reliably ascertain the name and age of owners of residential real property in class 1, and the use of financial information on file at the department of finance for other exemptions, credits, and abatements that are received by such owner.*

a-3. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on [December] *August* first, two thousand [seven] *nine*, a subsequent tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for [one year] *three years*, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of one thousand dollars; provided, however, that such subsequent tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the water rents, sewer rents or sewer surcharges component of any tax lien on property that becomes such on or after the date of sale of any water rents, sewer rents or sewer surcharges component of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this

chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 3. Subdivisions a and f of section 11-320 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, are amended as follows:

a. The tax lien on property in the city shall not be sold pursuant to section 11-319 of this chapter unless notice of such sale as provided herein has been published twice, the first publication to be in a newspaper of general circulation in the city, not less than [ninety] *one hundred twenty* days preceding the date of the sale, and the second publication to be in a publication designated by the commissioner of finance, not less than ten days preceding the date of the sale. *The publication shall include information relating to the lien sale process, including, but not limited to, actions to take if a lien is sold on such property; type of debt that can be sold in a lien sale; timeline of statutory notifications required pursuant to this section; a clear, concise explanation of the consequences when a tax lien is sold; and credits and property tax exemptions that may exclude certain class 1 real property from a tax lien sale. Such publication shall also include information on the following credit or residential real property tax exemptions:*

1. *the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;*
2. *the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;*
3. *the alternate exemption for veterans pursuant to section four hundred fifty-eight-a of the real property tax law;*
4. *the Enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;*
5. *the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and*
6. *any other credit or residential real property tax exemption which, in the discretion of the commissioner, should be included in such publication.*

Such publication shall also include a description by block and lot or by such other identification as the commissioner of finance may deem appropriate, of the property upon which the tax lien exists that may be included in the sale, and a statement that a list of the tax liens that may be included in the sale is available for inspection in the office of the city register and the office of the county clerk of Richmond county. The commissioner of finance shall file such list in the office of the city register and the office of the county clerk of Richmond county not less than [ninety] *one hundred twenty* days prior to the date of sale.

f. The commissioner of finance shall designate an employee of the department to respond to inquiries from owners of property for which a tax lien has been sold or noticed for sale pursuant to subdivision a of this section and shall designate an employee of the department to respond to inquiries from owners sixty-five years of age or older of property for which a tax lien has been sold or noticed for sale pursuant to subdivision a of this section. The commissioner of environmental protection shall designate at least one employee of the department of environmental protection to respond to inquiries from owners of property for which a tax lien containing a water rents, sewer rents or sewer surcharges component has been sold or noticed for sale pursuant to subdivision a of this section[.], *and use his or her best efforts to identify and advise the commissioner of finance of any owners of two and three family residential real property in class 1 noticed for sale eligible to receive an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or any two or three family residential real property in class 1 eligible to receive a credit pursuant to subsection (e) of section six hundred six of the tax law.*

§ 4. Section 11-320 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, is amended by adding a new subdivision g to read as follows:

g. *On a quarterly basis, the commissioner of finance shall mail to the owners of all class 1 properties and class two residential properties held in the condominium form of ownership information relating to the lien sale process, including, but not limited to, actions to take if a lien is sold on such property; type of debt that can be sold in a lien sale; timeline of statutory notifications required pursuant to this section; a clear, concise explanation of the consequences when a tax lien is sold; and credits and property tax exemptions that may exclude certain real property from a tax lien sale. Such mailings shall also include information on the following credit or residential real property tax exemptions:*

7. *the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;*
8. *the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;*
9. *the alternate exemption for veterans pursuant to section four hundred fifty-eight-a of the real property tax law;*
10. *the Enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;*
11. *the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and*
12. *any other credit or residential real property tax exemption which, in the discretion of the commissioner, should be included in such mailing.*

*The information required pursuant to this subdivision shall also include a brief description of each credit or exemption program; and a phone number at the*

department of finance and a website address where taxpayers can obtain additional information on the credit or exemption programs and all necessary forms, publications and applications.

§ 5. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 2147

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Member Weprin.

