

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**TUESDAY, MAY 25, 2010**

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Tuesday, May 25, 2010, 3:00 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members James, Mealy, Seabrook, and White.

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

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

*There were 47 Council Members present at this Stated Meeting.*

**INVOCATION**

The Invocation was delivered by Council Member and Pastor Fernando Cabrera of the New Life Outreach International of the Bronx, N.Y.

Let's bow our heads.

Father, we thank You for the opportunity to serve You.  
We ask You for Your wisdom and for Your courage  
to do the right thing before You

and for Your people.

In Your mighty name we pray  
and everyone says.  
Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of Nellie James, 90, mother of Council Member Letitia James, who passed away in May 2010 after a long illness. Ms. James was born in Martinsville, Virginia in 1919, lived in Brooklyn for a number of years, and worked for AT&T for 25 years. She was a member of Calvary Baptist Church in Council Member's district.

Also during the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Quinn) asked everyone to keep Alison Cordero in their thoughts and prayers. Ms. Cordero, recovering from a stroke, is a long-time housing and tenants organizer at St. Nicholas in Council Member Comrie's district in Brooklyn.

**ADOPTION OF MINUTES**

Council Member Lander moved that the Minutes of the Stated Meeting of March 25, 2010 be adopted as printed.

**LAND USE CALL UPS**

M-101

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

**Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 100156 ZSK, a special permit, shall be subject to Council review. This application is related to application no. C 100155 HAK that is subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Roll Call

**LAND USE CALL UP VOTE**

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

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **47**.

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Finance

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

Report for Res. No. 246

#### **Report of the Committee on Finance in favor of approving and adopting a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on May 25, 2010, 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").

**Analysis.** This Resolution, dated May 25, 2010 amends the description for the Description/Scope of Services for the NYC Managed Care Consumer Assistance Program-Community Service Society. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided." This Resolution now changes the Description/Scope of Services to read: "This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total \$4 million."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Department of Education-District 31, Region 7 organization receiving local discretionary funding in the amount of \$72,000 within the budget of the Department of Education. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Projects to be determined for schools in the 50th CD." This Resolution now changes the Description/Scope of Services to read: "For various school projects. \$14,250 for Air Conditioning units at Public School 41R; \$5,000 for summer books and training for E-Chalk at Public School 60R; \$4,843.16 for a 77 inch Smartboard (SB6801GEN3W-UNIF) Wall Mounted Projection System at Public School 39R; and \$3,500 for general supplies at Intermediate School 2R."

Also, this Resolution amends the description for the Description/Scope of Services for the Greater Woodhaven Development Corporation organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Funds will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane 11.S. and P.S. 97 affecting nearly 1,000 students." This Resolution now changes the Description/Scope of Services to read: "\$7,000 will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane H.S. and P.S. 97 affecting nearly 1,000 students. \$8,000 to support GWDC, funds will be used to pay annual operating expenses."

Also, this Resolution adds a description for the Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding within the budget of the Department of Mental Health and Hygiene in the amounts of \$5,000 to read "The Early Childhood Direction Center (ECDC) of Staten Island University Hospital is an information and referral service for parents of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages?"

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. Additionally, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local and youth discretionary finding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative finding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of youth discretionary funding, as described in Chart 2, attached hereto as Exhibit B; and sets forth the new designations and changes in the designation of certain organizations that will receive finding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 3-11, attached hereto as reflected in Exhibits C-K;

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 organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in finding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget. It is to be noted that funding for various organizations, as identified by 2 asterisks in Chart 1, will be implemented upon the passage of a budget modification.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 2, funding in the amount of \$15,000 will be removed from the Armory Foundation and will be provided to various organizations in various amounts within the budget of the Department of Youth and Community Development.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Health Aging initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 3, the Wayside Out-Reach Development, Inc. will be used as a fiscal conduit for the Cypress Hills Fountain Avenue and Spring Creek Senior Partners, Inc. organizations.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 4, funding in the amount of \$5,000 provided each to the Queens Jewish Community Council, Inc., the St. Albans Baptist Church, and the Family Life Development Center, Inc. will be removed. Funding in the same amount will be used to fund the City Harvest, Inc. - Queens Jewish Community Council, Inc., City Harvest, Inc. - St. Albans Baptist Church, and the City Harvest, Inc.- Family Life Development. Center, Inc.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 5, funding in the amount of \$20,000 will be removed from Man Up!, Inc.-Junior High School 166/George Gershwin (K166) and be provided to Man Up!, Inc.-Public School 116K.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation-Operating Costs Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 6 indicates an EIN correction. The correct EIN for the Young Israel Programs, Inc. Young Israel of Midwood Senior Center is 03-0381957.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 7, funding in the amount of \$48,540.00, \$36,369.14, and \$25,888.10, totaling \$110,797.24 collectively, provided to the Bronx Community Pride Center, Inc., HE LP/PSI, Inc., and the Life Force: Women Fighting AIDS, Inc., respectively, will be removed and be will provided to various organizations in various amounts within the budget of the Department of Health and Mental Hygiene.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 8, funding in the amount of \$16,328.81 for the Brownsville Youth Association will be removed. This funding will be used to provide funding in the amount of \$8,164.41 and \$8,164.40 to the Church Avenue Merchants Block Association . (CAMBA) and the Greater Brooklyn Health Coalition, Inc., respectively.

Chart 9 sets forth changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 9, funding in the amount of \$15,000 will be removed from St. Barnabas Hospital within the budget for the Department of Mental Health and Hygiene.

Chart 10 sets forth the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 10, funding in the amount of \$15,000 will be provided to St. Barnabas Hospital.

Chart 11 indicates an Initiative Fund Transfer to effectuate the provisions set forth in Charts 9 and 10.

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

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

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 246:)**

Res. No. 246

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.**

By Council Member Recchia.

**Whereas,** On June 19, 2009 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2010 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 Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program-Community Service Society Initiative within the budget of the Department of Health and Mental Hygiene; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region 7 receiving funding in the amount of \$72,000 within the budget of the Department of Education; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Health and Mental Hygiene; 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 receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; now, therefore, be it

**Resolved,** That the City Council approves the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program receiving funding within the budget of the Department of Health and Mental Hygiene to read: "This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total \$4 million."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Department of Education - District 31, Region 7 receiving local discretionary funding to read: "For various school projects. \$14,250 for Air Conditioning units at Public School 41R; \$5,000 for summer books and training for E-Chalk at Public School 60R; \$4,843.16 for a 77 inch Smartboard (SB6801GEN3W-UNIF) Wall Mounted Projection System at Public School 39R; and \$3,500 for general supplies at Intermediate School 2R."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding to read "\$7,000 will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane H.S. and P.S. 97 affecting nearly 1,000 students. \$8,000 to support GWDC, funds will be used to pay annual operating expenses."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Mental Health and Hygiene to read "The Early Childhood Direction Center (ECDC) of Staten Island University Hospital is an information and referral service for parents of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages."; and be it further

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

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

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative as set forth in Chart 3, attached hereto as Exhibit C; and be it further

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

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

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation-Operating Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**Resolved,** That the City Council approves the Initiative Funding transfer, as set forth in Chart 11, attached hereto as Exhibit K.

**ATTACHMENT:**

**EXHIBIT A**

**CHART 1: Local Initiatives**

Member	Organization	EIN Number	Agency	Amount	Aggr #	U/A	Fiscal Condition Sponsoring Organization	Fiscal Condition EIN
Palma	Knowledge Project, The	13-3835570	DYCD	\$3,500.00	260	312		
Palma	Children's Creative Writing Campaign, Inc., The	13-3835510	DYCD	\$3,500.00	260	312		
Van Brant	Knowledge Project, The	11-2914763	DSBS	\$7,000.00	801	002		
Van Brant	Sunnyside Chamber of Commerce	11-2944763	DSBS	\$7,000.00	801	002		
Van Brant	Sunnyside United Neighborhood Network, Inc.	01-1365398	DSBS	\$5,500.00	801	002	Sunnyside Chamber of Commerce	11-2944763
Van Brant	Sunnyside United Neighborhood Network, Inc.	11-3653966	DSBS	\$5,500.00	801	002	Sunnyside Chamber of Commerce	11-2944763
Delegation	West 54-55 Street Block Association	02-0540261	DYCD	\$3,500.00	260	005		
Maritaban	West 54-55 Street Block Association	06-1778881	DYCD	\$3,500.00	260	005		
Crowley	St. Margaret's Senior Program	11-1723903	DFTA	\$3,000.00	125	003	Greater Religious Youth Council, Inc.	11-2518141
Crowley	St. Paul's Lutheran Church of Williamsburg	11-1677789	DYCD	\$5,125.00	260	005	Messiah Town Hall, Inc.	02-7280702
Boyna	E Puerto de Williamsburg	11-2814265	DYCD	\$8,125.00	260	312		
Crowley	Armen Community Council of New Gardens and Richmond Hill, Inc.	13-3944621	DYCD	\$1,500.00	260	005	Greater Woodhaven Development Corporation	11-2528190
Crowley	Jewish Community Council of New Gardens and Richmond Hill, Inc.	13-3944621	DYCD	\$1,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738118
Dickens	Riverside Church, The - Riverside Theatrical, The	39-2052123	DCA	\$3,500.00	260	003		
CC	Isaac Kew Zephorus**	13-3044171	DYCD	\$8,500.00	260	312		
CC	Charmers of Boys Park, Williamsburg**	80-0004278	DFTA	\$10,000.00	125	003		
CC	Soul Tigers Marching Band, Inc.**	11-0615746	DYCD	\$10,000.00	260	312		
CC	Salem Island Children's Museum**	29-7392945	DCA	\$5,000.00	126	002		
CC	St. Paul's Episcopal Church, Oyster Bay, N.Y.	21-7100001	DCA	\$4,000.00	126	012		
CC	New York Hall of Science**	21-7100001	DCA	\$4,000.00	126	012		
CC	Queens Historical Society**	11-2108101	DCA	\$2,000.00	126	003		
CC	Queens Synagogue Orchestra, Inc.**	11-2108101	DCA	\$2,000.00	126	003		
CC	Department of Small Business Services**	13-6400434	DSBS	\$15,000.00	801	005		

\* Indicates pending completion of pre-qualification review.  
\*\* Requires a budget modification for the changes to take effect.

**EXHIBIT B**

**CHART 3: Healthy Aging**

Borough	Organization	EIN Number	Agency	Amount	Aggr #	U/A
Baron	Cypress Hills Fountain Avenue	13-6400571	DFTA	\$2,445.00	125	003
Baron	Spring Creek Senior Partners, Inc.	74-3158439	DFTA	\$2,445.00	125	003
Baron	Cypress Hills Fountain Avenue**	13-6400571	DFTA	\$2,445.00	125	003
Baron	Spring Creek Senior Partners, Inc.**	74-3158439	DFTA	\$2,445.00	125	003

\* Indicates pending completion of pre-qualification review.  
\*\* Indicates that Wayside Out-Reach Development, Inc.-11-3528680 will act as the fiscal conduit.

**EXHIBIT D**

**CHART 2: Youth Discretionary**

Member	Organization	EIN Number	Agency	Amount	Aggr #	U/A	Fiscal Condition Sponsoring Organization	Fiscal Condition EIN
Jackson	Armeny Foundation, The	13-3802028	DYCD	\$3,500.00	260	312		
Jackson	Imove-Mentation Life League Baseball, Inc.	13-6271598	DYCD	\$2,000.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Society for Enable Excellence, Inc.	30-070866	DYCD	\$2,000.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Centis Jewel Faber Toy Furniture, Inc.	13-3703357	DYCD	\$2,000.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Fort Washington Collegiate Church	13-6564177	DYCD	\$2,000.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Sugar Babies	25-0248726	DYCD	\$1,500.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Police Athletic League, Inc.	13-6568111	DYCD	\$1,500.00	260	312	Armeny Foundation, The	13-3802028
Jackson	Imy Kids	35-1128001	DYCD	\$500.00	260	312	Armeny Foundation, The	13-3802028

\* Indicates pending completion of pre-qualification review.

**EXHIBIT C**

CHART 4: Food Pantries

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Queens	Queens Jewish Community Council, Inc.	23-717242	DYCD	(\$5,000.00)	260	005
Queens	St. Albans Baptist Church		DYCD	(\$5,000.00)	260	005
Brooklyn	Family Life Development Center, Inc.	31-1741945	DYCD	(\$5,000.00)	260	005
Queens	City Harvest, Inc. - Queens Jewish Community Council, Inc.	13-3170676	DYCD	(\$5,000.00)	260	005
Queens	City Harvest, Inc. - St. Albans Baptist Church	13-3170676	DYCD	(\$5,000.00)	260	005
Brooklyn	City Harvest, Inc. - Family Life Development Center, Inc.	13-3170676	DYCD	(\$5,000.00)	260	005
				\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT E

CHART 5: Cultural After School Adventure

Member	Organization	EIN Number	Agency	Amount	Agr #	UJA *
Baron	Men Up!, Inc. - Junior High School 186 / George Garshwin (K166)	03-653032	DYCD	(\$20,000.00)	260	005
Baron	Men Up!, Inc. - Public School 118K	03-653032	DYCD	\$20,000.00	260	312
				\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT F

CHART 6: Transportation - Operating Costs

Organization	EIN Number	Agency	Amount	Agr #	UJA *
Young Israel Programs, Inc. - Young Israel of Midwood Senior Center	13-4135312	DFTA	(\$6,100.48)	125	003
Young Israel Programs, Inc. - Young Israel of Midwood Senior Center	03-0381857	DFTA	\$6,100.48	125	003
				\$0.00	

\* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 7: HIV/AIDS Communities of Color

Organization	EIN Number	Agency	Amount	Agr #	UJA *
Bronx Community Pride Center, Inc.	06-1552851	DOHMH	(\$48,540.00)	816	112
HELPIPSI, Inc.	13-3464470	DOHMH	(\$38,869.14)	816	112
Life Force: Women Fighting AIDS, Inc.	11-3660772	DOHMH	(\$25,888.10)	816	112
African Services Committee	13-3749744	DOHMH	\$2,594.38	816	112
Alter Haus Project, Inc.	33-1007278	DOHMH	\$2,594.38	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$3,000.91	816	112
AIDS Service Center of Lower Manhattan, Inc.	13-3562071	DOHMH	\$2,594.38	816	112
All Forney Center	30-0104507	DOHMH	\$3,462.59	816	112
Anasthyst Women's Project, Inc.	11-3605513	DOHMH	\$2,594.38	816	112
Arthur Ashe Institute for Urban Health	11-1835372	DOHMH	\$1,152.13	816	112
Asian & Pacific Islander Coalition on HIV/AIDS, Inc.	13-3700365	DOHMH	\$2,594.38	816	112
Bailey House, Inc.	13-3165181	DOHMH	\$2,594.38	816	112
Bedford Stuyvesant Family Health Center, Inc.	11-2417205	DOHMH	\$2,594.38	816	112
Black Veterans for Social Justice	11-2608863	DOHMH	\$1,153.88	816	112
Bronx AIDS Services, Inc.	13-3244626	DOHMH	\$2,594.38	816	112
Bronx AIDS Services, Inc.	13-3596127	DOHMH	\$222.60	816	112
Brooklyn AIDS Test Force, Inc.	11-3037208	DOHMH	\$2,594.38	816	112
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$2,594.38	816	112
Citwide Harm Reduction Program, Inc.	13-4008171	DOHMH	\$1,154.20	816	112
Clery United for Community Empowerment, Inc.	11-3300795	DOHMH	\$2,565.57	816	112
Community Health Action of Staten Island (formerly SI AIDS Testforce)	13-3551332	DOHMH	\$2,415.70	816	112
Community Healthcare Network, Inc.	13-3083058	DOHMH	\$2,594.38	816	112
Community Research Initiative on AIDS, Inc. (d/b/a AIDS Community Research Initiative of America)	13-3632234	DOHMH	\$2,594.38	816	112
Community Resource Exchange, Inc. (CRE)	13-3046638	DOHMH	\$1,154.15	816	112
Covenant House New York/Under 21, Inc.	13-3076376	DOHMH	\$3,462.59	816	112
Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	11-2838139	DOHMH	\$2,594.38	816	112
Exponents, Inc.	13-3572677	DOHMH	\$1,154.20	816	112
FACES NY, Inc.	13-3449887	DOHMH	\$2,594.38	816	112
Gay Men of African Descent (GMAD)	13-3597820	DOHMH	\$1,154.20	816	112
Gay Men's Health Crisis, Inc.	13-3130146	DOHMH	\$3,462.59	816	112
Haitian Centers Council, Inc.	11-2646501	DOHMH	\$1,846.72	816	112
Health People, Inc.	51-0418243	DOHMH	\$2,594.38	816	112
Housing Works Health Services III, Inc.	13-3626364	DOHMH	\$2,594.38	816	112
It's House - A Center For Women Living with HIV/AIDS, Inc.	13-3696201	DOHMH	\$1,154.20	816	112
La Nueva Esperanza, Inc.	20-4333724	DOHMH	\$794.10	816	112
Latino Communion on AIDS, Inc.	13-3629468	DOHMH	\$2,415.46	816	112
Love Heals, Inc.	13-3683778	DOHMH	\$1,154.20	816	112
Make the Road New York	11-3344365	DOHMH	\$2,594.38	816	112
Momentum Project, Inc. The	13-3565769	DOHMH	\$2,594.38	816	112

\* Indicates pending completion of pre-qualification review.

CHART 7: HIV/AIDS Communities of Color (continued)

Organization	EIN Number	Agency	Amount	Agr #	UJA *
New York Harm Reduction Educators, Inc.	13-3678498	DOHMH	\$2,594.38	816	112
Osborne Association, Inc., The	13-5663028	DOHMH	\$2,594.38	816	112
Public Health Solutions	13-5669201	DOHMH	\$8,902.57	816	112
St. Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$1,146.50	816	112
United Community Centers, Inc.	11-1950787	DOHMH	\$1,154.20	816	112
Vocational Instruction Project Community Services, Inc.	13-3224700	DOHMH	\$2,594.38	816	112
Voces Latina Corp.	20-2312651	DOHMH	\$1,154.20	816	112
				\$0.00	

\* Indicates pending completion of pre-qualification review.

CHART 9: Mental Health Contracts

Organization	EIN Number	Agency	Amount	Agy #	UJA *
St. Barnabas Hospital	13-1740122	DOHMH	(\$15,000.00)	816	120
			(\$15,000.00)		

\* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 8: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Bronxville Youth Association	11-3534077	DOHMH	(\$16,328.17)	816	113
Church Avenue Merchants Book Association (CAMEBA)	11-5480338	DOHMH	\$8,164.47	816	113
Creeker Brooklyn Health Coalition, Inc.	11-5484828	DOHMH	\$8,164.40	816	113
			\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 11: Initiative Funding Transfer

Initiative	EIN Number	Agency	Amount	Agy #	UJA *
Mental Health Contracts	NA	DOHMH	(\$15,000.00)	816	120
Geriatric Mental Health Initiative	NA	DOHMH	\$15,000.00	816	120
			\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT K

CHART 10: Geriatric Mental Health Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
St. Barnabas Hospital	13-1740122	DOHMH	\$15,000.00	816	120
			\$15,000.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT J

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JUISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 25, 2010.

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

### Reports of the Committee on Health

Report for Int. No. 206

**Report of the Committee on Health in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.**

The Committee on Health, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1666), respectfully

### REPORTS:

#### INTRODUCTION

On May 24, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Int. No. 206, a local law that would make technical changes to certain provisions of Title 17 of the Administrative Code and repeal Subchapters 1 and 5 of Chapter 3 of Title 17 concerning permits for the sale or transfer of milk and milk products and medical records, respectively. The Committee heard testimony on the legislation on May 5, 2010.

#### INT. NO. 206

Section 1 of Int. No. 206 would renumber the Section 17-123 of Chapter 1 of Title 17 of the Administrative Code of the City of New York entitled "Aliens" as Section 17-124. There are currently two sections numbered 17-123.

Section 2 of Int. No. 206 would renumber the Section 17-185 of Chapter 1 of Title 17 that was added by local law number 2 for the year 2004 as Section 17-196. There are currently two sections numbered 17-185.

Section 3 of Int. No. 206 would amend the heading of Section 17-190 of Chapter 1 of Title 17 to read "Deaths of homeless persons and homeless shelter residents; report." Section 17-190 currently has no heading.

Section 4 of Int. No. 206 would repeal Subchapter 1 of Chapter 3 of Title 17. Subchapter 1 concerns applications for permits for the sale and transfer of milk and milk products. Subchapter 1 details information that must be furnished with an application for a permit for the sale or transfer of milk and milk products, allows the commissioner of health and mental hygiene to promulgate regulations and provides penalties for noncompliance with the requirements of the subchapter. The milk-related permits referred to in Subchapter 1 currently are included in Article 111 of the New York City Health Code. The Department of Health and Mental Hygiene (DOHMH) testified that it is proposing that the Board of Health repeal Article 111 and the Department does not appear to provide any Article 111 permits at this time.<sup>1</sup> The sale of milk products is regulated by the New York State Department of Agriculture and Markets.<sup>2</sup>

Section 5 of Int. No. 206 would repeal Subchapter 5 of Chapter 3 of Title 17. Subchapter 5 requires any business that assumes control of the records of a medical facility that is discontinuing operations to be licensed by the City commissioner of health and mental hygiene. The subchapter also requires the DOHMH to submit a yearly report about such businesses to the City Council. The storage of records of a medical facility that is closing is monitored by the State. A medical facility cannot close "without first obtaining the [State health] commissioner's written approval of a plan for the maintenance, storage and safekeeping of its patients' medical records. The plan shall provide adequate safeguards for these records, make them accessible to the patients and their

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

<sup>1</sup> *Preconsidered Int.: Hearing Before the N.Y. City Council Comm. on Health*, Sess. 9 (May 5, 2010) (statement of Daniel Kass, Acting Comm'r, Div. of Environmental Health, N.Y. City Dep't of Health & Mental Hygiene).

<sup>2</sup> NY Agric. & Mkts. Law §§ 71-n, 257 (2010).

physicians, and may provide for their ultimate disposition."<sup>3</sup> In addition, it does not appear that the DOHMH is currently issuing the licenses described in Subchapter 5.