**Whereas**, On June 19, 2009, the Council of the City of New York (the “City Council”) adopted the Fiscal 2010 Expense Budget with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Designation Method for the HIV/AIDS Communities of Color (Prevention and Education) Program; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new Description/Scope of Services for the Wayside Outreach Development, Inc. within the Healthy Aging Initiative; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive local, aging and youth discretionary funding, and by approving the new designation, changes in the designation, and technical corrections to the legal names of certain organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2010 Expense Budget;

**Whereas**, On June 29, 2008, the City Council adopted the Fiscal 2009 Expense Budget with various programs and initiatives (the “Fiscal 2009 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive local initiative and youth discretionary funding, and by approving the new designation of certain organizations to receive funding pursuant to Healthy Aging Initiative in accordance with the Fiscal 2009 Expense Budget; and

**Whereas**, On June 29, 2006, the City Council adopted the Fiscal 2007 Expense Budget with various programs and initiatives (the “Fiscal 2007 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2007 Expense Budget by approving the new designation of certain organizations to receive funding pursuant to certain initiatives in accordance with the Fiscal 2007 Expense Budget; now, therefore, be it

**Resolved**, That the City Council approves the new Designation Method for the HIV/AIDS Communities of Color (Prevention & Education) Program to read as follows: “City Council will designate this funding based on a request for applications (RFA) administered by Public Health Solutions.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the

Wayside Out-Reach Development, Inc. within the Healthy Aging Initiative to read as follows:

“To provide fitness equipment for the following senior centers:

Abe Stark Senior Center - 11-3199040

Boulevard Senior Center - 11-3528680

Brookdale Senior Residents - 03-0488857

Cypress Hill - Fountain Avenue Seniors - 11-3528680

Louis H. Pink Senior Center - 11-3080634

Penn Wortman Senior Center - 11-3080634

Rosetta Gaston Senior Center - 11-3528680

Spring Creek Senior Center - 11-2297647

Unity Plaza / Long Island Baptist Senior Center - 11-3556789

Vandalia Senior Center - 11-3199040.”; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations to receive local discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 2, attached hereto as Exhibit B; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 3, attached hereto as Exhibit C; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of the YMCA Virtual Y Program within the initiative of the same name in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 4, attached hereto as Exhibit D; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of a certain organization to receive funding within the Housing Preservation Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 5, attached hereto as Exhibit E; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of the Harlem Hospital Center within the Hip Hop Heals Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 6, attached hereto as Exhibit F; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Adult Rental Assistance Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Neighborhood Youth Alliance/Street Outreach Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within Prevention Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Children Under Five Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Mental Health Contracts Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Shelter Beds for At Risk, Runaway and Homeless Youth Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 13, attached hereto as Exhibit M; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the DOVE in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 14, attached hereto as Exhibit N; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of Safe Horizon within the Domestic Violence Victims Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 15, attached hereto as Exhibit O; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the Working Poor Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 16, attached hereto as Exhibit P; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations to receive funding within the Intergenerational Programs PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 17, attached hereto as Exhibit Q; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Social Adult Day Care PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 18, attached hereto as Exhibit R; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Elder Abuse Prevention PEG Restoration Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 19, attached hereto as Exhibit S; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Healthy Aging Initiative in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 20, attached hereto as Exhibit T; and be it further

**Resolved,** That the City Council approves the technical corrections made to the legal names of organizations to receive funding in accordance with the Fiscal 2010 Expense Budget as set forth in Chart 21, attached hereto as Exhibit U; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive local initiative funding in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 22, attached hereto as Exhibit V; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive aging discretionary funding in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 23, attached hereto as Exhibit W; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations to receive funding within the Healthy Aging Initiative in accordance with the Fiscal 2009 Expense Budget as set forth in Chart 24, attached hereto as Exhibit X; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations to receive funding within the Anti-Gang Initiative in accordance with the Fiscal 2007 Expense Budget as set forth in Chart 25, attached hereto as Exhibit Y.

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

Res. No. 2148

**Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.**

By Council Members White and Comrie.

**Whereas,** The enactment of Proposed Int. No. 890-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 Economic Development Corporation has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review an Environmental Assessment Statement; and

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

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

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

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

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

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

Int. No. 1072

By Council Members Yassky, Brewer, The Public Advocate (Ms. Gotbaum) and Council Members Gentile, Gerson, Lappin and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring environmental mitigation reports on certain large-scale developments to be submitted to affected council members and community boards.**

*Be it enacted by the Council as follows:*

Section 1. This bill shall be known and may be cited as the "Environmental Mitigation Report Law."

§2. Declarations of legislative findings and intent. The Council finds that New York City has undergone and will continue to undergo an extraordinary amount of construction and development, and that much of this development has proceeded without accompanying improvements in infrastructure and services. In order to create communities with adequate infrastructure and support, city agencies need to assess and report to the public through local community boards and the affected Council Member specific mitigations noted within an Environmental Impact Statement where one was prepared for a development project, and whether and how each relevant agency plans to implement such mitigation measures.

§3. Chapter one of title twenty-five of the administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

§25-114 *Environmental mitigation report.* a. *Definitions.* For purposes of this section the following terms and phrases shall have the following meanings:

1. "Covered agencies" shall mean the department of transportation, department of sanitation, department of environmental protection, department of education, department of parks and recreation, the police department and fire department.

2. "Covered development" shall mean any project resulting in the construction of a building or structure used for commercial, residential or mixed use occupancy where an environmental impact statement is required by law for an application subject to review pursuant to section 197-c of the New York city charter.

b. The department of city planning in coordination with the mayor's office of environmental coordination shall work with each covered agency and submit a report to the council member(s), borough president and the community board(s) in the district(s) and borough in which a covered development is located within sixty days of issuance of a notice of completion of a draft environmental impact statement on the covered development. In preparing such report, each covered agency shall review the draft environmental impact statement and any other relevant information and provide to the mayor's office of environmental coordination and the department of city planning an assessment of: (1) the current level of services (including infrastructure used to provide such services) in the impacted area identified by the environmental impact statement relating to the covered development and (2) a detailed description of each covered agency's plans to address the differential between such current service levels and the minimum neighborhood service standards set forth for the respective covered agencies in subdivisions d through j of this section.

c. The departments of transportation, sanitation, environmental protection, education, parks and recreation and the police department and the fire department shall establish minimum neighborhood service standards as set forth in subdivisions d through j of this section. These minimum neighborhood service standards shall serve as a standard for measuring the impact of a covered development on neighborhood services.

d. The department of transportation shall establish minimum neighborhood service standards which shall include, but not be limited to, the acceptable average distance to the closest public transportation from a city resident's home to a bus stop or subway station, and the acceptable frequency of each such mode of transportation during peak and off-peak hours, an acceptable flow of vehicular and pedestrian traffic based on an examination of vehicular and pedestrian traffic patterns in order to identify and alleviate vehicular and pedestrian congestion and access to alternative transportation methods, such as, but not limited to, authorized bicycle lanes. The department of transportation shall periodically review and, as necessary, revise such minimum neighborhood service standards.

e. The department of sanitation shall establish minimum neighborhood service standards for the frequency of the collection of solid waste and designated recyclable materials and street cleaning. The department of sanitation shall periodically review, and as necessary, revise such minimum neighborhood service standards.

f. The department of environmental protection shall establish minimum neighborhood service standards for air quality, ambient noise levels, the provision of potable water and wastewater treatment. The department of environmental protection shall periodically review and, as necessary, revise such minimum neighborhood service standards.

g. The department of education shall establish minimum neighborhood service standards which shall include, but not be limited to, the number of school seats needed, for elementary level, middle school level and high school level students, respectively, in order to serve the current and expected future school populations. The department of education shall periodically review and revise, as necessary, such minimum neighborhood service standards.

h. The department of parks and recreation shall establish neighborhood service standards for access to parks and other open space. Such neighborhood service standards shall include, but not be limited to, the acceptable distance every resident is from a park or other open space and the minimum amount of parkland appropriate for a given residential and commercial population. The department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

i. The police department shall establish minimum neighborhood service standards for protection of New York city residents. Such neighborhood service standards shall include, but not be limited to, the appropriate response times for different categories of complaints or requests for assistance received by the police department, and precinct staffing levels and patrol schedules. The police department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

j. The fire department shall establish minimum neighborhood service standards for fire protection, including, but not limited to, the response time necessary to achieve adequate protection against fire and other emergency response conditions within the jurisdiction of the fire department. The fire department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

k. No later than February 28 of each year, the department of city planning shall submit to the city council a report describing for each project approved by the department of city planning any adverse environmental impacts of each such project that were identified in any environmental impact statement prepared in conjunction with such project, what measures are required to be taken to mitigate those impacts, when each such mitigation measure is required to be initiated and the duration of each such mitigation measure. Such report also shall include for each such project for the first five years for which each mitigation measure is required to be implemented, what is being done with respect to each such mitigation measure.

§4. This local law shall take effect sixty days after enactment.

Referred to the Committee on Governmental Operations.