Section 6 of Int. No. 206 would make the local law effective ninety days after its enactment into law.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 206:)**

#### 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 Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director  
Rocco D'Angelo, Assistant Director

**HISTORY:** On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 206. On May 24, 2010 the Committee on Health will consider the legislation as Int. 206.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Int. No. 206:)**

Int. No. 206

By Council Members Arroyo, Comrie, Fidler, White and Jackson.

**A Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-123 of chapter 1 of title 17 of the administrative code of the city of New York is amended to read as follows:

§[17-123]17-124 Aliens. The commissioner may send to such place as he or she may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any communicable disease. The expense of the support of such aliens or other persons shall be defrayed by the city, unless such aliens or other persons shall be entitled to support from the commissioner of immigration and naturalization of the United States.

§2. Section 17-185 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 2004, is renumbered section 17-196.

§3. The heading of section 17-190 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 63 for the year 2005, is added to read as follows:

§17-190 *Deaths of homeless persons and homeless shelter residents; report.*

§4. Subchapter 1 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

§5. Subchapter 5 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

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

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

<sup>3</sup> 10 NYCRR § 401.3(i) (2010).



MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

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

Report for Int. No. 207

**Report of the Committee on Health in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, to repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.**

The Committee on Health, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1666), respectfully

**REPORTS:**

**INTRODUCTION**

On May 24, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Int. No. 207, a local law that would repeal and reenact section 17-337 concerning air quality standards for compressed air in underwater breathing tanks. The Committee heard testimony on the legislation on May 5, 2010.

**INT. NO. 207**

Section 1 of Int. No. 207 would repeal and reenact Section 17-337 of Chapter 3 of Title 17 of the Administrative Code. The current Section 17-337 requires sellers of compressed air in tanks used for underwater breathing to obtain a permit from the Department of Health and Mental Hygiene, the Board of Health to create air purity standards for such tanks and compressed air in tanks to comply with those standards and be sold with a certificate attached stating such fact. The reenacted Section 17-337 would be titled "Air quality standards for compressed air in underwater breathing tanks." It would require that compressed air that is to be used in tanks for underwater breathing that are offered for sale, sold, or distributed in New York City meet, at a minimum, the air quality standards for grade e air of the Compressed Gas Association Publication "G-7.1-2004, commodity specification for air," or a more stringent standard as may be determined by DOHMH.

Section 2 of Int. No. 207 would make the local law effective ninety days after its enactment into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 207:)

**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 Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director  
Rocco D'Angelo, Assistant Director

**HISTORY:** On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was

laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 207. On May 24, 2010 the Committee on Health will consider the legislation as Int. 207.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 207:)

Int. No. 207

By Council Members Arroyo and Jackson.

**A Local Law to amend the administrative code of the city of New York, to repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.**

Be it enacted by the Council as follows:

Section 1. Section 17-337 of chapter 3 of title 17 of the administrative code of the city of New York, as added by local law number 14 for the year 1966 is REPEALED and REENACTED to read as follows:

§ 17-337 Air quality standards for compressed air in underwater breathing tanks. Compressed air to be used in tanks for underwater breathing that are offered for sale, sold, or distributed in the city of New York, shall, at a minimum, meet the air quality standards for grade e air of the compressed gas association publication "G-7.1-2004, commodity specification for air," or a more stringent standard as may be determined by the department.

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

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

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

Report for Int. No. 226-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 definitions of terms that relate to the provision of information on child care services and to reporting on child care programs and to repeal certain provisions of the administrative code in relation thereto.**

The Committee on Health, to which the annexed amended proposed local law was referred on May 12, 2010 (Minutes, page 1697), respectfully

**REPORTS:**

**INTRODUCTION**

On May 24, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Proposed Int. No. 226-A, a local law that would amend the Administrative Code concerning the definitions of terms relating to the provision of information on child care services and to reporting on child care programs and to repeal certain related provisions of the Administrative Code. The Committee heard testimony on the legislation on May 5, 2010.

**PROPOSED INT. NO. 226-A**

Section 1 of Proposed Int. No. 226-A would repeal Section 17-920 of the Administrative Code. Before it expired in 2008, this Section required the Department of Health and Mental Hygiene (DOHMH) to report regularly to the Speaker of the City Council on child care facilities in New York City.

Section 2 of Proposed Int. No. 226-A would renumber Chapter 10 of Title 17 as Chapter 13. It would also renumber Sections 17-914, 17-915, 17-916, 17-917, 17-918 and 17-919 as Sections 17-1301, 17-1302, 17-1303, 17-1304, 17-1305 and 17-306, respectively. In general, except when referring to specific types of state-regulated day care (e.g., family day care homes), the legislation replaces the term "day care" with the term "child care" in order to comport with the New York City Health Code.

In subdivision a of renumbered Section 17-1301, the legislation would

replace the term “day care service” with the term “child care service,” replace the phrase “group day” with the word “child” and the phrase “rules and regulations of the department” with the phrase “article 47 of the New York city health code.” In subdivision b, the legislation would replace the term “day care service permittee” with the term “child care service permittee” and replace the word “day” with the word “child.” In subdivision c, the term “department” would be deleted and replaced with the term “Permit,” which would be defined as “an authorization to operate a child care service issued by the commissioner in accordance with article 47 of the New York city health code.” Subdivisions e would be relettered as subdivision d. Subdivisions f and g would be relettered as subdivisions e and f, respectively, and the use of the word “day” would be replaced with the word “child” throughout both subdivisions.

Renumbered Section 17-1302 would replace the word “day” with the word “child” throughout and would replace the phrase “commencing on the effective date of the local law that added this chapter, following” with the word “Following.” Renumbered Section 17-1303 would replace the word “day” with the word “child” throughout the Section. Renumbered Section 17-1304 would replace the word “day” with the word “child” and would make the first letter of the word “City” lowercase instead of uppercase wherever it appeared in that Section. Renumbered Section 17-1305 would also replace the word “day” with the word “child.”

Paragraph 1 of Subdivision a of renumbered Section 17-306 would change the term “child day care program” to “child care program.” This term would now be defined as “any program that provides child day care as defined in section 390 of the New York state social services law, including family day care home, group family day care home and school age child care as defined in section 390 of the New York state social services law, or child care services.” Paragraph 2 of Subdivision a would make the first letter of the word “City” lowercase instead of uppercase. Subdivision b would replace the word “day” with the word “child.” The opening paragraph of subdivision d of renumbered Section 17-306 would delete the phrase “within six months of the effective date of the local law that added this section, the” and replace it with the word “The.” The word “day” would replace the word “child” in Paragraphs 1 through 4 of subdivision d and Paragraphs 2 and 4 would also add the word “programs” after the first use of the term “child care.”

Section 3 of Proposed Int. No. 226-A would amend Chapter 13 of Title 17 by adding a new section 17-307 entitled “Reports regarding child care citywide.” Subdivision a of new section 17-307 would require the DOHMH to submit a report to the Speaker of the City Council regarding child care in New York City 45 days after the end of the first full calendar quarter following the effective date of the local law and 45 days after the end of each succeeding calendar quarter thereafter. The report would have to include, at a minimum, the following information on child care services, and to the extent that the department has access to such information, the following information on state-regulated family and group family day care homes, school-age child care programs:

1. number of programs currently holding a valid license, registration or permit issued under state or local law or regulations, disaggregated by borough and by type of program;

2. number of inspections of such child care programs conducted, disaggregated by borough and by the type of program inspected;

3. percentage of renewal applications that were not processed by the expiration date of the license, registration or permit being renewed, disaggregated by the type of child care program;

4. percentage of new applications for a license, registration or permit to operate a state-regulated child care program that resulted in a license or registration, disaggregated by the type of child care program;

5. percentage of new applications for licenses to operate a child care service that resulted in a license, registration or permit;

6. number of child care program slots created, disaggregated by type of child care program;

7. number of complaints received regarding child care programs operating with a license, registration or permit, disaggregated by the type of child care program and borough in which the child care program that is the subject of the complaint is located;

8. number of complaints received regarding child care programs operating without a license, registration or permit, disaggregated by the borough in which the child care program that is the subject of the complaint is located;

9. percentage of state-licensed or registered child care programs cited for having violations, disaggregated by borough and by the type of child care program;

10. total number of initial inspections of child care services and the percentage of child care services that required one or more compliance inspections;

11. number of child care program licenses, registrations or permits revoked, disaggregated by type of child care program;

12. number of child care program licenses, registrations or permits suspended, disaggregated by the type of child care program;

13. number of cease and desist orders issued, disaggregated by the type of state-licensed or registered child care program;

14. number of early childhood consultants employed in the department's bureau of child care as of the close of business on the final day of the reporting period;

15. number of early childhood consultant vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period;

16. number of public health sanitarians employed in the department's bureau of child care as of the close of business on the final day of the reporting

period; and

17. number of public health sanitarian vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period.

Subdivision b of new Section 17-307 would state that within 45 days after the end of each calendar year, the DOHMH shall publish and make available on its website an annual report containing the information in Subdivision a of Section 17-307 for the prior calendar year.

Section 4 of Proposed Int. No. 226-A would make the local law effective ninety days after its enactment into law, except that Section 17-1307 of the Administrative Code which contains the reporting requirement would expire and be deemed repealed four years after it becomes law.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 226-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 revenue resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** The Department of Health and Mental Hygiene will be able to enforce the provisions of this bill using existing resources.

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

**SOURCE OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director  
Rocco D'Angelo, Assistant Director

**HISTORY:** On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 226.

An amendment has been proposed and the Committee on Health will reconsider the legislation as Proposed Int. 226-A on May 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 226-A:)**

Int. No. 226-A

By Council Members Palma, Arroyo, Chin, Ferreras, Koppell, Mendez, Van Bramer and Jackson.

**A Local Law to amend the administrative code of the city of New York, in relation to the definitions of terms that relate to the provision of information on child care services and to reporting on child care programs and to repeal certain provisions of the administrative code in relation thereto.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-920 of the administrative code of the city of New York is REPEALED.

§2. Chapter 10 of title 17 of the administrative code of the city of New York, as added by local law number 13 for the year 2005, is renumbered as chapter 13 and sections 17-914, 17-915, 17-916, 17-917 and 17-918 of the administrative code of the city of New York, as added by local law number 13 for the year 2005, are renumbered sections 17-1301, 17-1302, 17-1303, 17-1304 and 17-1305, respectively, and section 17-919 of the administrative code of the city of New York, as added by local law number 12 for the year 2005, is renumbered section 17-1306 and such sections, as renumbered, are amended to read as follows:

§ 17-1301 Definitions. a. “[Day] *Child care service*” means any service which is permitted as a [group day]*child care service* in accordance with [rules and regulations of the department]*article 47 of the New York city health code*.

b. “[Day] *Child* care service permittee” means the person to whom a permit to operate a [day] *child* care service is issued by the commissioner.

c. [“Department” means the department of health and mental hygiene of the city of New York.] “Permit” means an authorization to operate a *child* care service issued by the commissioner in accordance with article 47 of the New York city health code.

[d. “Permit” means an authorization to operate a day care service issued by the commissioner of the department in accordance with articles 5 and 47 of title 24 of the rules of the city of New York.]

[e]d. “Serious injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

[f]e. “Summary [day] *child* care service inspection report” is a report that includes, at a minimum, the following information:

- (1) the name of the [day] *child* care service;
- (2) the name of the [day] *child* care service permittee;
- (3) the [day] *child* care service permit number and expiration date;
- (4) the address of the [day] *child* care service;
- (5) the date of the most recent inspection;
- (6) the maximum number of children authorized to be present at any one time as specified in the [day] *child* care service permit;
- (7) any violations identified by the department during inspections conducted over the past three years; and
- (8) whether a permit has been ordered suspended or revoked in the past twelve months; whether a [day] *child* care service has, during the past three years, been ordered closed because its continued operation represented a danger to the health or safety of children; and the terms and conditions, if any, under which such [day] *child* care service has been allowed to reopen and is authorized to operate.

[g]f. “Violation” means a citation issued by the department which alleges that a [day] *child* care service has failed to comply with a provision of applicable law, rule or regulation.

§17-1302 Access to summary [day] *child* care service inspection reports. [Commencing on the effective date of the local law that added this chapter, following] *Following* each inspection of a [day] *child* care service, the department shall post a summary [day] *child* care service inspection report on the department's website and shall make summary [day] *child* care service inspection reports available by calling 311.

§17-1303 Posting of information on-site. Every [day] *child* care service must post a sign in a conspicuous place near its public entrance or entrances stating that the most recent summary [day] *child* care service inspection report may be accessed through the website of the department or by calling 311. The sign, whose form and content shall be provided or approved by the department, shall be printed in clear and legible type, in such a manner as to be readily visible to parents or other persons entering the [day] *child* care service and shall provide instructions on how to gain access to the summary [day] *child* care service inspection reports through the department's website.

§17-1304 Denial of permit. a. Every applicant for a new or renewal permit to operate a [day] *child* care service shall disclose whether a serious injury or the death of a child in its care, or the care of any of its owners, directors, employees, volunteers or agents, has occurred. Every such permit applicant shall further disclose any civil or criminal court verdicts holding that the applicant, or any of its owners, directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, or administrative agency decisions holding or finding that there is credible evidence that the applicant, or any of its owners, directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, and whether any legal proceeding involving the serious injury or death of a child is pending against the applicant, or any of its owners, directors, employees, volunteers or agents. The department shall deny such a permit unless, on the basis of the application and other papers submitted, including the information provided pursuant to this section, and on the basis of department or [City] *city* investigation, if any, it is satisfied that the provisions of the New York [City] *city* health code and other applicable law will be met. The death of a child or the occurrence of more than one incident resulting in a serious injury to a child or children in the care of an applicant or permittee shall create a presumption in any proceeding brought by the department to deny or revoke such a permit of the inability of the applicant or permittee to comply with the provisions of said code or other applicable law. Nothing herein shall otherwise limit the department's authority to deny the issuance or renewal of a permit or to revoke a permit.

b. To the extent permissible by law, where the department has received written notification that a person with responsibility for oversight and direction of a [day] *child* care service has a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense, the department shall, when consistent with article twenty-three-A of the correction law, deny the application for a permit to operate such [day] *child* care service.

§17-1305 Notification of authorities. The department shall report to an appropriate state agency any serious injury or death of a child in [day] *child* care services which has been reported to the department in accordance with applicable law, rules and regulations. Such report shall include the name of the [day] *child* care service and the [day] *child* care service permittee of any [day] *child* care service in which a serious injury or death of a child has occurred.

§17-1306 Distribution of information to referral agencies. a. Definitions. 1. “Child [day] care program” means any program that provides child day care as defined in section 390 of the New York state social services law, *including family day care home, group family day care home and school age child care as defined in section 390 of the New York state social services law*, or [day] *child* care services [as defined in article 47 of title 24 of the rules of the city of New York].

2. “Referral agency” means the administration for children's services, the department of social services/human resources administration or any state-funded child care resource and referral agency operating in New York [City] *city*.

b. To the extent permissible under law, the department shall promptly make available to referral agencies information regarding any child [day] care program for which the department is aware of a current suspension of its license, registration or permit or that it has had its license, registration or permit terminated.

c. The department shall request that referral agencies advise parents to seek additional information regarding any program to which a referral is made by consulting the department's website or by calling 311.

d. [Within six months of the effective date of the local law that added this section, the] *The* department shall publish an informational pamphlet which shall, at a minimum, do the following:

1. Describe the government authorities responsible for regulating child [day] care programs, along with contact information for persons to use if they have questions or complaints about child [day] care programs.

2. Describe key rules or regulations relating to child [day] care *programs*, including mandated staff and adult/child ratios, maximum capacity and health and safety standards.

3. Describe the inspection process and the registration, licensing and permitting processes for child [day] care programs.

4. Advise parents seeking child [day] care *programs* to ask child [day] care program providers to see the program's current license, registration or permit and not to enroll a child in any program that does not have a current registration, license or permit or has a current suspension of its registration, license or permit.

The informational pamphlet required by this section shall be translated into all covered languages as defined in § 8-1002 of the administrative code of the city of New York. Copies of the pamphlet shall be provided to all referral agencies.

§3. Chapter 13 of title 17 of the administrative code of the city of New York, as renumbered by section two of this local law, is amended by adding a new section 17-1307 to read as follows:

§17-1307 *Reports regarding child care citywide.* a. *Forty-five days after the end of the first full calendar quarter following the effective date of the local law that added this section and forty-five days after the end of each succeeding calendar quarter thereafter, the department shall furnish to the speaker of the city council a report regarding child care programs in New York city that includes, at a minimum, the following information concerning child care services, and to the extent that the department has access to such information, the following information concerning state-regulated family and group family day care homes and school-age child care programs:*

1. *number of programs currently holding a valid license, registration or permit issued under state or local law or regulations, disaggregated by borough and by type of program;*

2. *number of inspections of such child care programs conducted, disaggregated by borough and by the type of program inspected;*

3. *percentage of renewal applications that were not processed by the expiration date of the license, registration or permit being renewed, disaggregated by the type of child care program;*

4. *percentage of new applications for a license, registration or permit to operate a state-regulated child care program that resulted in a license or registration, disaggregated by the type of child care program;*

5. *percentage of new applications for licenses to operate a child care service that resulted in a license, registration or permit;*

6. *number of child care program slots created, disaggregated by type of child care program;*

7. *number of complaints received regarding child care programs operating with a license, registration or permit, disaggregated by the type of child care program and borough in which the child care program that is the subject of the complaint is located;*

8. *number of complaints received regarding child care programs operating without a license, registration or permit, disaggregated by the borough in which the child care program that is the subject of the complaint is located;*

9. *percentage of state-licensed or registered child care programs cited for having violations, disaggregated by borough and by the type of child care program;*

10. *total number of initial inspections of child care services and the percentage of child care services that required one or more compliance inspections;*

11. *number of child care program licenses, registrations or permits revoked, disaggregated by type of child care program;*

12. *number of child care program licenses, registrations or permits suspended, disaggregated by the type of child care program;*

13. *number of cease and desist orders issued, disaggregated by the type of state-licensed or registered child care program;*

14. *number of early childhood consultants employed in the department's bureau of child care as of the close of business on the final day of the reporting period;*

15. *number of early childhood consultant vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period;*

16. number of public health sanitarians employed in the department's bureau of child care as of the close of business on the final day of the reporting period; and

17. number of public health sanitarian vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period.

b. Within forty-five days after the end of each calendar year, the department shall publish and make available on its website an annual report containing the information set forth in subdivision a of this section for the prior calendar year.

§4. This local law shall take effect ninety days after its enactment into law, provided that section 17-1307 of the administrative code of the city of New York, as added by section three of this local law, shall expire and be deemed repealed four years after it shall have become a law.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

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

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

Report for Int. No. 68-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 civil penalties for unlicensed plumbing and fire suppression work.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 3, 2010 (Minutes, page 667), respectfully

**REPORTS:**

**BACKGROUND AND ANALYSIS:**

On May 24, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 68-A, "A Local Law to amend the Administrative Code of the City of New York, in relation to penalties for unlicensed plumbing and fire suppression work." This bill would amend the Administrative Code to increase the minimum civil penalties that may be imposed upon those who perform plumbing or fire suppression work without the required master plumber license or master fire suppression contractor license; respectively, and for the first time establishes a minimum criminal fine that will be imposed for such violations.

Engaging in any business or occupation without a required license is classified as an immediately hazardous violation.<sup>1</sup> Such a violation carries a civil penalty of \$1,000-\$25,000 and can subject a violator to criminal judicial proceedings.<sup>2</sup> These types of violations are currently assessed a \$1,000 civil penalty for a first offense and \$2,500 for a subsequent offense but no minimum criminal fine currently exists. A master fire suppression contractor's license is required when installing or altering a fire safety system (standpipes and sprinklers) and a plumbing license is required when engaging in any plumbing work that is not considered "ordinary."<sup>3</sup> Work that is performed by unlicensed contractors receive no oversight from the Department of Buildings (DOB) or the Fire Department and if such work is improperly performed can endanger property owners and tenants in the building in which the work is performed.

On April 27, 2010, the Committee heard the original version of this bill and received testimony from representatives of DOB and other persons interested in this legislation.

**Proposed Int. No. 68-A:**

Bill section one would amend item 13 of section 28-201.2.1 of the Administrative Code of the City of New York (Ad. Code). Such section identifies the various Administrative Code provisions and Building Code infractions that are deemed immediately hazardous. The bill would increase the civil penalty that may be levied for these types of violations from not less than one thousand dollars to twenty-five thousand dollars for each violation to not less than two thousand five hundred dollars (\$2,500) for the first offense and not less than five thousand dollars (\$5,000) for each subsequent offense. The maximum penalty would remain unchanged at twenty-five thousand dollars (\$25,000). The bill would also establish the minimum criminal fine that can be imposed for such violations and provides that a fine of two thousand five hundred dollars (\$2,500) for the first offense and not less than five thousand dollars (\$5,000) for each subsequent offense be imposed.

Bill section two contains the enactment clause and provides that this local law would take effect 90 days after enactment, and would require the Commissioner

of Buildings to promulgate any necessary rules and to take all other steps necessary to implement this local law's provisions prior to the effective date.

**Amendments to Int. No. 68**

- The civil and criminal penalties that may be imposed for unlicensed plumbing and fire suppression work was lowered from the amounts indicated in the original bill. The civil and criminal penalties for such violations would now be two thousand five hundred dollars (\$2,500) for a first violation and five thousand dollars for a subsequent violation (\$5,000) rather than five thousand dollars for a first offense and ten thousand dollars for a subsequent offense.
- Bill section two was removed because the minimum criminal fines that may be imposed for such violations were included in bill section one.

<sup>1</sup> See §28-201.2.1 of the Ad. Code.

<sup>2</sup> See Articles 201, 202 and 203 of Title 28 of the Ad. Code.

<sup>3</sup> See Article 408 and 410 of Title 28 of the Ad. Code.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 68-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 the revenues by the enactment of this legislation. The civil penalty fines imposed is to ensure compliance, not generate revenue for the City.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

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

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Legislative Financial Analyst

Jonathan Rosenberg, Deputy Director  
New York City Council Finance Division

**DATE SUBMITTED TO COUNCIL:** Intro. 68 was introduced by Council and referred to the Housing and Buildings Committee on March 3, 2010. Hearing was held and laid over by the Committee as Intro. 68 on April 27, 2010. The Committee will vote on the legislation as Intro. 68-A on May 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 68-A:)**

Int. No. 68-A

By Council Members Dilan, Fidler, Gentile, James, Koslowitz, Vann, Nelson, White, Ulrich, Crowley, Jackson, Recchia and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for unlicensed plumbing and fire suppression work.**

*Be it enacted by the Council as follows:*

Section 1. Item 13 of section 28-201.2.1 of the administrative code of the city of New York, as added by local law number 8 for the year 2008 is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization

13.1 *The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be*

imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

§2. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of buildings shall take all actions necessary to implement this local law, including the promulgation of rules on or before such date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO, Committee on Housing and Buildings, May 24, 2010.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 68-A:)

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

**A LOCAL LAW**

To amend the administrative code of the city of New York, in relation to civil penalties for unlicensed plumbing and fire suppression work.

Given under my hand and seal this 25<sup>th</sup> day of May, 2010 at City Hall in the City of New York.

Michael R. Bloomberg  
Mayor

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

**Reports of the Committee on Land Use**

Report for L.U. No. 23

**Report of the Committee on Land Use in favor of approving Application no. 20105273 HAQ, an amendment to an Urban Development Action Area Project located at 190-01 to 190-05 Linden Boulevard, Council District no. 27 Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 252), 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>
190-01 -05 Linden Boulevard Queens	11061/1	2010273 HAQ	23	Tenant Ownership
226 West 111 <sup>th</sup> Street Manhattan	1826/52	20105283 HAM	25	Tenant Lease Interim
163 Lenox Avenue	1903/31	20105415 HAM	69	Tenant Lease Interim

Manhattan 2041 5 <sup>th</sup> Avenue	1751/1	20105423 HAM	77	Tenant Lease Interim
Manhattan 3120 Park Avenue 720-22 E. 161 <sup>st</sup> Street	2418/6 2647/43, 44	20105621 HAX	103	Low Income Rental
748 Jackson Avenue	2646/41			
451 E. 159 <sup>th</sup> Street Bronx	2381/43			
281 Montauk Avenue	4056/21	20105623 HAK	105	Asset Control Area
664 Georgia Avenue 662 Pine Street Brooklyn	4296/21			

**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;

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 577 of the Private Housing Finance Law for L.U. No. 25, 69 and 77; and pursuant to Section 696 of the General Municipal Law for L.U. Nos. 103 and 105.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 17, 2010

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 Comrie and Levin offered the following resolution:

Res. No. 251

**Resolution approving an Urban Development Action Area Project located at 190-01 -05 Linden Boulevard (Block 11060, Lot 001), Borough of Queens, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 23; 20105273 HAQ).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 4, 2010 its request dated December 14, 2009 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 190-01 -05 Linden Boulevard (Block 11060, Lot 001), Community District 12, Borough of Queens (the "Disposition Area"):

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

**WHEREAS**, the Council has considered the land use 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 in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 25

**Report of the Committee on Land Use in favor of approving Application no. 20105283 HAM, an Urban Development Action Area Project located at 226 West 111th 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 an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 252), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 252

**Resolution approving an Urban Development Action Area Project located at 226 West 111th Street (Block 1826, Lot 52), 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. 25; 20105283 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 17, 2009 its request dated November 30, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 226 West 111th Street (Block 1826, Lot 52), 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 May 17, 2010;

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

**RESOLVED:**

The Council finds that the present status of the 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:

- a. 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.
- b. 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.
- c. 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 property tax payment on the Residential Property. Sponsor shall make such partial annual real property 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 July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 69

**Report of the Committee on Land Use in favor of approving Application no. 20105415 HAM, an Urban Development Action Area Project located at 163 Lenox Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1046), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 253

**Resolution approving an Urban Development Action Area Project located at 163 Lenox Avenue (Block 1903, Lot 31), 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. 69; 20105415 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 18, 2010 its request dated February 8, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 163 Lenox Avenue (Block 1903, Lot 31), 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 May 17, 2010;

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

#### RESOLVED:

The Council finds that the present status of the 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:

a. 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.

b. 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.

c. 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 property tax payment on the Residential Property. Sponsor shall make such partial annual real property 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 July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 77

**Report of the Committee on Land Use in favor of approving Application no. 20105423 HAM, an Urban Development Action Area Project located at 2041 Fifth Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1363), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 254

**Resolution approving an Urban Development Action Area Project located at 2041 5<sup>th</sup> Avenue (Block 1751, Lot 1), 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. 77; 20105423 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2041 5<sup>th</sup> Avenue (Block 1751, Lot 1), 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 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 May 17, 2010;

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

#### RESOLVED:

The Council finds that the present status of the 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:

a. 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.

b. 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.

c. 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 property tax payment on the Residential Property. Sponsor shall make such partial annual real property 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 July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 86

**Report of the Committee on Land Use in favor of approving Application no. 20105442 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi.Global, Inc. d/b/a Willburg Café, to establish maintain and operate an unenclosed sidewalk café located at 623 Grand Avenue, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1568), respectfully

#### REPORTS:

#### SUBJECT

BROOKLYN CB - 1

20105442 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi Global, Inc., d/b/a Willburg Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn.

#### 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: May 25, 2009

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

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

Res. No. 255

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn (20105442 TCK; L.U. No. 86).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 16, 2010 its approval dated April 16, 2010 of the petition of Ahshi Global, Inc., d/b/a Willburg Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 17, 2010; and

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

#### **RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 87

**Report of the Committee on Land Use in favor of approving Application no. 20105403 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Fidel Corp. d/b/a Le Barricou, to establish maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1569), respectfully

#### REPORTS:

#### SUBJECT

BROOKLYN CB - 1

20105403 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Fidel Corp., d/b/a Le Barricou, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand 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:** May 25, 2009

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

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

Res. No. 256

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn (20105403 TCK; L.U. No. 87).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 16, 2010 its approval dated April 16, 2010 of the petition of Fidel Corp., d/b/a Le Barricou, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 17, 2010; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 90

**Report of the Committee on Land Use in favor of disapproving Application no. C 070520 ZMK submitted by Jom Tob Gluck pursuant to Sections 197-c**

**and 201 of the New York City Charter for an amendment of the Zoning Map, Section 22c, by establishing within an existing R5 District a C1-3 District.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1570), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 12**

**C 070520 ZMK**

City Planning Commission decision approving an application submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C1-3 District bounded by 48<sup>th</sup> Street, 18<sup>th</sup> Avenue, 49<sup>th</sup> Street and a line 100 feet northwesterly of 18<sup>th</sup> Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2009.

**INTENT**

To rezone a portion of the Borough Park neighborhood of Brooklyn.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 25, 2009

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

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

Res. No. 257

**Resolution disapproving the decision of the City Planning Commission on ULURP No. C 070520 ZMK, a Zoning Map amendment (L.U. No. 90).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 26, 2010 its decision dated April 26, 2010 (the "Decision"), on the application submitted by Jom Tob Gluck, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone an approximately 20,000 square-foot area located on the west side of 18<sup>th</sup> Avenue, between 48<sup>th</sup> and 49<sup>th</sup> Streets, from R5 to R5/C1-3 to facilitate the development of a commercial use on 18<sup>th</sup> Avenue in the Borough Park neighborhood of Brooklyn, Community District 12, (ULURP No. C 070520 ZMK) (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 17, 2010;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on December 14, 2009 (CEQR No. 07DCP090K);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 070520 ZMK, incorporated by reference herein, the Council disapproves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

Coupled for Disapproval.

Report for L.U. No. 97

**Report of the Committee on Land Use in favor of approving Application no. C 100199 ZMQ 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. 6b, 9a, 9b and 9c.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1570), respectfully

#### REPORTS:

#### SUBJECT

QUEENS CB - 1

C 100199 ZMQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c.

#### INTENT

To rezone a portion of the Astoria neighborhood of Queens, New York.

#### Report Summary

#### COMMITTEE RECOMMENDATION AND ACTION

**DATE:** May 25, 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 Comrie and Weprin offered the following resolution:

Res. No. 258

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100199 ZMQ, a Zoning Map amendment (L.U. No. 97).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 30, 2010 its decision dated April 28, 2010 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of 238 blocks in the Astoria neighborhood in northwestern Queens. The proposed rezoning from R4, R5, R6, and R6B districts to R4, R4-1, R4B, R5, R5B, R5D, R6A, R6B, R7A, C4-2A, C4-3, and C4-4A districts is intended to protect neighborhood character from out-of-scale development, more closely reflect established development patterns, direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources, and provide incentives for the production of affordable housing, Community District 1, (ULURP No. C 100199 ZMQ) (the "Application");

**WHEREAS**, the Application is related to Application Number N 100200 ZRQ (L.U. No. 98), a zoning text amendment to Article II, Chapter 3 and Appendix F of the Zoning Resolution, to apply the Inclusionary Housing Program to proposed R7A and equivalent commercial districts in Queens Community District 1;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 17, 2010;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 25, 2010, which included (E) designations to avoid the potential for hazardous material impacts and air quality impacts (E-245), (CEQR No. 10DCP019Q);

#### RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100199 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 6b, 9a, 9b and 9c:

1. eliminating from an existing R5 District a C1-2 District bounded by:
  - a. 29th Street, a line 150 northeasterly of Ditmars Boulevard, 31<sup>st</sup> Street, 21<sup>st</sup> Avenue, 32<sup>nd</sup> Street, a line 150 feet northeasterly of Ditmars Boulevard, 37<sup>th</sup> Street, a line 150 feet southwesterly of Ditmars Boulevard, 33<sup>rd</sup> Street, a line 225 feet southwesterly of Ditmars Boulevard, a line 163 feet northwesterly of 33<sup>rd</sup> Street, a line 275 feet northeasterly of 23<sup>rd</sup> Avenue, a line 116 feet northwesterly of 33rd Street, a line 150 feet northeasterly of 23<sup>rd</sup> Avenue, 33<sup>rd</sup> Street, a centerline of the New York Connecting Railroad Right-of-Way, a line 163 feet northwesterly of 33<sup>rd</sup> Street, 23<sup>rd</sup> Avenue, 26<sup>th</sup> Street, a line 150 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street, and a line 150 feet southwesterly of Ditmars Boulevard;
  - b. 21<sup>st</sup> Street, a line midway between 23<sup>rd</sup> Terrace and 24<sup>th</sup> Avenue, 23<sup>rd</sup> Street, a line 150 feet northeasterly of 24<sup>th</sup> Avenue, 24<sup>th</sup> Street, and 24<sup>th</sup> Avenue;
  - c. 27<sup>th</sup> Street, a line 150 feet northeasterly of 24<sup>th</sup> Avenue, 31<sup>st</sup> Street, and 24<sup>th</sup> Avenue;
  - d. 31<sup>st</sup> Street, a line 240 feet northeasterly of 24<sup>th</sup> Road, a line 100 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, and Astoria Boulevard (northerly portion); and
  - e. 23<sup>rd</sup> Street, a line 150 feet northeasterly of Astoria Boulevard, Crescent Street, and Astoria Boulevard;
2. eliminating from an existing R6 District a C1-2 District bounded by:
  - a. Crescent Street, a line 150 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, Hoyt Avenue South, 31<sup>st</sup> Street, Astoria Boulevard, 32<sup>nd</sup> Street, a line 150 feet southwesterly of Astoria Boulevard, 28<sup>th</sup> Street, and Astoria Boulevard;
  - b. Crescent Street, a line 150 feet northeasterly of 30<sup>th</sup> Avenue, 30<sup>th</sup> Street, Newtown Avenue, 31<sup>st</sup> Street, a line 150 feet northeasterly of Newton Avenue, a line 150 feet northeasterly of 30<sup>th</sup> Avenue, 38<sup>th</sup> Street, 30<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 250 feet southwesterly of 30<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 150 feet southwesterly of 30<sup>th</sup> Avenue, 29<sup>th</sup> Street, and a line midway between 30th Road and 30<sup>th</sup> Avenue;
  - c. 33<sup>rd</sup> Street, a line 150 feet northeasterly of 31<sup>st</sup> Avenue, 35<sup>th</sup> Street, and a line 150 feet southwesterly of 31<sup>st</sup> Avenue;
  - d. 37<sup>th</sup> Street, a line 150 feet northeasterly of 31<sup>st</sup> Avenue, a line

- midway between 38<sup>th</sup> Street and Steinway Street, and a line 150 feet southwesterly of 31<sup>st</sup> Avenue; and
- e. 21<sup>st</sup> Street, 31<sup>st</sup> Drive, 23<sup>rd</sup> Street, and Broadway;
3. eliminating from an existing R6B District a C1-2 District bounded by 30<sup>th</sup> Road, 14<sup>th</sup> Street, 30<sup>th</sup> Drive, a line 100 feet southeasterly of 14<sup>th</sup> Street, 31<sup>st</sup> Avenue, and a line 100 feet northwesterly of 14<sup>th</sup> Street;
  4. eliminating from an existing R5 District a C1-3 District bounded by:
    - a. 21<sup>st</sup> Street, a line 150 feet northeasterly of 21<sup>st</sup> Avenue, 24<sup>th</sup> Street, and a line 100 feet northeasterly of 21<sup>st</sup> Avenue; and
    - b. 19<sup>th</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, and a line 150 feet southwesterly of 21<sup>st</sup> Avenue;
  5. eliminating from an existing R5 District a C 1-4 District bounded by 24<sup>th</sup> Avenue, 31<sup>st</sup> Street, a line 100 feet southwesterly of 24<sup>th</sup> Avenue, and a line 200 feet northwesterly of 31<sup>st</sup> Street;
  6. eliminating from an existing R6B District a C1-4 District bounded by 30<sup>th</sup> Street, a line 100 feet northeasterly of Broadway, 31<sup>st</sup> Street, Broadway, 32<sup>nd</sup> Street, a line 100 feet northeasterly of Broadway, a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
  7. eliminating from an existing R5 District a C2-2 District bounded by:
    - a. 20<sup>th</sup> Avenue, a line midway between Steinway Street and 41<sup>st</sup> Street, 21<sup>st</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 150 feet southwesterly of 20<sup>th</sup> Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;
    - b. 37<sup>th</sup> Street, a line 150 feet northeasterly of Ditmars Boulevard, 41<sup>st</sup> Street, and a line 150 feet southwesterly of Ditmars Boulevard;
    - c. 23<sup>rd</sup> Avenue, 32<sup>nd</sup> Street, 23<sup>rd</sup> Road, a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street, a line 150 feet southwesterly of 23<sup>rd</sup> Avenue, and 26<sup>th</sup> Street;
    - d. 23<sup>rd</sup> Avenue, Steinway Street, a centerline of the New York Connecting Railroad right-of-way, 41<sup>st</sup> Street, Astoria Boulevard (northerly portion), and a line midway between 38<sup>th</sup> Street and Steinway Street; and
    - e. Astoria Boulevard (southerly portion), 41<sup>st</sup> Street, a line 150 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41<sup>st</sup> Street, a line 150 feet northeasterly of 28<sup>th</sup> Street, 41<sup>st</sup> Street, 28<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and Steinway Street;
  8. eliminating from an existing R6 District a C2-2 District bounded by:
    - a. Crescent Street, Astoria Boulevard, 28<sup>th</sup> Street, a line 150 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28<sup>th</sup> Street, and a line 200 feet northeasterly of Newton Avenue;
    - b. 33<sup>rd</sup> Street, Astoria Boulevard (southerly portion), 35<sup>th</sup> Street, and a line 150 feet southwesterly of Astoria Boulevard (northerly portion);
    - c. 36<sup>th</sup> Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 150 feet southwesterly of Astoria Boulevard (southerly portion);
    - d. 38<sup>th</sup> Street, a line 200 feet northeasterly of 28<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, and 28<sup>th</sup> Avenue;
    - e. 38<sup>th</sup> Street, a line 150 feet northeasterly of 30<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, and 30<sup>th</sup> Avenue; and
  - f. 31<sup>st</sup> Street, a line 235 feet northeasterly of Broadway, 32<sup>nd</sup> Street, and a line 150 feet northeasterly of Broadway;
  9. eliminating from an existing R6A District a C2-2 District bounded by a line 150 feet southeasterly of 8<sup>th</sup> Street, a line 100 feet northeasterly and northerly of Astoria Boulevard, 12<sup>th</sup> Street, 30<sup>th</sup> Avenue, Main Avenue, and Astoria Boulevard;
  10. eliminating from an existing R6B District a C2-2 District bounded by:
    - a. 31<sup>st</sup> Street, a line 150 feet northeasterly of Broadway, 32<sup>nd</sup> Street, and Broadway; and
    - b. 12<sup>th</sup> Street, a line 100 feet northerly of Astoria Boulevard, 18<sup>th</sup> Street, 27<sup>th</sup> Avenue, 18<sup>th</sup> Street, 26<sup>th</sup> Road, line 150 feet northeasterly of 27<sup>th</sup> Avenue, a line 100 feet northwesterly of 21<sup>st</sup> Street, 28<sup>th</sup> Avenue, 14<sup>th</sup> Street, and 29<sup>th</sup> Avenue;
  11. eliminating from an existing R7A District a C2-2 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21<sup>st</sup> Street, and Broadway;
  12. eliminating from an existing R7B District a C2-2 District bounded by a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street, a line 150 feet northeasterly of Astoria Boulevard, 23<sup>rd</sup> Street, 27<sup>th</sup> Road, a line 100 feet southeasterly of 21<sup>st</sup> Street, and Newtown Avenue;
  13. eliminating from an existing R7X District a C2-2 District bounded:
    - a. by a line 100 feet northwesterly of 21<sup>st</sup> Street, a line 150 feet northeasterly of 27<sup>th</sup> Avenue, 21<sup>st</sup> Street, a line 330 feet northeasterly of Astoria Boulevard, a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street, Newtown Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, and 28<sup>th</sup> Avenue; and
    - b. 31<sup>st</sup> Road, 21<sup>st</sup> Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21<sup>st</sup> Street;
  14. eliminating from an existing R6 District a C2-4 District bounded by:
    - a. 30<sup>th</sup> Drive, 31<sup>st</sup> Street, a line 300 feet northeasterly of 31<sup>st</sup> Avenue, a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street, 31<sup>st</sup> Avenue, and a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street; and
    - b. a line 150 feet southwesterly of Astoria Boulevard, 31<sup>st</sup> Street, Newtown Avenue, and a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street;
  15. changing from an R5 District to an R4 District property bounded by 20<sup>th</sup> Avenue, a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 250 feet southwesterly of 20<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 75 feet northeasterly of 20<sup>th</sup> Road, and 33<sup>rd</sup> Street;
  16. changing from an R4 District to an R4-1 District property bounded by 30<sup>th</sup> Avenue, a line 100 feet northwesterly of 21<sup>st</sup> Street, 30<sup>th</sup> Road, and a line 100 feet southeasterly of 14<sup>th</sup> Street;
  17. changing from an R5 District to an R4-1 District property bounded by 33<sup>rd</sup> Street, a line 75 feet northeasterly of 20<sup>th</sup> Road, 38<sup>th</sup> Street, 20<sup>th</sup> Road, 37<sup>th</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, a line midway between 33<sup>rd</sup> Street and 35<sup>th</sup> Street, and 20<sup>th</sup> Road;
  18. changing from an R6 District to an R4B District property bounded by a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 36<sup>th</sup> Street and 37<sup>th</sup> Street, a line 400 feet southwesterly of 30<sup>th</sup> Avenue, and a line midway between 35<sup>th</sup> Street and 36<sup>th</sup> Street;
  19. changing from an R6B District to an R5 District property bounded by a line 100 feet southwesterly of Astoria Park South, a line midway between 14<sup>th</sup> Place and 18<sup>th</sup> Street and its southwesterly prolongation, a line perpendicular to the southeasterly street line of 14<sup>th</sup> Street distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 27<sup>th</sup> Avenue and the southeasterly street line of 14<sup>th</sup> Street, a line 100 feet southeasterly of 14<sup>th</sup> Street, 26<sup>th</sup> Avenue, and a line midway between 14<sup>th</sup> Street and 14<sup>th</sup> Place;
  20. changing from an R5 District to an R5B District property bounded by:

- a. 20<sup>th</sup> Avenue, a line of midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street, a line 100 feet southwesterly of 20<sup>th</sup> Avenue, a line 175 feet northwesterly of 31<sup>st</sup> Street, 21<sup>st</sup> Avenue, 29<sup>th</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Avenue, a line 175 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 27<sup>th</sup> Street and 28<sup>th</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Avenue, a line midway between 24<sup>th</sup> Street and Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, Crescent Street, a line 100 feet southwesterly of Ditmars Boulevard, a line 125 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, 26<sup>th</sup> Street, a line 100 feet southwesterly of 23<sup>rd</sup> Avenue, a line midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street, a line 100 feet northeasterly of 24<sup>th</sup> Avenue, 21<sup>st</sup> Street, 23<sup>rd</sup> Terrace, 19<sup>th</sup> Street, 22<sup>nd</sup> Road, a line 100 feet southeasterly of 19<sup>th</sup> Street, Ditmars Boulevard, 21<sup>st</sup> Street, a line midway between Ditmars Boulevard and 21<sup>st</sup> Drive, Shore Boulevard, a line midway between 21<sup>st</sup> Road and 21<sup>st</sup> Avenue, 21<sup>st</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 23<sup>rd</sup> Street, 21<sup>st</sup> Avenue, 28<sup>th</sup> Street, a line 200 feet northeasterly of 21<sup>st</sup> Avenue, and a line midway between Crescent Street and 26<sup>th</sup> Street;
  - b. 31<sup>st</sup> Street, 20<sup>th</sup> Road, the northeasterly centerline prolongation of 32<sup>nd</sup> Street, a line 100 feet southwesterly of 20<sup>th</sup> Avenue, 33<sup>rd</sup> Street, 20<sup>th</sup> Road, a line midway between 33<sup>rd</sup> Street and 35<sup>th</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 37<sup>th</sup> Street, 20<sup>th</sup> Road, 38<sup>th</sup> Street, a line 250 feet southwesterly of 20<sup>th</sup> Avenue, a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 80 feet southwesterly of 20<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet northeasterly of Ditmars Boulevard, 35<sup>th</sup> Street, 21<sup>st</sup> Avenue, 33<sup>rd</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, 32<sup>nd</sup> Street, and 21<sup>st</sup> Avenue;
  - c. 33<sup>rd</sup> Street, a line 100 feet southwesterly of Ditmars Boulevard, a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 100 feet northeasterly of 23<sup>rd</sup> Avenue;
  - d. a line 100 feet southwesterly of 23<sup>rd</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, Astoria Boulevard (southerly portion), Hoyt Avenue South, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, 32<sup>nd</sup> Street, 24<sup>th</sup> Avenue, and a line 90 feet southeasterly of 31<sup>st</sup> Street;
  - e. 24<sup>th</sup> Avenue, 23<sup>rd</sup> Street, a line 100 feet southwesterly of 24<sup>th</sup> Avenue, a line midway between 26<sup>th</sup> Street and 27<sup>th</sup> Street and its southwesterly prolongation, Hoyt Avenue South, 21<sup>st</sup> Street, Hoyt Avenue North, and 19<sup>th</sup> Street;
  - f. a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street and its northeasterly prolongation, a line midway between Hoyt Avenue South and 25<sup>th</sup> Road, 23<sup>rd</sup> Street, a line 100 feet southwesterly of Hoyt Avenue South, a line 200 feet northwesterly of Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 23<sup>rd</sup> Street, a line perpendicular to the northwesterly street line of 23<sup>rd</sup> Street distant 310 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the northwesterly street line of 23<sup>rd</sup> Street, 22<sup>nd</sup> Street, and a line perpendicular to the southeasterly street line of 21<sup>st</sup> Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21<sup>st</sup> Street ;
  - g. a line 100 feet southwesterly of 27<sup>th</sup> Avenue, 14<sup>th</sup> Street, 27<sup>th</sup> Avenue, a line 200 feet northeasterly of 14<sup>th</sup> Street, a line 100 feet northwesterly of Astoria Boulevard, a line midway between 28<sup>th</sup> Avenue and Astoria Boulevard, and a line 300 feet southeasterly of 8<sup>th</sup> Street;
  - h. 12<sup>th</sup> Street, a line 150 feet southwesterly of 30<sup>th</sup> Avenue, a line 100 feet northwesterly of 14<sup>th</sup> Street, a line 100 feet northeasterly of 31<sup>st</sup> Avenue, 12<sup>th</sup> Street, 30<sup>th</sup> Drive, a line 100 feet easterly of Vernon Boulevard, and 30<sup>th</sup> Road;
  - i. a line 100 feet southwesterly of 31<sup>st</sup> Avenue, a line 100 feet northwesterly of 14<sup>th</sup> Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 12<sup>th</sup> Street;
  - j. a line midway between 31<sup>st</sup> Avenue and 31<sup>st</sup> Road, a line 100 feet northwesterly of 21<sup>st</sup> Street, a line 100 feet northeasterly of Broadway, and a line 100 feet southeasterly of 14<sup>th</sup> Street; and
  - k. 27<sup>th</sup> Road, 23<sup>rd</sup> Street, a line midway between 28<sup>th</sup> Avenue and 29<sup>th</sup> Avenue, a line 100 feet northwesterly of Crescent Street, 29<sup>th</sup> Avenue, 23<sup>rd</sup> Street, 30<sup>th</sup> Avenue, 21<sup>st</sup> Street, 28<sup>th</sup> Avenue, and a line 100 feet southeasterly of 21<sup>st</sup> Street;
21. changing from an R6 District to an R5B District property bounded by:
- a. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 670 feet northeasterly of 28<sup>th</sup> Avenue, and a line midway between 36<sup>th</sup> Street and 37<sup>th</sup> Street;
  - b. a line 100 feet southwesterly of 28<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet northeasterly of 30<sup>th</sup> Avenue, and a line midway between 35<sup>th</sup> Street and 36<sup>th</sup> Street; and
  - c. a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 100 feet northeasterly of 31<sup>st</sup> Avenue, 35<sup>th</sup> Street, a line 300 feet northeasterly of 31<sup>st</sup> Avenue, a line midway between 34<sup>th</sup> Street and 35<sup>th</sup> Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 35<sup>th</sup> Street and 36<sup>th</sup> Street, a line 400 feet southwesterly of 30<sup>th</sup> Avenue, and a line midway between 36<sup>th</sup> Street and 37<sup>th</sup> Street;
22. changing from an R5 District to an R5D District property bounded by:
- a. Shore Boulevard, a line midway between Ditmars Boulevard and 21<sup>st</sup> Drive, 21<sup>st</sup> Street, Ditmars Boulevard, a line 100 feet southeasterly of 19<sup>th</sup> Street, 22<sup>nd</sup> Road, 19<sup>th</sup> Street, and Ditmars Boulevard;
  - b. a line 100 feet southwesterly of 21<sup>st</sup> Avenue, a line midway between 27<sup>th</sup> Street and 28<sup>th</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet southwesterly of Ditmars Boulevard, Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, and a line midway between 24<sup>th</sup> Street and Crescent Street;
  - c. a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, a line 125 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Road, a line 100 feet northwesterly of 31<sup>st</sup> Street, 24<sup>th</sup> Avenue, a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street, a northeasterly, northwesterly, and southwesterly boundary lines of a playground, the southwesterly prolongation of a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street, Hoyt Avenue South, a line midway between 26<sup>th</sup> Street and 27<sup>th</sup> Street and its southwesterly prolongation, a line 100 feet southwesterly of 24<sup>th</sup> Avenue, 23<sup>rd</sup> Street, 24<sup>th</sup> Avenue, 21<sup>st</sup> Street, a line 100 feet northeasterly of 24<sup>th</sup> Avenue, a line midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street, a line 100 feet southwesterly of 23<sup>rd</sup> Avenue, and 26<sup>th</sup> Street;
  - d. 20<sup>th</sup> Avenue, a line midway between Steinway Street and 41<sup>st</sup> Street, Astoria Boulevard (southerly portion), a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of 23<sup>rd</sup> Avenue, 32<sup>nd</sup> Street, 23<sup>rd</sup> Avenue, 33<sup>rd</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of Ditmars Boulevard, 33<sup>rd</sup> Street, Ditmars Boulevard, 35<sup>th</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 80 feet southwesterly of 20<sup>th</sup> Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street; and
  - e. a line 100 feet southwesterly of Hoyt Avenue South, Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, and a line 200 feet northwesterly of Crescent Street;
23. changing from an R6 District to an R5D District property bounded by a line 100 feet southwesterly of Hoyt Avenue South, a line 100 feet northwesterly of 27<sup>th</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, and Crescent Street;
24. changing from an R5 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Astoria Boulevard, Crescent Street, 30<sup>th</sup> Avenue, 23<sup>rd</sup> Street, 29<sup>th</sup> Avenue, a line 100 feet northwesterly of Crescent Street, a line midway between 28<sup>th</sup> Avenue and 29<sup>th</sup> Avenue, and 23<sup>rd</sup> Street;

- b. 21<sup>st</sup> Avenue, 32<sup>nd</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 175 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Street, and 29<sup>th</sup> Street; and
- c. 21<sup>st</sup> Avenue, 35<sup>th</sup> Street, Ditmars Boulevard, and 33<sup>rd</sup> Street;
25. changing from an R6 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Newtown Avenue, 30<sup>th</sup> Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street, 30<sup>th</sup> Drive, a line midway between 29<sup>th</sup> Street and 30<sup>th</sup> Street, a line 150 feet northeasterly of Broadway, a line 100 feet northwesterly of Crescent Street, a line midway between 31<sup>st</sup> Avenue and 31<sup>st</sup> Road, a line 100 feet southeasterly of 21<sup>st</sup> Street, a line 150 feet southwesterly of 30<sup>th</sup> Drive, a line 100 feet northwesterly of Crescent Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, 30<sup>th</sup> Avenue, Crescent Street, 30<sup>th</sup> Road, a line 200 feet northwesterly of 29<sup>th</sup> Street, 30<sup>th</sup> Avenue, Crescent Street, a line 100 feet northeasterly of 30<sup>th</sup> Avenue, 29<sup>th</sup> Street, a line 100 feet southwesterly of Newtown Avenue, and Crescent Street;
- b. 32<sup>nd</sup> Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of 28<sup>th</sup> Avenue, a line midway between 35<sup>th</sup> Street and 36<sup>th</sup> Street, a line 100 feet northeasterly of 30<sup>th</sup> Avenue, 33<sup>rd</sup> Street, and 28<sup>th</sup> Avenue;
- c. a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 34<sup>th</sup> Street and 35<sup>th</sup> Street, a line 300 feet northeasterly of 31<sup>st</sup> Avenue, 35<sup>th</sup> Street, a line 100 feet northeasterly of 31<sup>st</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of 31<sup>st</sup> Avenue, a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street, a line 100 feet northeasterly of 31<sup>st</sup> Avenue, 33<sup>rd</sup> Street, a line 400 feet northeasterly of 31<sup>st</sup> Avenue, and a line midway between 33<sup>rd</sup> Street and 34<sup>th</sup> Street; and
- d. Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, Astoria Boulevard, 29<sup>th</sup> Street, and a line 100 feet southwesterly of Astoria Boulevard;
26. changing from an R6B District to an R6A District property bounded by 21<sup>st</sup> Street, Broadway, 23<sup>rd</sup> Street, a line 150 feet northeasterly of Broadway, a line midway between 29<sup>th</sup> Street and 30<sup>th</sup> Street, a line 100 feet northeasterly of Broadway, 30<sup>th</sup> Street, and a line 100 feet southwesterly of Broadway;
27. changing from an R5 District to an R6B District property bounded by Hoyt Avenue South, Crescent Street, a line 100 feet southwesterly of Hoyt Avenue South, 23<sup>rd</sup> Street, a line midway between Hoyt Avenue South and 25<sup>th</sup> Road, a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street and its northeasterly prolongation, a line perpendicular to the southeasterly street line of 21<sup>st</sup> Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21<sup>st</sup> Street, and 21<sup>st</sup> Street;
28. changing from an R6 District to an R6B District property bounded by:
- a. Hoyt Avenue South, 27<sup>th</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northwesterly of 27<sup>th</sup> Street, a line 100 feet southwesterly of Hoyt Avenue South, and Crescent Street;
- b. Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street, and a line 100 feet northeasterly of Newtown Avenue;
- c. Crescent Street, a line 100 feet southwesterly of Newtown Avenue, 29<sup>th</sup> Street, and a line 100 feet northeasterly of 30<sup>th</sup> Avenue;
- d. a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line 100 feet northwesterly of Crescent Street, a line 150 feet southwesterly of 30<sup>th</sup> Drive, and a line 100 feet southeasterly of 21<sup>st</sup> Street;
- e. a line midway between 31<sup>st</sup> Avenue and 31<sup>st</sup> Road, a line 100 feet northwesterly of Crescent Street, a line 150 feet northeasterly of Broadway, 23<sup>rd</sup> Street, Broadway, and a line 100 feet southeasterly of 21<sup>st</sup> Street;
- f. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), 35<sup>th</sup> Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet northeasterly of 28<sup>th</sup> Avenue, 32<sup>nd</sup> Street, 28<sup>th</sup> Avenue, 33<sup>rd</sup> Street, a line 100 feet northeasterly of Newtown Avenue, a line 75 feet southeasterly of 31<sup>st</sup> Street, 28<sup>th</sup> Avenue, and a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street, and excluding property bounded by a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 670 feet northeasterly of 28<sup>th</sup> Avenue, and a line midway between 36<sup>th</sup> Street and 37<sup>th</sup> Street;
- g. a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 33<sup>rd</sup> Street and 34<sup>th</sup> Street, a line 400 feet northeasterly of 31<sup>st</sup> Avenue, 33<sup>rd</sup> Street, a line 100 feet northeasterly of 31<sup>st</sup> Avenue, and a line 90 feet southeasterly of 31<sup>st</sup> Street;
- h. 30<sup>th</sup> Drive, a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street, a line 150 feet northeasterly of Broadway, and a line midway between 29<sup>th</sup> Street and 30<sup>th</sup> Street;
- i. a line 100 feet southwesterly of 31<sup>st</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 150 feet northeasterly of Broadway, 32<sup>nd</sup> Street, a line 235 feet northeasterly of Broadway, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 100 feet southwesterly of 31<sup>st</sup> Avenue, 32<sup>nd</sup> Street, a line 250 feet southwesterly of 31<sup>st</sup> Avenue, a line midway between 32<sup>nd</sup> Street and 33<sup>rd</sup> Street, a line 450 feet southwesterly of 31<sup>st</sup> Avenue, and 33<sup>rd</sup> Street; and
- j. a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet northeasterly of 31<sup>st</sup> Street, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;
29. changing from an R5 District to an R7A District property bounded by 28<sup>th</sup> Avenue, 21<sup>st</sup> Street, 30<sup>th</sup> Avenue, and a line 100 feet northwesterly of 21<sup>st</sup> Street;
30. changing from an R6 District to an R7A District property bounded by:
- a. Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet easterly of Vernon Boulevard, 30<sup>th</sup> Drive, a line 100 feet northwesterly of 12<sup>th</sup> Street, and a line 100 feet northeasterly of Broadway; and
- b. 30<sup>th</sup> Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, Broadway, 21<sup>st</sup> Street, 31<sup>st</sup> Road, and a line 100 feet northwesterly of 21<sup>st</sup> Street;
31. changing from an R5 District to a C4-2A District property bounded by:
- a. a line 100 feet northeasterly of Ditmars Boulevard, 33<sup>rd</sup> Street, the centerline of the New York Connecting Railroad right-of-way, and a line 125 feet northwesterly of 31<sup>st</sup> Street; and
- b. a line 100 feet southeasterly of Astoria Boulevard (southerly portion), Steinway Street, Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41<sup>st</sup> Street, 28<sup>th</sup> Avenue, and a line midway between 38<sup>th</sup> Street and Steinway Street;
32. changing from an R6 District to a C4-2A District property bounded by:
- a. 30<sup>th</sup> Street, a line 75 feet northeasterly of 30<sup>th</sup> Avenue, the northeasterly centerline prolongation of 32<sup>nd</sup> Street, a line 100 feet northeasterly of Newton Avenue, a line 100 feet northeasterly of 30<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 100 feet southwesterly of 30<sup>th</sup> Avenue; and
- b. a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street, a line 235 feet northeasterly of Broadway, 32<sup>nd</sup> Street, and a line 150 feet northeasterly of Broadway;
33. changing from an R6B District to a C4-2A District property bounded by a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 150 feet northeasterly of Broadway, 32<sup>nd</sup> Street, a line 100 feet northeasterly of Broadway, a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 100 feet southwesterly of Broadway;



34. changing from an R5 District to a C4-3 District property bounded by the centerline of the New York Connecting Railroad right-of-way, 33<sup>rd</sup> Street, 23<sup>rd</sup> Avenue, 32<sup>nd</sup> Street, a line 100 feet southwesterly of 23<sup>rd</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Avenue, 32<sup>nd</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street and its southwesterly prolongation, Hoyt Avenue South, the southwesterly prolongation of a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street; a southwesterly, southeasterly and northeasterly boundary line of a playground, a line midway between 29<sup>th</sup> Street and 31<sup>st</sup> Street, 24<sup>th</sup> Avenue, a line 100 feet northwesterly of 31<sup>st</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Road, and a line 125 feet northwesterly of 31<sup>st</sup> Street;
35. changing from an R6 District to a C4-3 District property bounded by:
- a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 150 feet northeasterly of Broadway, and a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street; and
  - Hoyt Avenue South, Astoria Boulevard (southerly portion), 35<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street, 28<sup>th</sup> Avenue, a line 75 feet southeasterly of 31<sup>st</sup> Street, a line 100 feet northeasterly of Newtown Avenue, a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street, a line 100 feet southwesterly of Astoria Boulevard, and 29<sup>th</sup> Street;
36. changing from an R6B District to a C4-3 District property bounded by 30<sup>th</sup> Street, a line 100 feet northeasterly of Broadway, a line midway between 30<sup>th</sup> Street and 31<sup>st</sup> Street, a line 150 feet northeasterly of Broadway, a line 90 feet southeasterly of 31<sup>st</sup> Street, and a line 100 feet southwesterly of Broadway;
37. changing from an R6 District to a C4-4A District property bounded by 30<sup>th</sup> Street, a line 100 feet northeasterly of Newton Avenue, 32<sup>nd</sup> Street and its northeasterly centerline prolongation, and a line 75 feet northeasterly of 30<sup>th</sup> Avenue;
38. establishing within an existing R5 District a C1-3 District bounded by:
- 21<sup>st</sup> Avenue, 21<sup>st</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Avenue, and 19<sup>th</sup> Street; and
  - 23<sup>rd</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 24<sup>th</sup> Street, and 21<sup>st</sup> Avenue;
39. establishing within a proposed R5B District a C1-3 District bounded by:
- 31<sup>st</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 32<sup>nd</sup> Street, and 21<sup>st</sup> Avenue; and
  - 21<sup>st</sup> Street, a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 23<sup>rd</sup> Street, 21<sup>st</sup> Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, and a line 100 feet southwesterly of 21<sup>st</sup> Avenue;
40. establishing within a proposed R5D District a C1-3 District bounded by:
- a line 200 feet northwesterly of 21<sup>st</sup> Street, a line midway between 21<sup>st</sup> Drive and Ditmars Boulevard, 21<sup>st</sup> Street, and Ditmars Boulevard;
  - 19<sup>th</sup> Street, Ditmars Boulevard, a line 100 feet southeasterly of 19<sup>th</sup> Street, and a line 100 feet southwesterly of Ditmars Boulevard;
  - 28<sup>th</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31<sup>st</sup> Street, and a line 100 feet southwesterly of Ditmars Boulevard;
  - 35<sup>th</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, 37<sup>th</sup> Street, a line 100 feet southwesterly of Ditmars Boulevard, 33<sup>rd</sup> Street, and Ditmars Boulevard;
  - 26<sup>th</sup> Street, a line 100 feet northeasterly of 23<sup>rd</sup> Avenue, a line 125 feet northwesterly of 31<sup>st</sup> Street, and a line 100 feet southwesterly of 23<sup>rd</sup> Avenue;
  - 21<sup>st</sup> Street, a line 100 feet northeasterly of 24<sup>th</sup> Avenue, 24<sup>th</sup> Street, and 24<sup>th</sup> Avenue; and
- 27<sup>th</sup> Street, a line 100 feet northeasterly of 24<sup>th</sup> Avenue, a line 100 feet northwesterly of 31<sup>st</sup> Street, and 24<sup>th</sup> Avenue;
41. establishing within an existing R6 District a C1-3 District bounded by 30<sup>th</sup> Avenue, a line 200 feet northwesterly of 29<sup>th</sup> Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, and Crescent Street;
42. establishing within an existing R6A District a C1-3 District bounded by a line 100 feet northeasterly of 21<sup>st</sup> Avenue, 31<sup>st</sup> Street, 21<sup>st</sup> Avenue, and a line 175 feet northwesterly of 31<sup>st</sup> Street;
43. establishing within a proposed R6A District a C1-3 District bounded by:
- 23<sup>rd</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard, 28<sup>th</sup> Street, and Astoria Boulevard;
  - a line 100 feet northeasterly of 31<sup>st</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of 31<sup>st</sup> Avenue, 37<sup>th</sup> Street, 31<sup>st</sup> Avenue, 35<sup>th</sup> Street, a line 100 feet southwesterly of 31<sup>st</sup> Avenue, and a line midway between 31<sup>st</sup> Street and 32<sup>nd</sup> Street;
  - 21<sup>st</sup> Avenue, 32<sup>nd</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, 31<sup>st</sup> Street, a line 100 feet southwesterly of 21<sup>st</sup> Avenue, and a line 100 feet northwesterly of 31<sup>st</sup> Street;
  - 33<sup>rd</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, 35<sup>th</sup> Street, and Ditmars Boulevard;
  - 27<sup>th</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, a line 100 feet southwesterly of Astoria Boulevard, 28<sup>th</sup> Street, and Astoria Boulevard; and
  - Crescent Street, a line 100 feet northeasterly of 30<sup>th</sup> Avenue, 30<sup>th</sup> Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line 200 feet northwesterly of 29<sup>th</sup> Street, and 30<sup>th</sup> Avenue;
44. establishing within an existing R6B District a C1-3 District bounded by:
- 18<sup>th</sup> Street, a line midway between 25<sup>th</sup> Road and Astoria Park South, a line 100 feet southeasterly of 18<sup>th</sup> Street, and a line perpendicular to the southeasterly street line of 18<sup>th</sup> Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 25<sup>th</sup> Road and the southeasterly street line of 18<sup>th</sup> Street;
  - a line midway between 14<sup>th</sup> Place and 18<sup>th</sup> Street and its southwesterly prolongation, a line 100 feet northeasterly of 26<sup>th</sup> Avenue, a line 100 feet southeasterly of 18<sup>th</sup> Street, 26<sup>th</sup> Avenue, 18<sup>th</sup> Street, and a line 100 feet southwesterly of 26<sup>th</sup> Avenue;
  - the southwesterly prolongation of a line midway between 14<sup>th</sup> Place and 18<sup>th</sup> Street, a line 200 feet north easterly of 27<sup>th</sup> Avenue, 18<sup>th</sup> Street, a line perpendicular to the southeasterly street line of 18<sup>th</sup> Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly boundary line of 26<sup>th</sup> Road and the southeasterly street line of 18<sup>th</sup> Street, a line 100 feet southeasterly of 18<sup>th</sup> Street, 26<sup>th</sup> Road, 18<sup>th</sup> Street, and a line 100 feet northeasterly of 27<sup>th</sup> Avenue; and
  - 30<sup>th</sup> Road, 14<sup>th</sup> Street, 30<sup>th</sup> Drive, a line 100 feet southeasterly of 14<sup>th</sup> Street, 31<sup>st</sup> Avenue, and a line 100 feet northwesterly of 14<sup>th</sup> Street;
45. establishing within a proposed R6B District a C1-3 District bounded by 31<sup>st</sup> Drive, 23<sup>rd</sup> Street, Broadway, and a line 100 feet southeasterly of 21<sup>st</sup> Street;
46. establishing within a proposed R7A District a C1-3 District bounded by:
- Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet southeasterly of Vernon Boulevard, and a line 100 feet northeasterly of Broadway; and
  - 31<sup>st</sup> Drive, a line 100 feet southeasterly of 21<sup>st</sup> Street, Broadway, and 21<sup>st</sup> Street;