L.U. No. 1186

By Council Member Katz:

**Application no. 20105032 HAQ, an Urban Development Action Area Project located at 108-16 Guy Brewer Boulevard, Council District no. 28, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a partial exemption from real property taxes.**

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 1187

By Council Member Katz:

**Application no. 20105035 RSY, a resolution authorizing an agreement between the Mayor and Council establishing a Special Process for City Council review and approval of the "Coney Island Amusement Park Project Plan".**

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 1188

By Council Member Katz:

**Application no. 20105030 HAX, an amended Urban Development Action Area Project located at 2228 Givan Avenue, Council District no. 12, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 422 of the Real Property Tax Law for a partial exemption from real property taxes.**

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

L.U. No. 1189

By Council Member Katz:

**Application no. 20105031 HAQ, an Urban Development Action Area Project located at 69-21 Bayfield Avenue and 69-30 Elizabeth Avenue, Council District no. 31, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a partial exemption from real property taxes.**

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

L.U. No. 1190

By Council Member Katz:

**Application no. C 090386 ZRK, submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.**

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

L.U. No. 1191

By Council Member Katz:

**Application no. C 090387 ZMK, submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 16b, 16d, 22a and 22c.**

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

L.U. No. 1192

By Council Member Katz:

**Application no. C 090342 ZMX, submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d..**

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

L.U. No. 1193

By Council Member Katz:

Uniform Land Use Review Procedure application no. N 090343 HAX, an Urban Development Action Area Designation and Project, located at 906 and 916 Esat 176th Street and 907 East 175th Street, Borough of the Bronx, Council District no. 15. This matter is subject to council Review and action pursuant to § 197-c and § 197-d of the New York city Charter and Article 16 of the General Municipal Law.

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

L.U. No. 1194

By Council Member Katz:

Application no. 20095598 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for RRBV Associates LLC d/b/a Harbor NY, to establish, maintain and operate an unenclosed sidewalk café located at 290 Hudson Street (Block 579, Lot 5), Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 1195

By Council Member Katz:

Application no. 20095695 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for A & A Food Enterprises LLC d/b/a. Aged Bar N Grill, to establish, maintain and operate an unenclosed sidewalk café located at 107-02 70th Road (Block 3239, Lot 32), Borough of Queens, Council District no. 29. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 1196

By Council Member Katz:

Application no. 20095133 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for Greek Kitchen Inc. d.b.a. Greek Kitchen, to construct, maintain and use an enclosed sidewalk café located at 885-889 Tenth Avenue (Block 1086, Lot 34), Borough of Manhattan, Council District no.6. 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:**

**Tuesday, August 25, 2009**

★ *Addition*

Committee on **TRANSPORTATION** ..... **2:00 P.M.**  
Oversight - What can be done to improve air traffic safety over New York City?

Council Chambers – City Hall ..... John C. Liu, Chairperson

**Wednesday, September 9, 2009**

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**  
See Land Use Calendar Available, Thursday, September 3, 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, September 3, 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, September 3, 2009 in Room 5 City Hall  
Committee Room – City Hall ..... Daniel Garodnick, Chairperson

**Thursday, September 10, 2009**

Committee on **LAND USE**..... **10:00 A.M.**  
All items reported out of the subcommittees  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – City Hall ..... Melinda R. Katz, Chairperson

Committee on **TRANSPORTATION** ..... **10:00 A.M.**  
Oversight - The new Molinari-class vessels - ferries or lemons?  
Council Chambers – City Hal ..... John C. Liu, Chairperson

**Wednesday, September 16, 2009**

Committee on **FINANCE**..... **11:00 A.M.**  
Int 1057 - By Council Members Weprin and Comrie (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square business improvement district.  
Int 1058 - By Council Members Weprin and Comrie (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Times Square business improvement district to change the method of assessment upon which the district charge is based.  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – City Hall ..... David Weprin, Chairperson

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, September 16, 2009.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

**Editor's Note:** After this Meeting, the Stated Council Meeting scheduled for Wednesday, September 16, 2009 was re-scheduled to be held on Thursday, September 17, 2009.

**Editor's Local Law Note:** Int No. 992-A (adopted by the Council at the Stated Council Meeting of June 10, 2009 held on June 19, 2009) became Local Law 48 of 2009 upon the override of the Mayor's June 29, 2009 veto by the Council at the Stated Council Meeting of July 29, 2009. Int No. 1030 (adopted by the Council at the

*Stated Council Meeting of June 30, 2009) became Local Law No. 49 of 2009 on July 31, 2009 pursuant to the mandates of the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period (returned unsigned). Int Nos.642-A, 780-A, 871-A, and 1031-A (all adopted by the Council at the Stated Council Meeting of July 29, 2009) were signed by the Mayor into law on August 13, 2009 as, respectively, Local Law Nos.50, 51, 52, and 53 of 2009.*