47. establishing within a proposed R6A District a C1-4 District bounded by:
- a line 100 feet southeasterly of 23<sup>rd</sup> Street, a line 100 feet northeasterly of Broadway, a line 150 feet northwesterly of Crescent Street, a line 100 feet southwesterly of Broadway, 23<sup>rd</sup> Street, and Broadway; and
  - Broadway, a line 100 feet northwesterly of 23<sup>rd</sup> Street, a line 100 feet southwesterly of Broadway, and a line 100 feet southeasterly of 21<sup>st</sup> Street;
48. establishing within an existing R5 District a C2-3 District bounded by:
- 20<sup>th</sup> Avenue, 33<sup>rd</sup> Street, a line 100 feet southwesterly of 20<sup>th</sup> Avenue, the northeasterly centerline prolongation of 32<sup>nd</sup> Street, 20<sup>th</sup> Road, 31<sup>st</sup> Street, a line 100 feet southwesterly of 20<sup>th</sup> Avenue, and a line midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street;
  - a line midway between Steinway Street and 41<sup>st</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, 41<sup>st</sup> Street, and a line 100 feet southwesterly of Ditmars Boulevard;
  - a line midway between Steinway Street and 41<sup>st</sup> Street, the centerline of the New York Connecting Railroad right-of-way, 41<sup>st</sup> Street, and Astoria Boulevard (northerly portion); and
  - a line midway between Steinway Street and 41<sup>st</sup> Street, Astoria Boulevard (southerly portion), 41<sup>st</sup> Street, and a line 100 feet southwesterly of Astoria Boulevard (southerly portion);
49. establishing within a proposed R5D District a C2-3 District bounded by:
- 20<sup>th</sup> Avenue, a line midway between Steinway Street and 41<sup>st</sup> Street, 21<sup>st</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, a line 100 feet southwesterly of 20<sup>th</sup> Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;
  - 37<sup>th</sup> Street, a line 100 feet northeasterly of Ditmars Boulevard, Steinway Street, a line 150 feet northeasterly of Ditmars Boulevard, a line midway between Steinway Street and 41<sup>st</sup> Street, a northeasterly boundary line of a park and its northwesterly prolongation, Steinway Street, and a line 100 feet southwesterly of Ditmars Boulevard; and
  - 23<sup>rd</sup> Avenue, Steinway Street, the centerline of the New York Connecting Railroad right-of-way, a line midway between Steinway Street and 41<sup>st</sup> Street, Astoria Boulevard (northerly portion), and a line midway between 38<sup>th</sup> Street and Steinway Street;
50. establishing within an existing R6A District a C2-3 District bounded by 12<sup>th</sup> Street, 30<sup>th</sup> Avenue, Main Avenue, Astoria Boulevard, a line 150 feet southeasterly of 8<sup>th</sup> Street, a line midway between 28<sup>th</sup> Avenue and Astoria Boulevard, and a line 100 feet northerly of Astoria Boulevard;
51. establishing within a proposed R6A District a C2-3 District bounded by Crescent Street, Astoria Boulevard, 28<sup>th</sup> Street, and a line 100 feet southwesterly of Astoria Boulevard;
52. establishing within an existing R6B District a C2-3 District bounded by 12<sup>th</sup> Street, a line 100 feet northerly of Astoria Boulevard, 18<sup>th</sup> Street, a line 100 feet northeasterly of 27<sup>th</sup> Avenue, a line 100 feet northwesterly of 21<sup>st</sup> Street, 28<sup>th</sup> Avenue, 14<sup>th</sup> Street, and 29<sup>th</sup> Avenue;
53. establishing within a proposed R6B District a C2-3 District bounded by:
- Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28<sup>th</sup> Street, and a line 200 feet northeasterly of Newtown Avenue;
  - Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 36<sup>th</sup> Street; and
  - 38<sup>th</sup> Street, a line 100 feet southwesterly of 30<sup>th</sup> Avenue, a line midway between 38<sup>th</sup> Street and Steinway Street, and a line 275 feet southwesterly of 30<sup>th</sup> Avenue;
54. establishing within an existing R7A District a C2-3 District bounded by

Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21<sup>st</sup> Street, and Broadway;

55. establishing within a proposed R7A District a C2-3 District bounded by 28<sup>th</sup> Avenue, 21<sup>st</sup> Street, 30<sup>th</sup> Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, 31<sup>st</sup> Drive, 21<sup>st</sup> Street, 31<sup>st</sup> Road, and a line 100 feet northwesterly of 21<sup>st</sup> Street;
56. establishing within an existing R7B District a C2-3 District bounded by a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, 23<sup>rd</sup> Street, 27<sup>th</sup> Road, a line 100 feet southeasterly of 21<sup>st</sup> Street, and Newtown Avenue;
57. establishing within an existing R7X District a C2-3 District bounded by:
- 31<sup>st</sup> Road, 21<sup>st</sup> Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21<sup>st</sup> Street; and
  - a line 100 feet northwesterly of 21<sup>st</sup> Street, a line 100 feet northeasterly of 27<sup>th</sup> Avenue, 21<sup>st</sup> Street, a line perpendicular to the southeasterly street line of 21<sup>st</sup> Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 21<sup>st</sup> Street and the northeasterly street line of Astoria Boulevard, Astoria Boulevard, a line midway between 21<sup>st</sup> Street and 22<sup>nd</sup> Street, Newtown Avenue, a line 100 feet southeasterly of 21<sup>st</sup> Street, and 28<sup>th</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and modified by the City Planning Commission on April 28, 2010, and subject to the conditions of CEQR Declaration 245, Community District 1, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 98

**Report of the Committee on Land Use in favor of approving Application no. N 100200 ZRQ 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, Sections 23-144, and Appendix F relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Queens, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1570), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 1**

**N 100200 ZRQ**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-144, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.

**INTENT**



To include Inclusionary Housing Provisions in conjunction with a rezoning in the Astoria neighborhood of Queens, New York.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

DATE: May 25, 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 Comrie and Weprin offered the following resolution:

Res. No. 259

**Resolution approving the decision of the City Planning Commission on Application No. N 100200 ZRQ, 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 23-144, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Queens (L.U. No. 98).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 30, 2010 its decision dated April 28, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York to allow the Inclusionary Housing program to be used in the proposed R7A and C4-4A districts on Vernon Boulevard, 21<sup>st</sup> Street, and 31<sup>st</sup> Street in Community District 1 (Application No. N 100200 ZRQ), Borough of Queens (the "Application");

**WHEREAS**, the Application is related to Application Number C 100199 ZMQ (L.U. No. 97), a zoning map amendment to rezone all or portions of 238 blocks in the Queens neighborhood of Astoria from R4, R5, R6, and R6B districts to R4, R4-1, R4B, R5, R5B, R5D, R6A, R6B, R7A, C4-2A, C4-3, and C4-4A districts;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 17, 2010;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 25, 2010, which included (E) designations to avoid the potential for hazardous material impacts and air quality impacts (E-245), (CEQR No. 10DCP019Q);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100200 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

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

**Article 2  
Residence District Regulations**

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

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**23-144**

**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx R8A	R6A R7-2 R7A R7X
Community District 4, Bronx	R8A R9D
Community District 1, Brooklyn 3	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
<u>Community District 1, Queens</u>	<u>R7A</u>
Community District 2, Queens	R7X

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**APPENDIX F**

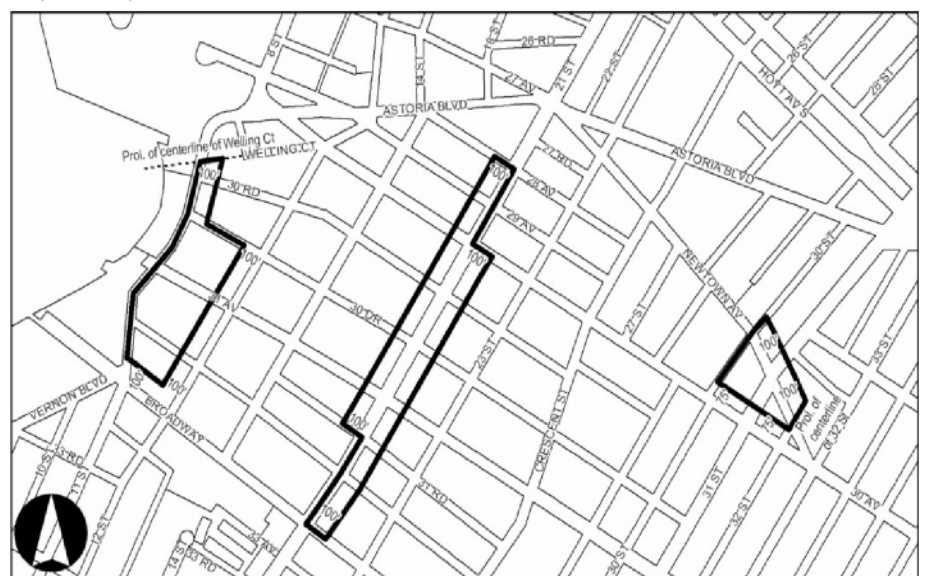
**Inclusionary Housing Designated Areas**

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**Queens**

Queens Community District 1

In the R7A Districts within the areas shown on the following Map 1: Map 1 - (2/24/10)



Portion of Community District 1, Queens

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 101

**Report of the Committee on Land Use in favor of approving Application no. 20105619 HAX, a request for approval of a plan and project located at 1600 Sedgwick Avenue, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 5**

**20105619 HAX**

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to modification to a previously approved Plan and Project for property located at 1600 Sedgwick Avenue, Council District 16, Borough of the Bronx.

**INTENT**

To modify a previously approved plan and project.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 25, 2009

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

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

Res. No. 260

**Resolution approving a modification to a Plan and Project located at 1600 Sedgwick Avenue (Block 2880, Lots 29 and 91); Borough of the Bronx (L.U. No. 101; 20105619 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Project (the "New Project") located at 1600 Sedgwick Avenue (Block 2880, Lot 91) (the "Development Parcel"), Community District 5, Council District 16, Borough of the Bronx:

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel, Block 2880, Lot 91, from the Plan and Project;

**WHEREAS**, the original Plan and Project was approved by the Board of Estimate on November 13, 1970 (Cal. No. 14);

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on May 17, 2010;

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

**RESOLVED:**

The Council approves pursuant to Section 115 of the PHFL, the modification to the original Plan and Project consisting of the deletion of the Development Parcel as described in the Modification and Fact Sheet attached hereto.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 102

**Report of the Committee on Land Use in favor of approving Application no. 20105620 HAX, a request for a conveyance for a project located at Block 2880/Lot 91, Borough the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 5**

**20105620 HAX**

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to a conveyance, for property located at block 2880, Lot 1, Council District 16, Borough of the Bronx.

**INTENT**

To convey the property to a new owner.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 17, 2009

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

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

Res. No. 261

**Resolution approving a conveyance of property located at Block 2880, Lot 91; Borough of the Bronx (L.U. No. 102; 20105620 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Project (the "Project") located at Block 2880, Lot 91 (the "Conveyance Area"), for the conveyance of property, Community District 5, Council District 16, Borough of the Bronx:

Approve pursuant to Section 122(1) of the Private Housing Finance Law (PHFL), the conveyance of the Conveyance Area by the Current Owner to the New Owner;

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

**RESOLVED:**

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

“Current Owner” shall mean Riverview Redevelopment Company LP, a Redevelopment Company.

“New Owner” shall mean Sedgwick Housing Development Fund Company, Inc.

The Council approves pursuant to Section 122(1) of the PHFL, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 103

**Report of the Committee on Land Use in favor of approving Application no. 20105621 HAX, an amendment to an Urban Development Action Area Project located at 3120 Park Avenue, 720-722 East 161st Street, 748 Jackson Avenue and 451 East 159th Street, Council District no. 17, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 262

**Resolution approving an amended Urban Development Action Area Project located at Block 2647, Lots 43 and 44; Block 2646, Lot 41; Block 2381, Lot 43; and Block 2418, Lot 6; Borough of the Bronx, 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. 103; 20105621 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following amended Urban Development Action Area Project (the "Project") located at Block 2647, Lots 43 and 44; Block 2646, Lot 41; Block 2381, Lot 43; and Block 2418, Lot 6; Community Districts 1 and 3, Borough of the Bronx (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. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

4. Approve 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 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 amends L.U. No. 406, C 070257 HAX, Resolution No. 939 of 2007;

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

#### RESOLVED:

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

The Council approves the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

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

The 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 Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1<sup>st</sup> following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

Report for L.U. No. 105

**Report of the Committee on Land Use in favor of approving Application no. 20105623 HAK an Urban Development Action Area Project located at 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine Street, Council District no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for a tax exemption.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1726), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 263

**Resolution approving an Urban Development Action Area Project located at 281 Montauk Avenue (Block 4056, Lot 21), 664 Georgia Avenue (Block 4296, Lot 21), and 662 Pine Street (Block 4461, Lot 120), 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. 105; 20105623 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 281 Montauk Avenue (Block 4056, Lot 21), 664 Georgia Avenue (Block 4296, Lot 21), and 662 Pine Street (Block 4461, Lot 120), Community District 5, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

**RESOLVED:**

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

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

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

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

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

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

- a. All of the value of the building, structure, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years during the last five years of which such exemption shall decrease in equal annual decrements, commencing on the January 1<sup>st</sup> or July 1<sup>st</sup> (whichever shall first occur) as certified by HPD, following certification by HPD of its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy of such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 2010.

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

**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*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Marsha Aguilar	135 Euclid Avenue #1F Brooklyn, NY 11208	37
Joseph A. Kovac	2440 East 29th Street #513 Brooklyn, NY 11235	46
Shanaleigh Mejia	2087 Creston Avenue #5B Bronx, NY 10453	14
Joseph Miglionico	409 Colon Avenue Staten Island, NY 10308	51
Roman V. Paprocki	241 West 110th Street #34 New York, NY 10026	9
James Pena	59-30 108th Street #3NN Queens, NY 11368	21
Stacy Pereira	246 Malden Place Staten Island, NY 10306	50
Dawn Townley	1316 Mason Avenue Staten Island, NY 10306	50
Robert Santos	506 40th Street #3 Brooklyn, NY 11232	38

*Approved New Applicants and Reapplicants*

David Almog	331 West 57th Street #279 New York, NY 10019	6
Kelly Bauerlein	236 Thornycroft Avenue Staten Island, NY 10312	51
Ingrid Campion	63 Wheeling Avenue Staten Island, NY 10309	51
Martha Berkowitz	2286 Brigham Street #5E Brooklyn, NY 11229	46
Theresa Buonafide	2037 East 29 Street Brooklyn, NY 11229	46
Adam J. D'Amico	1615 East 38th Street Brooklyn, NY 11234	46
Philp Ettetdgui	2736 East 66th Street Brooklyn, NY 11234	46
Cassandra Williams	1631 East 91st Street Brooklyn, NY 11236	46
Soumendu Bhattacharyya	14-60 Beach Channel Drive #6F Far Rockaway, NY 11691	31
Albert T. Birtley	141-08 Collidge Avenue Queens, NY 11435	31
Vera Simpson-Cooper	234-15 134 Road Rosedale, NY 11422	31
Liliana Billini	2253 3rd Avenue #210 New York, NY 10035	8
Rose Birtley	141-08 Coolidge Avenue Queens, NY 11435	24
Sheanni Gunasekera	87-75 Chevy Chase Street Jamaica Estates, NY 11432	24
Herminia Eludia Brown	145 Erasmus Street Brooklyn, NY 11226	40
Luis E. Castro	91-06 220th Street Queens Village, NY 11428	23
Susan Clemendore	89-15 210th Street Queens, NY 11427	23
Everlina Cox	438 Kosciusko Street Brooklyn, NY 11221	36
Lisa M. Hailey	917 Greene Avenue #3C Brooklyn, NY 11221	36

Margie Harris	277 Gates Avenue #4B Brooklyn, NY 11216	36
Ainsley Mavis Jr.	469 Quincy Street Brooklyn, NY 11221	36
Elaine Steele Pinckney	997 DelCalb Avenue #7A Brooklyn, NY 11221	36
Tammy Lisa Daniels	178 Avenue D #6A New York, NY 10009	2
Eugene R. Daniels 3rd J.D	408 West 145th Street New York, NY 10031	7
Sol Deutsch	2409 East 21 Street Brooklyn, NY 11229	48
Stuart Goldstein	2727 Ocean Parkway #D28 Brooklyn, NY 11235	48
Sandra Diodonet	190 Beach 99th Street Rockaway Park, NY 11694	32
Edey Fernandez	86-05 89th Avenue Woodhaven, NY 11421	32
Angela Maiello	155-39 81st Street Queens, NY 11414	32
Monika Szoke- Ench	160-11 90th Street #5P Howard Beach, NY 11414	32
Kathleen Hopkins	954 East 220 <sup>th</sup> Street Bronx, NY 10469	12
Chrystal R. Howard	359 Adelphi Street Brooklyn, NY 11238	35
Paul E. Nash	295 Washington Avenue Brooklyn, NY 11205	35
Herbert Williams	210 Clinton Avenue #1G Brooklyn, NY 11205	35
Diana T. Howe	168 81 <sup>st</sup> Street Brooklyn, NY 11209	43
Monique E. Jackson	1750 Sedgwick Avenue #6H Bronx, NY 10453	16
Timothy James	118-68 Riverton Street St. Albans, NY 11412	27
Nancy F. Redden	120-36 218 <sup>th</sup> Street Queens, NY 11411	27
Kenneth E. Kelly	3777 Independence Avenue Bronx, NY 10463	11
Carl Merante	4295 Webster Avenue #5G Bronx, NY 10470	11
Theresa Lantigua	433 37th Street Brooklyn, NY 11232	38
Patricia A. Ledoux	75B Freedom Avenue Staten Island, NY 10314	50
J.Mary Wanamker	27 Park Street Staten Island, NY 10306	50
Marguerite A. Maignan	165 Audubon Avenue #53 New York, NY 10033	10
Noemy Mercedes	4455 Broadway #5G New York, NY 10040	10
Andre McCray	137-40 45th Avenue Queens, NY 11355	20
Lucia Mendieta	35-20 Leverich Street Queens, NY 11372	25
Rodney Payne	1305 Delmar Loop #17D Brooklyn, NY 11239	42
Shirley Richardson	172-20 133rd Avenue Queens, NY 11434	28
Limmie M. Snoddy, Jr.	168-32 127th Avenue #12A Jamaica, NY 11434	28
Yvette M. Simmons	481 Decatur Street Brooklyn, NY 11233	41
Sara Teitelbaum	1250 East 29th Street Brooklyn, NY 11210	45
Cara Trentadue	2027 78th Street #4 Brooklyn, NY 11214	44
Robin Valerio	69-18 59th Drive Maspeth, NY 11378	30
Cynthia Watkins	480 St. Nicholas Avenue #12E New York, NY 10030	9

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

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

- (1) **Int 68-A --** Civil penalties for unlicensed plumbing and fire suppression work. **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**
- (2) **Int 206 --** Certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.
- (3) **Int 207 --** To repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.
- (4) **Int 226-A --** Definitions of terms that relate to the provision of information on child care services and to reporting on child care programs and to repeal certain provisions of the administrative code in relation thereto.
- (5) **Res 246 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget. **(Transparency Resolution May 25, 2010)**
- (6) **L.U. 23 & Res 251 --** App. **20105273 HAQ**, UDAAP, 190-01 to 190-05 Linden Boulevard, Council District no. 27 Borough of Queens.
- (7) **L.U. 25 & Res 252 --** App. **20105283 HAM**, UDAAP, 226 West 111th Street, Council District no. 9, Borough of Manhattan.
- (8) **L.U. 69 & Res 253 --** App. **20105415 HAM**, UDAAP, 163 Lenox Avenue, Council District no. 9, Borough of Manhattan.
- (9) **L.U. 77 & Res 254 --** App. **20105423 HAM**, UDAAP, 2041 Fifth Avenue, Council District no. 9, Borough of Manhattan.
- (10) **L.U. 86 & Res 255 --** App. **20105442 TCK**, unenclosed sidewalk café 623 Grand Avenue, Borough of Brooklyn, Council District no. 34.
- (11) **L.U. 87 & Res 256 --** App. **20105403 TCK**, unenclosed sidewalk café 533 Grand Street, Borough of Brooklyn, Council District no. 34.
- (12) **L.U. 90 & Res 257 --** App. **C 070520 ZMK** amendment of the Zoning Map, Section 22c, by establishing within an existing R5 District a C1-3 District. **(Coupled for Disapproval)**
- (13) **L.U. 97 & Res 258 --** App. **C 100199 ZMQ** amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c.
- (14) **L.U. 98 & Res 259 --** App. **N 100200 ZRQ** Inclusionary Housing Program to proposed R7A districts, Borough of Queens, Community District 1.
- (15) **L.U. 101 & Res 260 --** App. **20105619 HAX**, 1600 Sedgwick Avenue, Borough of the Bronx, Council District no. 16.
- (16) **L.U. 102 & Res 261 --** App. **20105620 HAX**, Block 2880/Lot 91, Borough the Bronx, Council District no. 16.
- (17) **L.U. 103 & Res 262 --** App. **20105621 HAX**, UDAAP, 3120 Park Avenue, 720-722 East 161st Street, 748 Jackson Avenue and 451 East 159th Street, Council District no. 17, Borough of the Bronx.
- (18) **L.U. 105 & Res 263 --** App. **20105623 HAK** UDAAP, 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine Street, Council District no. 42, Brooklyn.
- (19) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, Koo, Koppell, Koslowitz,

Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above.**

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 68-A (passed under a Message of Necessity from the Mayor), 206, 207, and 226-A.*

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

**RESOLUTIONS**

*Presented for voice-vote*

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

Report for voice-vote Res. No. 157-A

**Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.**

The Committee on Education, to which the annexed amended resolution was referred on April 14, 2010 (Minutes, page 1291), respectfully

**REPORTS:**

On Monday, May 24, 2010, the City Council's Committee on Education, chaired by Council Member Robert Jackson, will conduct a hearing on Proposed Res. No. 157-A, a resolution calling upon the New York City Department of Education (DOE) to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings. A copy of the Resolution is attached. On April 28, 2010 a hearing was previously held on Res. No. 157.

**Background**

Closing schools has been one of the most controversial elements of Mayor Bloomberg's school reform efforts. Since the Mayor gained control of the City's school system in 2002, the DOE has closed 91 schools, many of them large high schools, and replaced them with new small schools or charters.<sup>1</sup> In December 2009, the DOE proposed phasing out 20 schools, the most in any single year.<sup>2</sup> An analysis of the 20 schools slated for closure by the Independent Budget Office (IBO) found that, "Closing high schools usually had greater concentrations of high needs students, students from low-income households and students living in temporary housing compared to the medians for non-closing schools in the same borough. The closing high schools also had more over age students than non-closing schools."<sup>3</sup>

Critics argue that many of the students most at-risk, including special education students and English Language Learners, will be displaced by the school closures and may drop out as a result. A report by the Center for New York City Affairs detailed some of the "collateral damage" created by the closing of large high schools.<sup>4</sup> They found that, as the lowest achieving large schools were closed, thousands of students, particularly new immigrants and children receiving special education services, were diverted to the remaining large schools.<sup>5</sup> The graduation and attendance rates at these remaining large schools then declined; in some cases, barely-functioning schools became failing schools and were subsequently closed.<sup>6</sup> This "domino effect" of school closings leading to surrounding schools becoming overcrowded with greater concentrations of high need students, then being targeted for closure themselves, was cited by many teachers, principals and parents at hearings on the proposed school closings.

Critics question whether closing schools is sound education policy and ask what steps DOE took to help struggling schools before proposing that they be phased out. DOE's list of possible consequences includes school improvement measures and target setting, leadership change, restructuring, or closure. Critics contend that closing schools should be the *last resort*, used only after other efforts have been made to help struggling schools. A number of advocates point to a previous reform, the Chancellor's District, as a possible model for improving low-performing schools.



In 1996, then Chancellor Rudy Crew created the Chancellor's District, a virtual district in which a number of the lowest performing schools in the city were placed under a lead Superintendent.<sup>7</sup> Schools in the Chancellor's District received additional resources and assistance that included: reduced class sizes; extended learning time; enhanced after-school programs offering tutoring and enrichment activities; intensive professional development; as well as several curricular interventions and extensive instructional support.<sup>8</sup> Although the Chancellor's District was ended in 2003 by the Bloomberg Administration, a 2004 evaluation by the Institute for Education and Social Policy at New York University concluded:

[T]he Chancellor's District took some of the city's least well-resourced schools serving the city's poorest and academically lowest performing students. By developing and mandating and implementing a comprehensive set of organizational, curricular, instructional and personnel changes, the Chancellor's District significantly improved the reading outcomes of the students in those schools, in three years of focused effort.<sup>9</sup>

#### Proposed Res. No. 157-A

Proposed Res. No. 157-A would point out that since 2002, the New York City Department of Education (DOE) has closed 91 schools with low student achievement levels. The Resolution would note that in December 2009, the DOE proposed phasing out an additional 20 low-performing schools, the most in any single year. Proposed Res. No. 157-A would further note that these proposed school closures generated considerable community opposition, public protests and a lawsuit filed by the United Federation of Teachers (UFT), advocacy organizations, parents and elected officials, including five members of the New York City Council.

Proposed Res. No. 157-A would state that opponents of the DOE's school closure policy maintain that closing schools should be the method of last resort, used only after other strategies have been attempted to turn around low-performing schools. The Resolution would further state that critics argue that DOE has not provided adequate resources or made sufficient to help struggling schools. Additionally, the Resolution would note that critics contend that DOE does not have a comprehensive improvement strategy or plan to assist low-performing school.

The Resolution would point out that the NYC Coalition for Educational Justice (CEJ) has proposed a comprehensive improvement strategy, development of a School Transformation Zone, for DOE to help transform low-performing schools. Proposed Res. No. 157-A would indicate that under CEJ's proposal, all struggling schools would have the opportunity to join the Zone and turn themselves around before being subject to closure. The Resolution would note that schools that join the School Transformation Zone would undergo a redesign process to improve teaching and learning. The Resolution would further note that one of the required elements for Zone school redesign would be to add more instructional time to the school day and year.

Proposed Res. No. 157-A would indicate that another required element for Zone schools would be reduced class sizes in conformance with state-mandated Contract for Excellence (C4E) class size targets for New York City schools, with C4E funds or other resources provided to support this requirement.

In addition, the Resolution would state that Zone schools would be required to provide a well-rounded, enriched college preparatory curriculum for all students, including access to Regents course that would be available to middle grade students and Advanced Placement or other college-level courses for high school students. The Resolution would point out that schools in the Zone would also be required to take steps to attract, train and keep excellent teachers and principals by reducing class size, providing common planning time and extensive professional development and mentoring, among other efforts. Additionally, the Resolution would note that Zone schools would be expected to offer strong, comprehensive support services for students, including small group and individual tutoring for struggling students, more guidance counselors and partnerships with local organizations to provide additional enrichment or services.

The Resolution would state that the final requirement for Zone schools would be to ensure active parent and community involvement by including them in decision-making, providing translation services at all school functions and offering adult education course, for example. Proposed Res. No. 157-A would further state that for each school in the Zone, the School Leadership Team or other body including parents, teachers, and other key stakeholders, will serve as the School Transformation Committee to lead the re-design process.

Proposed Res. No. 157-A would state that under CEJ's proposal, an expert educator with a track record in turning around struggling schools would be designated by DOE to lead the School Transformation Zone. In addition, the Resolution would note that a Zone Coordinating Committee including key stakeholders would be formed to advise and monitor the initiative. The Resolution would further note that CEJ also proposes that schools be permitted to remain in the Zone for 3 years to have an adequate opportunity to improve student achievement before being subject to closure.

The Resolution would point out that CEJ proposes that all schools receiving federal School Improvement Grants be part of the Zone. Proposed Res. No. 157-A would also point out that CEJ proposed that DOE apply for federal Innovation Funds to support the School Transformation Zone. The Resolution would state that students in New York City's public schools would benefit from implementation of the School Transformation Zone model to help turn around low-performing schools rather than closing them. Lastly, Proposed Res. No. 157-A would state that the Council of the City of New York calls upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.

<sup>1</sup> Otterman, Sharon, "Large High Schools in the City Are Taking Hard Falls," *New York Times*, January 26, 2010.

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

<sup>3</sup> Independent Budget Office, "Comparisons between Schools Slated for Closing and All Other Schools," January 25, 2010, accessed at <http://www.ibo.nyc.ny.us/iboreports/schoolclosing012510.pdf>.

<sup>4</sup> Hemphill, Clara & Nauer, Kim, *The New Marketplace: How Small-School Reforms and School Choice Have Reshaped New York City's High Schools*, The New School Center for New York City Affairs, June 2009.

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

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

<sup>7</sup> Phenix, Deinya, Siegel, Dorothy, Zaltsman, Ariel & Fruchter, Norm, *Virtual District, Real Improvement: A retrospective evaluation of the Chancellor's District, 1996-2003*, Institute for Education and Social Policy at New York University, June 2004, accessed at <http://steinhardt.nyu.edu/iesp.olde/publications/pubs/ChanDistRpt.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

Accordingly, this Committee recommends its adoption as amended.

**(The following is the text of Res. No. 157-A:)**

Res. No. 157-A

**Resolution calling upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.**

By Council Members Jackson, Barron, Chin, Dromm, Fidler, James, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Seabrook, Vann, Williams, Foster, Dickens, Koslowitz, Levin, Cabrera, Mendez, Van Bramer, White, Dilan, Crowley, Brewer, Recchia, Comrie, Ferreras, Eugene, Gonzalez, Sanders, Nelson, Greenfield, Rivera and Ulrich.

**Whereas**, Since 2002 the New York City Department of Education (DOE) has closed 91 schools with low student achievement levels; and

**Whereas**, In December 2009, the DOE proposed phasing out an additional 20 low-performing schools, the most in any single year; and

**Whereas**, These proposed school closures generated considerable community opposition, public protests and a lawsuit filed by the United Federation of Teachers (UFT), advocacy organizations, parents and elected officials, including five members of the New York City Council; and

**Whereas**, Opponents of the DOE's school closure policy maintain that closing schools should be the method of last resort, used only after other strategies have been attempted to turn around low-performing schools; and

**Whereas**, Critics argue that DOE has not provided adequate resources or made sufficient effort to help struggling schools; and

**Whereas**, Furthermore, critics contend that DOE does not have a comprehensive improvement strategy or plan to assist low-performing schools; and

**Whereas**, The NYC Coalition for Educational Justice (CEJ) has proposed a comprehensive improvement strategy, development of a School Transformation Zone, for DOE to help transform low-performing schools; and

**Whereas**, Under CEJ's proposal, all struggling schools would have the opportunity to apply to join the Zone and turn themselves around before being subject to closure; and

**Whereas**, Schools that join the School Transformation Zone would undergo a redesign process to improve teaching and learning; and

**Whereas**, One of the required elements for Zone school redesign would be to add more instructional time to the school day and year; and

**Whereas**, Another required element for Zone schools would be reduced class sizes in conformance with state-mandated Contract for Excellence (C4E) class size targets for New York City schools, with C4E funds or other resources provided to support this requirement; and

**Whereas**, Furthermore, Zone schools would be required to provide a well-rounded, enriched college preparatory curriculum for all students, including access to Regents courses that would be available to middle grade students and Advanced Placement or other college-level courses for high school students; and

**Whereas**, Schools in the Zone would also be required to take steps to attract, train and keep excellent teachers and principals by reducing class size, providing common planning time and extensive professional development and mentoring, among other efforts; and

**Whereas**, Zone schools would also be expected to offer strong, comprehensive support services for students, including small group and individual tutoring for struggling students, more guidance counselors and partnerships with local organizations to provide additional enrichment or services; and

**Whereas**, The final requirement for Zone schools would be to ensure active parent and community involvement by including them in decision-making, providing translation services at all school functions and offering adult education courses, for example; and

**Whereas**, For each school in the Zone, the School Leadership Team, or other body including parents, teachers and other key stakeholders, will serve as the School Transformation Committee to lead the re-design process; and

**Whereas**, Under CEJ's proposal, an expert educator with a track record in turning around struggling schools would be designated by DOE to lead the School Transformation Zone; and

**Whereas**, Further, a Zone Coordinating Committee including key stakeholders would be formed to advise and monitor the initiative; and

**Whereas**, CEJ also proposes that schools be permitted to remain in the Zone for 3 years to have an adequate opportunity to improve student achievement before being subject to closure; and

**Whereas**, Additionally, CEJ proposes that all schools receiving federal School Improvement Grants be part of the Zone; and

**Whereas**, Finally, CEJ proposes that DOE apply for federal Innovation Funds to support the School Transformation Zone; and

**Whereas**, Students in New York City's public schools would benefit from implementation of the School Transformation Zone model to help turn around low-performing schools rather than closing them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, DOMENIC M. RECCHIA JR., ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Education, May 24, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 157-A** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 207

**Report of the Committee on Public Housing in favor of approving Resolution calling upon the United States Congress to enact H.R. 4224, the "Together We Care Act of 2009," which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.**

The Committee on Public Housing, to which the annexed resolution was referred on April 29, 2010 (Minutes, page 1559), respectfully

#### REPORTS:

##### Background and Intent:

The Committee on Public Housing, chaired by Council Member Rosie Mendez, will conduct a hearing on Resolution No. 207, which calls upon the United States Congress to enact H.R. 4224, the "Together We Care Act of 2009," which would establish a three-year pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

##### The Together We Care Act of 2009

In December 2009, New York City Congresswoman Nydia Velázquez, introduced the "Together We Care Act of 2009 (TWCA)," H.R. 4224. The TWCA would:

Establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes.<sup>1</sup>

Under the TWCA, a home-based health service pilot program will be established throughout the country. The Secretary of Housing and Urban Development (HUD) would, in consultation with the Secretary of Health and Human Services, make grants available to public housing agencies, community health

centers, home care provider organizations, faith-based organization and labor organizations to train public housing residents on how to provide home-based health care. The trained public housing residents would then provide home-based health services to elderly and disabled residents of federally-assisted rental housing. Furthermore, the legislation provides that \$2,500,000 would be awarded for federal fiscal years 2010, 2011, and 2012 for the program's implementation.

##### Res. No. 207

The City of New York is in the midst of severe economic recession and there maybe many residents of public housing or federally-assisted rental housing who may be unemployed or underemployed. Res. No. 207 expresses the Council's belief that the government should help the poorest of New Yorkers, particularly residents of public housing or federally-assisted rental housing, move up the economic ladder through job training or employment opportunities. Additionally, Res. No. 207 expresses the Council's belief that H.R.4224, the "Together We Care Act of 2009," would help residents of public housing and federally-assisted rental housing developments obtain meaningful employment.

Res, No, 207 expresses the Council's belief that the competitive grant program that would be run by HUD under this pilot program would create an opportunity for a broad array of entities, such as public housing agencies, community health centers, and home care provider organizations to apply to receive funds in order to train this new workforce of public housing residents and residents of other federally-assisted rental housing. Based on these factors, Res. No. 207 expresses the Council's belief that the United States Congress should enact H.R. 4224, the "Together We Care Act of 2009."

<sup>1</sup> See H.R. 4224, the "Together We Care Act of 2009," available at <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.4224>:

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 207:)**

##### Res. No. 207

**Resolution calling upon the United States Congress to enact H.R. 4224, the "Together We Care Act of 2009," which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.**

By Council Members Reyna, Mark-Viverito, Chin, Dromm, Fidler, James, Recchia, Rose, Sanders, Williams, Jackson, Rodriguez, Van Bramer, Vann, Arroyo, White, Lander, Mendez, Foster, Nelson, Palma, Crowley, Eugene and Barron.

**Whereas**, The City of New York is currently in the midst of an economic recession; and

**Whereas**, There are many individuals who reside in public housing or federally-assisted rental housing who may be unemployed or underemployed; and

**Whereas**, In these trying economic times it is important the government make every tool available to help the poorest of New Yorkers, particularly those who are residents of public housing or federally-assisted housing developments, move up the economic ladder through job training or employment opportunities; and

**Whereas**, H.R. 4224, the "Together We Care Act of 2009," would create training and employment opportunities for residents of public housing or federally-assisted housing developments by creating a three year pilot home-based health services job training program; and

**Whereas**, The pilot program would be created under the supervision of the United States Department of Housing and Urban Development (HUD); and

**Whereas**, Many residents of public housing and federally-assisted housing developments are elderly or are persons with a disability and in need of home-based health services; and

**Whereas**, There is a severe lack of available providers of home-based health services, and residents of public housing are among the hardest hit as a result of this shortcoming; and

**Whereas**, The competitive grant program that will be run by HUD under this pilot program will also generate opportunities for a broad array of entities, such as public housing agencies, community health centers, and home care provider organizations, as well as faith-based and labor organizations, all of which may apply to receive these funds in order to train this new workforce; and

**Whereas**, An additional benefit focusing on public housing residents and residents of federally-assisted housing developments under the "Together We Care Act" to receive training is that by having such a pilot program residents of public housing who are elderly or persons with a disability could remain in their homes and not have to move to a health care facility and perhaps be cared for by someone they already know; now, therefore, be it



**Resolved,** That the Council of the City of New York calls upon the United States Congress to enact H.R. 4224, the "Together We Care Act of 2009," which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

ROSIE MENDEZ, Chairperson; ERIK MARTIN-DILAN, MARIA DEL CARMEN ARROYO, MARGARET S. CHIN, JAMES G. VAN BRAMER, DANIEL J. HALLORAN, Committee on Public Housing, May 24, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 207** to be adopted.

Adopted unanimously by the Council by voice vote.

### INTRODUCTION AND READING OF BILLS

Int. No. 243

By Council Members Brewer, Lander, Mendez, Palma, Vann, Williams and Rodriguez.

#### **A Local Law to amend the administrative code of the city of New York, in relation to the conversion of residential buildings to other usage.**

Be it enacted by the Council as follows:

Section 1. Title 28 of the administrative code of the city of New York shall be amended by adding a new article 120 to read as follows:

#### ARTICLE 120

##### ALTERATION OF CLASS A MULTIPLE DWELLINGS

§28-120.1 *General.* The commissioner shall not approve construction documents for the material alteration or demolition of a class A multiple dwelling except as set forth in this article.

§28-120.2 *Definitions.* The following words and terms shall, for the purposes of this article and elsewhere in the code, have the meanings shown herein.

**CERTIFICATION OF NO HARRASSMENT.** A certification of no harassment shall mean a certification by the department of housing preservation and development pursuant to section 28-120.3.3.1 of this article that no harassment of any lawful occupants of a class A multiple dwelling occurred during the inquiry period.

**HARRASSMENT.** Harassment shall mean any conduct by or on behalf of an owner of a class A multiple dwelling that includes:

1. the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit or rooming unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;
2. the interruption or discontinuance of essential services which:
  - 2.1. interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit or rooming unit in the use or occupancy of such dwelling unit or rooming unit; and
  - 2.2. causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy;
3. a failure to comply with the provisions of subdivision c of section 27-2140 of the New York city housing maintenance code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such unit or to waive any rights in relation to such occupancy; or
4. any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or rooming unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the dwelling unit or rooming unit; removing the door at the entrance to the dwelling unit or rooming unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

**MATERIAL ALTERATION.** Material alteration shall mean any alteration to a class A multiple dwelling including, but not limited to, an alteration which reduces or increases the floor area of the multiple dwelling, converts floor area from residential to non-residential use, changes the number or layout of dwelling units or rooming units, or adds or removes kitchens or bathrooms; provided, however, that

material alteration shall not include:

1. an incidental alteration which does not change the layout of dwelling units or rooming units; or
2. a repair or replacement of existing elements of such multiple dwelling without materially modifying such elements.

§28-120.3 *Required submittal documents.* The commissioner shall not approve any construction documents for the material alteration or demolition of a class A multiple dwelling unless the applicant provides:

1. A sworn affidavit by or on behalf of all the owners, as such term is defined in section 27-2004 of the New York city housing maintenance code, of such multiple dwelling that there will be no harassment of the lawful occupants of such multiple dwelling by or on behalf of such owners during the construction period;
2. A tenant protection plan as provided for in this code; and
3. One of the following documents from the commissioner of housing preservation and development:
  - 3.1. A certification that there has been no harassment of the lawful occupants of such multiple dwelling within the thirty-six month period prior to submission of an application for such certification to the department of housing preservation and development, provided, however, that such certification shall except any portion of such thirty-six month period during which title was vested in the city; or
  - 3.2. A waiver of such certification issued pursuant to the provisions of section 27-2093 of this code.

§28-120.4 *Filing process.* After submitting an application for construction document approval to the commissioner and obtaining the identifying job number for the same, the applicant shall forward a copy of such application to the commissioner of housing preservation and development, together with an application for a certification of no harassment.

§28-120.5 *Time period for acceptance or rejection.* The time period in which the commissioner is required to approve or reject an application for construction document approval or resubmission thereof pursuant to this code shall commence from the date that the commissioner receives either the certification or waiver pursuant to this article.

§28-120.6 *Denial of certification.* Where the commissioner of housing preservation and development denies the certification required by this article, the commissioner shall reject the application for construction document approval.

§28-120.7 *Request for stop-work or rescission.* The commissioner shall be empowered to issue a stop-work notice or order with respect to a material alteration or demolition permit and/or to rescind approval of construction documents at the request of the commissioner of housing preservation and development pursuant to section 27-2093 of the New York city housing maintenance code.

§28-120.8 *Effect of denial or rescission.* Where the commissioner rejects or rescinds the approval of construction documents pursuant to this article, no further application for the covered categories of work shall be considered by the commissioner for a period of thirty-six months following the date of the denial of the certification of no harassment by the commissioner of housing preservation and development or the date of the rescission of such certification of no harassment by such commissioner.

§ 2. Section 27-2093 of article 1 of subchapter 4 of the New York city housing maintenance code is amended to read as follows:

§ 27-2093 *Certification of no harassment with respect to single room occupancy or class A multiple dwellings.* a. For the purposes of this section, "harassment" shall mean any conduct by or on behalf of an owner of a single room occupancy or class A multiple dwelling that includes:

- (1) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (2) the interruption or discontinuance of essential services which (i) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit in the use or occupancy of such dwelling unit; and (ii) causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (3) the failure to comply with the provisions of subdivision c of section 27-2140 of article seven of subchapter five of this code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to waive any rights in relation to such occupancy; or
- (4) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to surrender or waive any rights in relation to such occupancy including but not limited to removing the possessions of any occupant from the dwelling unit; removing the door at the entrance to the dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

b. For the purposes of any hearing held pursuant to this section, any of the acts or omissions described in paragraphs, one, two, three and four of subdivision a of this section which are committed at a single room occupancy or class A multiple

dwelling shall be presumed to be committed by or on behalf of the owner of such multiple dwelling and it shall be presumed that such acts or omissions were committed with the intent to cause a person lawfully entitled to occupancy of a dwelling unit in such multiple dwelling to vacate such unit or to surrender or waive a right in relation to such occupancy.

c. The commissioner shall certify whether there has been no harassment of the lawful occupants of a single room occupancy multiple dwelling, as such term is defined in section 27-198 of article nineteen of subchapter one of the building code, or of a class A multiple dwelling, as such term is defined in section 27-2004 of the New York city housing maintenance code, during the thirty-six month period prior to the date of the submission of an application for a certification of no harassment by an owner of such multiple dwelling. With respect to an application for a certification of no harassment which is submitted pursuant to paragraph three of subdivision b of section 27-198 of article nineteen of subchapter one of the building code, the date of submission of such application shall be deemed to be the date of submission of an application for plan approval.

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

Referred to the Committee on Housing and Buildings.

Int. No. 244

By Council Members Brewer, Dickens, Foster, Gonzalez, Koppell, Lander, Mendez, Palma, Vann and Rodriguez.

**A Local Law to amend the New York city charter, in relation to accepting legally blind applicants for New York city disability parking permits.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 15 of subdivision a of section 2903 of the New York city charter is amended to read as follows:

(a) The commissioner shall issue a special vehicle identification parking permit to a New York city resident who requires the use of a private automobile for transportation and to a non-resident who requires the use of a private automobile for transportation to a school in which such applicant is enrolled or to a place of employment, when such person has been certified by the department of health and mental hygiene or a provider designated by the department or the department of health and mental hygiene, who shall make such certification in accordance with standards and guidelines prescribed by the department or the department of health and mental hygiene, as having a permanent disability seriously impairing mobility. A permit shall be issued to such person upon his or her application. A permit shall also be issued to such person upon application made on such person's behalf by a parent, spouse, domestic partner, guardian or other individual having legal responsibility for the administration of such person's day to day affairs. Any vehicle displaying such permit shall be used exclusively in connection with parking a vehicle in which the person to whom it has been issued is being transported or will be transported within a reasonable period of time. Such permit shall not be transferable and shall be revoked if used on behalf of any other person. Any abuse by any person to whom such permit has been issued of any privilege, benefit or consideration granted pursuant to such permit, shall be sufficient cause for revocation of said permit. *For purposes of this paragraph, "permanent disability seriously impairing mobility" shall include, but not be limited to, an individual who is legally blind, within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), an individual who has significant visual impairment described in section 751 of the Rehabilitation Act of 1973 (29 U.S.C. 796j), or an individual who is eligible for benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of blindness.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 245

By Council Members Brewer, Chin, Ferreras, Foster, Mendez, Palma, Recchia, Williams and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to improving the health and safety of nail salon employees.**

*Be it enacted by the Council as follows:*

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

§17-196 *Health and safety of nail salon employees. a. Definitions. For the purposes of this section:*

1. "Nail salon" shall mean any business in the practice of providing services for a fee or any consideration or exchange to cut, shape or to enhance the

appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

2. "Nail salon product" shall mean any chemical product used in a nail salon to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

3. "Material safety data sheet" shall mean a written form containing data regarding the properties of a particular substance, including such substance's toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill and leak safety procedures.

b. The department shall require every owner of nail salons within the city of New York to provide his or her employees with the proper safety equipment for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nail enhancements. Such equipment shall include but not be limited to disposable nitrile gloves or the glove types recommended by the material safety data sheets for products that may cause skin irritation and charcoal dust masks for use when filing or shaping artificial nails or the type of dust mask that is recommended in the product material safety data sheets of products that may cause respiratory irritation. All nail salon employers shall be required to ensure that proper ventilation at each work station, through the use of an effective ventilation system, is provided and functioning at all times during business hours.

c. The department shall mandate that the owner of a nail salon post signs in such owner's nail salon that detail the proper health and safety procedures for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nails and that include information about the effects of exposure to nail care cosmetics and to airborne dust particles. The signs shall be posted conspicuously in accordance with the rules of the department and shall be printed in English, Spanish and any other languages that the commissioner deems appropriate. The procedures and information printed on such signs shall include, but not be limited to: 1) recommending that employees wear disposable gloves when handling certain products that may irritate the skin; 2) recommending that employees wash hands before and after handling certain products that may irritate the skin; 3) recommending that employees wear dust masks when filing or shaping artificial nails; 4) requiring nail salon employers to turn on the ventilation system at each work table during work hours; 5) requiring that nail salon products be stored in small-sized, labeled containers, and kept in tightly-closed containers when not in use; and 6) providing information regarding the harmful effects of exposure to pregnant women from the chemicals found in nail salon products such as acetone, acrylates and phthalates.

d. The department shall conduct a study of the working conditions of nail salons in the city of New York. The study shall include, but not be limited to information regarding best practices for nail salon employers and employees, the use of proper safety equipment by nail salon employees, the health effects of nail salon products, past incidents where nail salon employees were harmed as a result of exposure to nail salon products and recommendations for improving nail salon safety within the city of New York. Within one year of the effective date of this local law, the department shall submit the findings of such study to the council.

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

§3. This local law shall take effect one hundred and eighty days after its enactment; provided, however, that the department shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 246

By Council Members Brewer, Chin, Fidler, Gentile, Koppell, Lander, Mark-Viverito, Mendez, Palma, Williams, Nelson and Rodriguez.

**A Local Law to amend the New York city charter in relation to extending the time limits during July and August for community board action with respect to the uniform land use review procedure.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions e and g of section one hundred ninety-seven-c of the New York city charter are hereby amended to read as follows:

e. Each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section,

- (1) notify the public of the application in a manner specified by the city planning commission pursuant to subdivision i of this section, and
- (2) either (a) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or (b) where authorized by

this charter, submit a written waiver of the right to conduct a public hearing and to submit such written recommendations to the commission and the affected borough president.

*The sixty day time limitation shall be suspended during the months of July and August. In calculating the sixty days, the time period commencing on the first day of July and ending on the first day of September inclusive, shall be considered one day.*

g. [Not] *Except during the sixty-day suspension period specified in subdivision e, not later than thirty days after the filing of a recommendation or waiver with the borough president by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.*

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Res. No. 241

**Resolution calling on the New York State Department of State to promulgate standards and rules concerning the sanitization of mattresses that include requirements sufficient to eradicate bedbugs in reconditioned mattresses before their sale.**

By Council Members Brewer, Chin, Ferreras, Fidler, Foster, Gentile, Gonzalez, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Sanders, Vann, Nelson and Rodriguez.

**Whereas**, Also known as Cimex lectularius, the bed bug is a wingless blood-feeding parasite that preys on humans and other animals, and can dwell within such objects as clothing, furniture and bedding; and

**Whereas**, Bed bugs, which are immune to most standard-issue pesticides, often feed on humans during the night by piercing their skin while they sleep; and

**Whereas**, The average female bed bug can lay up to five eggs a day, which take only 17 to 28 days to hatch and which are impervious to the stronger pyrethrin pesticides until they are born; and

**Whereas**, Methods for eliminating bed bugs include such costly options as replacing the exterior of a mattress with untainted material, baking a mattress at 150°F for forty-five minutes, and treating a mattress in a fumigation chamber; and

**Whereas**, In 2009, 311 fielded 33,772 calls concerning bed bugs, a 54 percent increase from the previous year; and

**Whereas**, Two-hundred forty-three New York City public schools were treated for bed bugs in Fiscal Year 2009, a 100 percent increase from the previous fiscal year; and

**Whereas**, Though bed bugs are not known for spreading disease, they are associated with high levels of stress, anxiety, depression and fatigue, and in some cases can cause dermal inflammations and infections as well as anemia; and

**Whereas**, The New York City Department of Consumer Affairs estimates that approximately half of the 261 second-hand bedding dealers registered in New York State are licensed to operate in New York City; and

**Whereas**, Laws governing the sale, registration and sanitization of used bedding fall under the purview of the New York State Department of State (“NYS DOS”); and

**Whereas**, Article 25-A of the New York State General Business Law (“Article 25-A”) requires that every person engaged in the sale of used bedding file a notice with the NYSDOS that affirms that it has sanitized the bedding in accordance with standards established in regulation by the NYSDOS in consultation with the New York State Department of Health (“NYSDOH”); and

**Whereas**, Despite being enacted over a decade ago, the rules concerning the standards for adequate sanitization of bedding have not yet been promulgated pursuant to Article 25-A; and

**Whereas**, In order for persons and businesses engaged in the resale of bedding in New York State to be prevented from endangering the health and safety of New Yorkers, it is imperative that the NYSDOS and the NYSDOH establish clear standards concerning the sanitization of mattresses; now, therefore, be it

**Resolved**, That Council of the City of New York calls upon the New York State Department of State to promulgate standards and rules concerning the sanitization of mattresses that include requirements sufficient to eradicate bedbugs in reconditioned mattresses before their sale.

Referred to the Committee on Consumer Affairs.

Int. No. 247

By Council Members Comrie, Vann, Brewer, Koslowitz, Palma, Recchia and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of tickets to individual consumers by operators of**

**theater, music, or sporting events taking place in New York City at places of entertainment.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Intent. The Council finds and declares that transactions involving the purchase of tickets for admission to places of entertainment are a matter of public interest and subject to the supervision of New York City for the purpose of safeguarding the public against fraud, unequal treatment, and similar abuses. Since 2007, when New York State repealed its ban on ticket resale, the secondary ticket market has grown exponentially. New York City consumers currently must compete against ticket resale agencies or ticket brokers to purchase tickets to musical, sporting or athletic events taking place throughout the City. Ticket resale agencies and ticket brokers often use computer software to purchase tickets in bulk, giving themselves an unfair advantage over individual purchasers and creating a secondary market in ticket sales that gouges consumers by charging several times the face value for tickets.

In order to ensure that individuals are able to obtain tickets to events in New York without paying exorbitant prices to ticket resellers, the Council finds that it is necessary to require operators of New York City venues at which musical, sporting or athletic events take place to reserve at least fifteen percent of available tickets for sale at their on-site box office for sale to individual consumers and require such sales be limited to the purchase of no more than four tickets per day per individual consumer.

§2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 16 to read as follows:

**SUBCHAPTER 16**

**TICKET SALES AT PLACES OF ENTERTAINMENT**

**§ 20-810 Definitions.**

**§ 20-811 Ticket Sales.**

**§ 20-812 Record Keeping.**

**§ 20-813 Penalties.**

**§20- 814 Conduct or Behavior Policies.**

**§20-810 Definitions.** *As used in this section the term: a. “Entry fee” shall mean the price fixed for a ticket at the time of initial sale by the operator of any place of entertainment for admission to an event.*

*b. “Event” shall mean all forms of entertainment at places of entertainment including, but not limited to, musical performances, concerts and all types of sporting or athletic events taking place in New York City. Event shall not mean any kind of performance regularly scheduled to take place on a daily basis at the same venue over the course of one or more weeks.*

*c. “Individual consumer” shall mean any person seeking to purchase tickets for personal use.*

*d. “Operator” shall mean any person who owns, leases, operates, or controls a place of entertainment or who promotes or produces an event to be held in a place of entertainment in New York City.*

*e. “Physical structure” shall mean the place of entertainment, or in the case where a structure either partially or wholly surrounds the place of entertainment, such surrounding structure.*

*f. “Place of entertainment” shall mean any privately or publicly owned, leased, or operated location in New York City that has a permanent seating capacity in excess of three thousand persons, including, but not limited to, a theater, stadium, arena, racetrack, or other place where performances, concerts, athletic games or contests are held for which an entry fee is charged.*

*g. “Sell” shall mean to dispose of a ticket in exchange for money or other valuable consideration via any medium, including, but not limited to, the Internet, box office, television, radio, newspaper, magazine, through the Internet, box office, television, radio, or the media of a newspaper, magazine, circular, pamphlet, catalogue, display, letter, or handbill.*

*h. “Ticket” shall mean a license, issued by the operator of a place of entertainment, for admission to the place of entertainment at the date and time specified thereon, subject to the terms and conditions specified by the operator, which is offered for sale to the general public, and is not sold as part of a season ticket, corporate or luxury box, or subscription package.*

**§20-811 Ticket Sales.** *a. No operator, or agent or employee thereof, with the intent to sell tickets to an event held in a place of entertainment for which an entry fee is imposed, shall sell tickets to such event unless fifteen percent of the total number of tickets made available for purchase are reserved for sale to individual consumers at such place of entertainment’s on-site box office. Such on-site sales shall be limited to the purchase of no more than four tickets per day per individual consumer.*

*b. Each ticket purchased from an on-site box office shall have printed on its face the date and time of sale.*

**§20-812 Record Keeping.** *a. Any operator, or agent or employee of a place of entertainment with the intent to sell or in any way dispose of tickets to an event for which an entry fee is charged, shall maintain records disclosing the following information:*

*i. total number of tickets available for sale to individual consumers at the on-site box office;*

*ii. the location of the corresponding seat for each ticket made available for sale at the on-site box office; and*

iii. the total number of tickets available for sale or expected to be made available for sale to individual consumers through any medium.

b. All such records shall be available for inspection to the commissioner or to his or her duly designated representatives for a period of six months from the date of the offer of sale of the ticket or tickets.

c. The failure of an operator, or agent or employee of a place of entertainment to produce such records upon request of the commissioner in order to substantiate such operator's representation of ticket availability shall create a rebuttable presumption of the failure to comply with the provisions of this subchapter.

**§20-813 Penalties.** Any person who violates any provision of this subchapter or of any rule promulgated thereunder, shall be liable for a civil penalty not to exceed the amounts specified in section 20-703 of this chapter.

**§20-814 Conduct or Behavior Policies.** Nothing in this section shall be construed to prohibit an operator of a place of entertainment from maintaining and enforcing any policies regarding conduct or behavior at or in connection with a place of entertainment or physical structure.

§3. This local law shall take effect 120 days after enactment, except that the commissioner of consumer affairs 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 Consumer Affairs.

Res. No. 242

**Resolution commemorating the life and legacy of legendary entertainer and civil rights activist, Lena Horne.**

By Council Members Comrie, Vann, Barron, Brewer, Chin, Dickens, Ferreras, Fidler, Foster, Gentile, Gonzalez, Koppell, Koslowitz, Lander, Mark-Viverito, Mendez, Nelson, Palma, Sanders, Van Bramer, Williams and Rodriguez.

**Whereas,** Lena Horne, renowned singer, actress, dancer and civil rights activist, was one of the most popular African-American entertainers of the twentieth century; and

**Whereas,** A woman of great beauty and commanding stage presence, she performed in nightclubs, concert halls and movies, on radio and television, and on Broadway; and

**Whereas,** Lena Horne was born in the Bedford-Stuyvesant neighborhood of Brooklyn, New York on June 30, 1917; and

**Whereas,** The Hornes were an established middle class, well-educated family, with distinguished positions in organizations such as the National Association for the Advancement of Colored People (NAACP) and the National Urban League; and

**Whereas,** Lena Horne attended Girls' High School, an all-girls public high school in Brooklyn which has since become Boys and Girls High School; and

**Whereas,** At age 16, Ms. Horne joined the dance chorus at the famous Cotton Club in Harlem, New York; and

**Whereas,** A year after joining the Cotton Club, she made her Broadway debut in 1934; and

**Whereas,** Lena Horne's major film career began in 1942, shortly after being discovered by Hollywood talent scouts while singing at the Manhattan nightclub Café Society; and

**Whereas,** Ms. Horne was signed to a seven-year contract with the movie studio Metro Goldwyn Mayer (MGM) and was the first black performer to be signed to a long-term contract by a major Hollywood studio; and

**Whereas,** She also became the highest-paid African-American entertainer in the United States at that time; and

**Whereas,** She appeared in a number of MGM musicals, but was never featured in a leading role because of her race and the fact that films featuring her had to be re-edited for viewing in states where theaters could not show films with black performers; and

**Whereas,** Despite the harsh limitations imposed on African-Americans in 1930s and 1940s Hollywood movies, Ms. Horne refused to take on any roles that were disrespectful to her as a woman of color, and she gained national and international appeal; and

**Whereas,** After her tenure with MGM ended in 1950, she was blacklisted for her political views and unable to appear in films or television for seven years, but still maintained a lucrative career off screen as a recording artist and nightclub performer; and

**Whereas,** From the late 1950s through the 1960s, Lena Horne became a staple of TV variety shows, appearing multiple times on Perry Como's Kraft Music Hall, The Ed Sullivan Show, and The Dean Martin Show; and

**Whereas,** After leaving Hollywood, Lena Horne established herself as one of the premiere nightclub performers; and

**Whereas,** She headlined at clubs and hotels throughout the U.S., Canada, and Europe, including the Waldorf-Astoria in New York; and

**Whereas,** The album "Lena Horne at the Waldorf-Astoria," was recorded during a well-received eight-week run in 1957, reached the Top 10 and became the best-selling album by a female artist in the history of the RCA Victor label; and

**Whereas,** She continued to perform and record songs into the 1990s, for RCA and other record labels, notably United Artists and Blue Note; and

**Whereas,** In 1981, Ms. Horne won a Tony award for her one-woman show on Broadway titled, "Lena Horne: The Lady and Her Music," which ran for 14 months, and also won two Grammy awards for the recording of her show; and

**Whereas,** She also holds the record for the longest-running solo performance in Broadway history; and

**Whereas,** Ms. Horne received several awards throughout her career, including the Kennedy Center Honors in 1984 for extraordinary talent, creativity and perseverance, the Grammy Lifetime Achievement Award in 1989, and the NAACP award for outstanding jazz artist in 1999, and in that same year she was honored with an all-star salute at Lincoln Center's Avery Fisher Hall in New York City; and

**Whereas,** Lena Horne was also long involved in civil rights activism; and

**Whereas,** During World War II, when entertaining the troops for the USO, she spoke out against the mistreatment of black soldiers and refused to perform for segregated audiences or for groups in which German POWs were seated in front of African-American servicemen; and

**Whereas,** After the war, Ms. Horne worked on behalf of Japanese-Americans who also faced discrimination; and

**Whereas,** Lena Horne also worked with Eleanor Roosevelt to pass anti-lynching laws; and

**Whereas,** During the 1960s, Ms. Horne was involved in the American Civil Rights Movement, and performed at rallies in the South and throughout the United States; and

**Whereas,** She also participated in the historic March on Washington in 1963, where she spoke and performed on behalf of the NAACP, the Student Nonviolent Coordinating Committee (SNCC), and the National Council of Negro Women; and

**Whereas,** Lena Horne died on May 9, 2010, at the age of 92 at the New York Presbyterian Hospital in New York City; and

**Whereas,** Lena Horne was an outstanding woman who took pride in her heritage, refused to compromise her principles, and broke down racial barriers in the film and music industries; and

**Whereas,** Her extraordinary talent, elegance, grace and dignity, as well as her dedication to ensuring equality for all Americans, has made her a legendary figure; now, therefore, be it

**Resolved,** That the Council of the City of New York commemorates the life and legacy of legendary entertainer and civil rights activist, Lena Horne.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 243

**Resolution calling upon the United States Congress to enact H.R.3734, the "Urban Revitalization and Livable Communities Act," which would authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes.**

By Council Members Eugene, Barron, Brewer, Chin, Dickens, Fidler, Foster, Gentile, Lander, Mendez, Nelson, Palma, Reyna, Vann, Williams and Rodriguez.

**Whereas,** According to the 2000 United States Census, 79 percent of the population of the United States lives in urban areas; and

**Whereas,** The quality of life in urban areas is closely related to the availability of fully functional park and recreation systems including land, facilities, and programs; and

**Whereas,** Residents of urban areas need close-to-home recreation opportunities that are adequate to specialized urban needs, with parks and facilities properly located,

developed, and well-maintained; and

**Whereas,** Inadequate federal financing of urban recreation programs has led to the

deterioration of facilities, non-availability of recreation services, and an inability to adapt

recreation programs to changing circumstances; and

**Whereas,** According to the Centers for Disease Control and Prevention (CDC), over the last 25 years, rates of obesity have more than tripled among adolescents ages 12 to 19 and doubled among adults ages 20 to 74 and children ages 6 to 11; and

**Whereas**, The CDC also found that the creation of, or enhanced access to, places for physical activity led to a 25.6 percent increase in the percentage of people exercising on 3 or more days per week; and

**Whereas**, Physical activity can improve physical and mental health; and

**Whereas**, The annual costs of medical spending and lost productivity from individuals in the United States being obese and overweight are estimated by the CDC to be \$139,000,000,000; and

**Whereas**, local parks and recreation facilities play key roles in improving the health of the population of the City of New York by providing convenient access to the places, spaces, and opportunities that lead to increased physical activity; and

**Whereas**, According to the Juvenile Justice Bulletin, without structured, supervised activities in the after-school hours, youth are at greater risk of being victims of crime or participating in anti-social behaviors; and

**Whereas**, Juveniles are at the highest risk of being a victim of crime between 2:00 p.m. and 6:00 p.m., and the peak hour for juvenile crime is between 3:00 p.m. and 4:00 p.m., the first hour after most students are released from school; and

**Whereas**, The National Youth Violence Prevention Resource Center reported that students who spend no time in extracurricular activities, such as those offered in after school programs, are 49 percent more likely to have used drugs and 37 percent more likely to become teen parents than are those students who spend 1 to 4 hours per week in extracurricular activities; and

**Whereas**, The Urban Revitalization and Livable Communities Act will help enhance urban areas through economic development; prevent chronic diseases, including cardiovascular disease, diabetes, depression, and obesity; and improve recreational areas and facilities and expand recreation services in urban areas with a high incidence of crime and to help expand recreation opportunities for at-risk youth; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to enact H.R.3734, the "Urban Revitalization and Livable Communities Act," which would authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes.

Referred to the Committee on Community Development.

Int. No. 248

By Council Members Fidler, Brewer, Chin, Gentile, Koppell, Lander, Mark-Viverito, Nelson, Sanders, Vann, Williams, Rodriguez, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 208 to read as follows:

*§4-208 Inventory of city-owned real property. a. The heads of all agencies shall provide the department of citywide administrative services with a complete list of all real property assets under each agency's management or control by the first day of November of 2011 and by the first day of November every two years thereafter. The heads of all agencies shall also notify the department of citywide administrative services on an ongoing basis of any changes relating to the real property assets under each agency's management or control that may occur in the period between the biennial reports required by this local law.*

*b. Not later than the thirtieth day of January of 2012, the department of citywide administrative services shall make public on or through the city's website, at no charge and in a sortable and searchable format, a complete inventory of all real property owned by the city and shall thereafter regularly update such inventory to include information received as a result of the reporting requirements of this local law. Such inventory shall include sufficient information about each real property asset to reasonably determine the current use of such real property asset and its potential for other uses.*

*c. The department of citywide administrative services shall consult with affected and interested agencies, including community boards, to determine which real property assets owned by the city may be vacant, unused, underused or inefficiently used. Not later than the thirtieth day of January of each year, commencing in 2012, the department of citywide administrative services shall make public and submit to the mayor and the city council a report identifying those real property assets owned by the city that are vacant, unused, underused, inefficiently used, or may be appropriate for another use. Such report shall include, where appropriate, proposals for alternative uses of such real property.*

*d. All agencies shall provide necessary assistance to the department of citywide administrative services in the implementation of this local law.*

§2. This local law shall take effect ninety days from its enactment, except that the commissioner of citywide administrative services shall take all actions necessary

for its implementation, including the promulgation of rules, prior to the effective date.

Referred to the Committee on Governmental Operations.

Res. No. 244

**Resolution in support of pending legislation in the New York State Legislature intended to strengthen regulations governing the sale and licensing of firearms.**

By Council Members Fidler, Brewer, Chin, Foster, Gentile, Koppell, Mark-Viverito, Nelson, Palma, Recchia, Van Bramer, Williams and Koo.

**Whereas**, New York City is a national leader in gun safety and policy initiatives designed to increase public safety in the City; and

**Whereas**, The laws in New York respect the right of an individual to own a firearm while keeping weapons away from those who may abuse that right; and

**Whereas**, New York City has strict regulations surrounding the sale and possession of firearms in order to protect our highly populated urban communities; and

**Whereas**, In 2008, 292 people were shot to death in New York City, down from 347 the year before, continuing a longtime decline in deaths by firearms; and

**Whereas**, The declining number of firearm-related deaths indicates that strong restrictions on guns can positively impact public safety; and

**Whereas**, Despite recent decreases in New York's firearm-related deaths, the onus is on state and local government to further decrease the rate of deaths by firearms; and

**Whereas**, In the wake of tragedies such as the mass shootings in Binghamton, New York and Blacksburg, Virginia it is more important than ever to regulate and control the sale of firearms if New York hopes to avoid similar devastating situations; and

**Whereas**, Certain bills currently pending in the State Assembly and Senate would effect such regulation and control; and

**Whereas**, Senator Eric Adams and Assemblyman Brian Kavanagh are the sponsors of S.5489 and A.3076-B which would broaden provisions relating to eligibility for a firearms license; and

**Whereas**, S.5489/A.3076-B would amend the penal law in order to tighten the eligibility criteria for issuance of a license to carry a firearm as such criteria relate to the mental capacity and mental health of the applicant; and

**Whereas**, S.5489/A.3076-B would require an individual to prove mental stability before being permitted to purchase a firearm in New York and would require a licensed official to investigate claims of competent mental status prior to allowing individuals to purchase firearms; and

**Whereas**, S.5489/A.3076-B additionally create a firearms safety course and testing requirement for any individual who wishes to purchase a firearm in the state of New York; and

**Whereas**, Much like a driving test before one can drive a car, S.5489/A.3076-B would require an applicant to: complete a firearms safety course, pass a test, and show proof of a certificate of completion issued in his or her name and endorsed by an authorized instructor before such an individual could legally possess a firearm in New York State; and

**Whereas**, In addition to S.5489/A.3076-B, Senator Eric Schneiderman and Assemblyman Kavanagh are the sponsors of S.6676 and A.5696-C which would require all employees of gunsmiths and dealers of firearms who sell, handle, or otherwise dispose of firearms to obtain an employment certification form which involves passing a background check administered by the National Instant Criminal Background Check System (NICS); and

**Whereas**, Firearm dealers must participate in NICS in order to be licensed to sell firearms but their employees, who have open access to firearms, never do; and

**Whereas**, This bill would ensure that individuals selling firearms are legally able and responsible enough to own one as well, giving the public more assurance that accountability exists at all levels during the sale of a firearm; and

**Whereas**, These bills would put safeguards in place that would provide for the continued safety of New York residents and guard against the reckless sale and use of firearms that do not belong on the streets of urban centers like New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to strengthen regulations governing the sale and licensing of firearms.

Referred to the Committee on Public Safety.

Int. No. 249



By Council Members Foster, Palma and Nelson.

**A Local Law in relation to the creation of a task force on stepstreets.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and declaration. Stepstreets are sets of stairwells located between avenues to connect streets that have a significant height differential and they may range in size from six steps to one hundred and seventy-one steps. New York City has ninety-four stepstreets, most of them concentrated in neighborhoods in the west Bronx and upper Manhattan.

These stepstreets are of vital importance to the City in that they provide major access for the citizens of New York City, and are vital links to and from subway and bus lines, commercial areas, and residential areas. However, many of the stepstreets in New York City have been neglected by City agencies in terms of repair, maintenance, and safety. There have been a growing number of complaints to local officials and community boards regarding criminal conduct such as drug trafficking, littering, and dumping on the stepstreets. The Department of Education has excluded stepstreets from the walking routes used to calculate whether a student is eligible for public transportation due to problems with safety and maintenance.

The Council finds that there has been a failure to properly maintain stepstreets. Based on this finding, the Council determines that it is necessary to create a task force to repair, maintain, and clean stepstreets.

§2. *Stepstreets Task Force.* a. *There shall be a task force to study the City's stepstreets and to make specific recommendations to the mayor and council for the effective repair, maintenance, safety and cleanliness of stepstreets.*

b. *Such task force shall consist of five members as follows:*

i. *Two members shall be appointed by the mayor, provided that at least one such member shall have experience that relates to the either the repair, maintenance, safety or cleanliness of roadways.*

ii. *Three members shall be appointed by the speaker of the council, provided that at least one member shall have experience that relates to the either the repair, maintenance, safety or cleanliness of roadways.*

iii. *The commissioners of transportation, sanitation and police, or their designees, shall serve ex officio.*

iv. *The members shall be appointed within sixty days of the enactment of this local law.*

v. *At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.*

c. *Each member, other than members serving in an ex officio capacity, shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

d. *The departments of, transportation and police may provide staff to assist the task force.*

e. *No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

f. *Members of the task force shall serve without compensation and shall meet no less than once a month.*

g. *No later than twelve months from the date all members of the task force are appointed, the task force shall submit to the mayor and the speaker of the council a report that shall include their findings, along with legislative and policy recommendations, based upon their review.*

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 250

By Council Members Gennaro, Chin, Palma and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to raising the legal age to buy tobacco to nineteen years.**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The Centers for Disease Control and Prevention (the "CDC") estimates that almost 23% of high school students in the United States are current cigarette smokers and, each day, nearly 4,400 young people between the ages of twelve and seventeen years begin cigarette smoking. According to the American Lung Association, everyday, approximately 40 New York City schoolchildren start smoking, 13 of whom will eventually die from the addiction.

Since many high school students reportedly get their cigarettes from their eighteen year-old classmates, the Council finds that raising the legal age to buy tobacco products to nineteen years will help curb the access of younger teenagers to tobacco and will help prevent them from starting to smoke. Four states - Alabama, Alaska, New Jersey and Utah - have raised the age when teenagers can buy tobacco products from eighteen to nineteen. According to the CDC, in states that increased the smoking age, the rate of teenage smoking has dropped. Additionally, several

counties in New York State increased the legal age to purchase tobacco products to nineteen, including Suffolk County, Rockland County, Nassau County and Onondaga County. A bill to raise the legal purchasing age throughout the State has also been recently introduced in the New York State Legislature.

In raising the legal age to buy tobacco to nineteen years, the Council seeks to augment existing tobacco prevention and control programs, to help prevent the initiation of smoking by teenagers and improve the general health of all New Yorkers.

§2. Section 17-620 of chapter 7 of title 17 of the administrative code of the city of New York is hereby amended to read as follows:

§ 17-620 Sale of tobacco products to minors prohibited. Any person operating a place of business wherein tobacco products are sold or offered for sale must be licensed as required by section 17-617.1 of this code and is prohibited from selling such products to individuals under [eighteen] *nineteen* years of age, and shall post in a conspicuous place a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, ROLLING PAPER OR PIPES, TO PERSONS UNDER [EIGHTEEN] *NINETEEN* YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height. Sale of tobacco products in such places, other than by a vending machine, shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least [eighteen] *nineteen* years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product to an individual under [eighteen] *nineteen* years of age.

§3. Effective date. This local law shall take effect sixty days after its enactment into law.

Referred to the Committee on Health.

Int. No. 251

By Council Members Koppell, Palma, Arroyo, Cabrera, Chin, Dromm, Ferreras, James, Lander, Mendez, Sanders, Mark-Viverito, Foster, Seabrook, Barron, Brewer, Gonzalez, Rivera, Rodriguez, Van Bramer, Vann, Williams, Rose, Jackson and Eugene (by the request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the payment of a living wage to employees employed on property developed by recipients of financial assistance for economic development.**

*Be it enacted by the Council as follows:*

Section 1: Title 6 of the administrative code of the city of New York is amended to add a new section 6-130, to read as follows:

§ 6-130 *Living Wage for Employees in City Financially Assisted Workplaces.*

a. *Short Title. This section shall be known as and may be cited as the "The Fair Wages for New Yorkers Act".*

b. *Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. "City" means the city of New York.

2. "City economic development entity" means a not-for-profit corporation, public benefit corporation, or other entity that is authorized to provide financial assistance, or that provides administrative support related to the provision of financial assistance.

3. "Comptroller" means the Comptroller of the city of New York and its authorized or designated agents.

4. "Entity" or "Person" means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business.

5. "Financial assistance" means financial assistance with a value of \$100,000 or more that is provided to a financial assistance recipient for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either directly by the city, or indirectly by a city economic development entity and that is in whole or in part at the expense of the city. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of buildings or land, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for, and includes both discretionary and as of right assistance. In determining the value of assistance provided, the full value of all city, state and federal assistance received in connection with the project shall be included. Provided, however, assistance that is used exclusively to support an exempt project



shall not constitute financial assistance or be included in determining the value of financial assistance provided.

6. "Financial assistance agreement" means an agreement under which the city or a city economic development entity provides financial assistance to a financial assistance recipient, or leases or sells property owned or controlled by the city or a city economic development entity to a financial assistance recipient for the purpose of economic development. Financial assistance agreement shall also include any written agreement between the city or a city economic development entity and a financial assistance recipient, regardless of whether the financial assistance is actually awarded pursuant to the agreement or received directly from the city or the city economic development entity. Each such agreement shall contain the provisions specified in paragraph 4 of subdivision e of this section.

7. "Financial assistance recipient" means any person, individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, organization or other entity that receives financial assistance, or any assignee or successor in interest of real property improved or developed with financial assistance.

8. "Exempt project" means a project or portion of a project that is used exclusively for affordable housing, or to house a social services organization or an arts or cultural organization.

9. "Covered employer" means:

a. A financial assistance recipient;

b. A tenant, sub-tenant, leaseholder or subleaseholder who occupies real property that is improved or developed with financial assistance;

c. Fee holders or other condominium owners of any portion of real property improved or developed with financial assistance who purchased the property from a prior owner or were assigned the property through foreclosure or other means; or

d. Any person or entity that contracts or subcontracts with a financial assistance recipient to perform work for a period of more than thirty days on the premises of the financial assistance recipient or on the premises of real property improved or developed with financial assistance, including but not limited to temporary services or staffing agencies, food service contractors, and other on-site service contractors. Provided however, that covered employers shall not include any not-for-profit organization that had an annual budget of one million dollars or less in the fiscal year immediately preceding the date that the financial assistance was awarded.

10. "Not-for-profit organization" means a corporation or entity that has tax exempt status under section 501(c)(3) of the United States internal revenue code, has been incorporated under state not-for-profit law, and is in compliance with all applicable federal, state and local laws and regulations.

11. "Employee" means any person employed by a covered employer within the city of New York. This definition includes persons performing work on a full-time, part-time, temporary or seasonal basis, and includes employees, independent contractors, and contingent or contracted workers, including persons made available to work through the services of a temporary services, staffing or employment agency or similar entity. Provided, however, that if the financial assistance is targeted to particular real property, then only persons employed at the real property to which the financial assistance pertains shall be deemed employees. Provided further that persons employed exclusively at or in connection with an exempt project shall not be deemed employees.

12. "Living wage" or "paying a living wage" means an hourly compensation package that is no less than the sum of the living wage rate and the health benefits supplement rate for each hour worked. As of the effective date of the local law that added this section, the living wage rate shall be ten dollars per hour and the supplemental health benefits rate shall be one dollar and fifty cents per hour. Financial assistance recipients must pay employees a minimum hourly wage of no less than the living wage rate. The balance of the hourly compensation package may be provided in the form of wages, health benefits or any combination of the two. The value of any health benefits provided shall be determined based on the prorated hourly cost to the employer of the health benefits provided to the employee. Beginning January 1, 2011 and no later than January 1 of each year thereafter, the living wage rate and the health benefits supplement rate shall be adjusted based upon the twelve-month percentage increases, if any, in the Consumer Price Index for All Urban Consumers for All Items for New York-Northern N.J.-Long Island and the Consumer Price Index for All Urban Consumers for Medical Care for New York-Northern N.J.-Long Island, respectively, (or their successor indexes, if any) as published by the Bureau of Labor Statistics of the United States Department of Labor, based on the most recent twelve-month period for which data is available. The adjusted living wage rate and health benefits supplement rate shall each then be rounded to the nearest five cents, and shall become effective as the new living wage rate and health benefits supplement rate on April 1 of each year.

c. Living Wage Required. 1. It is the policy of the city that jobs supported with financial assistance, whether conferred directly by the city or indirectly by a city economic development entity, should pay wages that allow working New Yorkers to support themselves with dignity. In furtherance of this policy, covered employers shall pay their employees no less than a living wage.

2. Financial assistance recipients shall guarantee that all covered employers operating on their premises or on the premises of real property improved or developed with financial assistance pay their employees no less than a living wage and comply with all other requirements of this section. The requirements of this section shall apply for the term of the financial assistance or for thirty years from the date that the financially assisted project opens, whichever is longer. Where the financial assistance is targeted to particular real property, then the requirements of this section shall apply only for hours worked by employees at or in connection with such real property. The requirements of this section shall not apply to exempt

projects.

d. Notice posting, recordkeeping and retaliation. 1. No later than the day on which any work begins at a work site subject to the requirements of this section, a covered employer shall post in a prominent and accessible place at every work site and provide each employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising employees that if they have been paid less than the living wage rate, they may notify the comptroller to request an investigation. Such notices shall be provided in English, Spanish, and other languages spoken by ten percent or more of a covered employer's employees. The comptroller shall provide the city with sample written notices explaining the rights of employees and covered employers' obligations under this section, and the city shall in turn provide those written notices to covered employers.

2. A covered employer shall maintain original payroll records for each of its employees reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked. Such records shall be maintained for the duration of the period that an employer qualifies as a covered employer and shall be retained for four years after such period. Failure to maintain such records as required shall create a rebuttable presumption that the covered employer did not pay its employees the wages and benefits required under the section. Upon the request of the comptroller or the city, the covered employer shall provide a certified original payroll record.

3. It shall be unlawful for any covered employer to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any employee for reporting or asserting a violation of this section, for seeking or communicating information regarding rights conferred by this section, for exercising any other rights protected under this section, or for participating in any investigatory or court proceeding relating to this section. This protection shall also apply to any covered employee or his or her representative who in good faith alleges a violation of this section, or who seeks or communicates information regarding rights conferred by this section in circumstances where he or she in good faith believes this section applies. Taking adverse employment action against an employee or his or her representative within sixty days of the employee engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any employee subjected to any action that violates this paragraph may pursue administrative remedies or bring a civil action as authorized pursuant to subdivision f of this section in a court of competent jurisdiction.

e. Implementation and reporting. 1. The city shall cause all financial assistance recipients to be contractually obligated to comply with the requirements of this section, and shall not approve any development project that does not comply with such requirements.

2. The city shall include in any contract with a city economic development entity a requirement that such entity shall in turn require all financial assistance recipients to comply with the requirements of this section.

3. Payments in lieu of taxes, or other city funds or real property may not be conveyed to a city economic development entity unless that entity has agreed to require all financial assistance recipients to comply with the requirements of this section.

4. Every financial assistance agreement shall contain provisions: a. Obligating the financial assistance recipient to guarantee that all covered employers operating on their premises or on the real property, improved or developed with financial assistance will pay their employees no less than a living wage, and comply with all other requirements of this section;

b. Granting the city or city economic development entity, as applicable, remedial authority: (1) to rescind the award of and suspend any further disbursement of financial assistance; and (2) to require the financial assistance recipient to repay previously disbursed or received financial assistance, including but not limited to repayment of any taxes or interest abated or deferred, if the financial assistance recipient is found to be in violation of any of the requirements of this section.

5. Each financial assistance recipient shall provide to the comptroller and the city or the city economic development entity that approved or awarded the financial assistance an annual certification, executed under penalty of perjury, stating that all of its employees and all other employees employed by covered employers on its premises or on the property to which the financial assistance pertains are paid no less than a living wage, and providing the names, addresses and telephone numbers of such additional covered employers operating on its premises or on said property. Where the financial assistance applies only to certain property, such statement shall be required only for the employees employed on such property. The statement shall be certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person, and shall be made a part of the award, grant or assistance agreement. Where there are multiple covered employers operating on the premises of a financial assistance recipient or associated with a property to which the financial assistance pertains, each covered employer shall, prior to commencing work at such premises, provide a statement certifying that all the employees employed on that property are paid no less than a living wage. A violation of any provision of the certified statement shall constitute a material violation of the conditions of the financial assistance agreement. Such certification shall also include copies of records indicating the days and hours worked, and the wages paid and benefits provided to each employee. The city agency or city economic development entity approving or awarding the financial assistance shall maintain this information and make it available for public inspection.

6. Within ninety days of the enactment date of the law that added this

section, the department of finance, in consultation with city agencies and the city Council, shall publish a list of available types of financial assistance that are subject to the requirements of this section. Such list shall include, but not be limited to, the types of financial assistance enumerated in section b(5). Such list shall be updated and published as often as is necessary to keep it current.

f. Monitoring, investigation and enforcement. 1. The comptroller shall monitor covered employers' compliance with the requirements of this section, and may upon its own initiative or upon receipt of a complaint investigate specific covered employers. Any employee, individual or organization may file a complaint with the comptroller concerning a violation of this section. The name of any employee identified in a complaint shall be kept confidential as long as possible, and may be disclosed only with the employee's consent. For the purpose of enforcing this section, the comptroller shall have the authority to observe work being performed on the work site, to interview employees during or after work hours, and to examine the books and records relating to the payrolls being investigated to determine whether or not the covered employer is in compliance with this section.

2. Whenever the comptroller has reason to believe that an employee has been paid less than a living wage or has been discriminated or retaliated against in violation of this local law, or upon a verified complaint in writing from an employee, former employee, or an employee's representative, the comptroller shall conduct a hearing to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the state labor law. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 235(2) of the state labor law, request that the city or the city economic development entity that approved the project or awarded the financial assistance withhold any payment due to the financial assistance recipient in order to safeguard the rights of the employees. Based upon such investigation, hearing, and findings, the comptroller shall issue an order, determination, or other disposition, including but not limited to, a stipulation of settlement. Such disposition may:

(a) Direct payment of wages and the monetary equivalent of benefits wrongly denied, including interest from the date of underpayment to the employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year;

(b) Direct payment of a further sum as a civil penalty in an amount not exceeding two hundred percent of the total amount found to be due in violation of this section;

(c) Direct the filing or disclosure of any records that were not filed or made available to the public as required by this section;

(d) Direct the reinstatement of, or other appropriate relief for, any person found to have been subjected to retaliation or discrimination in violation of this section; and

(e) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the financial assistance recipient. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the city general revenue fund.

3. Before issuing an order, determination, or any other disposition, the comptroller shall give notice thereof, together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person affected thereby. The comptroller may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such covered employer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.

4. In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

5. When, pursuant to the provisions of this section, a final disposition has been entered against a financial assistance recipient or other covered employer in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the required wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, such person, and any principal or officer of such person who knowingly participated in such failure, shall be ineligible to receive financial assistance from the city or from a city economic development entity, or to operate as a covered employer on the premises of a financial assistance recipient or on real property improved or developed with financial assistance, for a period of five years from the date of the second disposition.

6. When a final disposition has been made in favor of an employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the comptroller, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the comptroller shall file a copy of such order containing the amount found to be due with the city clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the comptroller in the same manner and with like effect as that prescribed by the state civil practice law and

rules for the enforcement of a money judgment.

7. Upon determining that a covered employer is not in compliance, and where no cure is effected and approved by the comptroller, the comptroller shall provide evidence of the noncompliance to the city or the city economic development entity, as applicable, that approved the project or awarded the financial assistance, and request in writing that the city or the city economic development entity to rescind the award of and suspend any further disbursement of financial assistance, and require the financial assistance recipient to repay previously disbursed or received financial assistance, including but not limited to repayment of any taxes or interest abated or deferred, if the financial assistance recipient is found to be in violation of any of the requirements of this section. Upon receipt of the comptroller's request, the city or the city economic development entity that approved the project or awarded the financial assistance shall take such actions as may be appropriate and provided for by law, rule, or contract, including, but not limited to: declaring the financial assistance recipient in default of the financial assistance agreement; imposing sanctions; or recovering the financial assistance disbursed or provided, including but not limited to requiring repayment of any taxes or interest abated or deferred.

8. When a final disposition has been made and such disposition is in favor of an employee, such employee may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the person found to have violated this section. For any violation of this section, including failure to pay applicable wages, provide required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity, including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable or make-whole relief, reinstatement, injunctive relief, and compensatory damages. The court shall award reasonable attorneys' fees and costs to any complaining party who prevails in such enforcement action. Such action must be commenced within three years of the date of the final disposition of any administrative complaint or action concerning the alleged violation, or if such a disposition is reviewed in a proceeding pursuant to article 78 of the state civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

9. Notwithstanding any inconsistent provision of this section or any other general, specific, or local law, ordinance, city charter or administrative code, an employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount which should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages and benefits received by the employee are received under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

g. Miscellaneous. 1. The provisions of this section shall not apply to any financial assistance that was provided prior to the enactment of the local law that added this section, nor shall they apply to any financial assistance agreement that was entered into prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of the local law that added this section shall make the financial assistance recipient and any other covered employers operating on the premises of the financial assistance recipient or at the real property improved or developed with financial assistance subject to the requirements of this section.

2. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance. To this end, the parts of this section are severable.

3. This section shall be liberally construed in favor of its purposes. This section shall not be construed to preempt or otherwise limit the applicability of any law, policy, contract term or other action by the city or a city economic development entity that provides for payment of higher or supplemental wages or benefits, or for additional penalties or remedies for violation of this or any other law.

Section 2. This local law shall take effect in ninety days.

Referred to the Committee on Contracts.

Int. No. 252

By Council Members Lander, Brewer, Chin, Fidler, Gonzalez, Koppell, Van Bramer and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the City from unnecessarily purchasing bottled water.**

*Be it enacted by the Council as follows:*

Section 1. Statement of findings and purpose. The Council finds that action must be taken to address the negative environmental impact of the bottled water industry. Manufacturing and supplying the plastic water bottles that American consumers utilize requires the use of more than forty-seven million gallons of oil annually. Moreover, billions of plastic water bottles find their way into New York State's landfills, each container requiring a thousand years to safely biodegrade. Recycling these containers requires massive expenditures and the use of additional resources.

Local taxpayers spend millions of dollars annually to operate and maintain the City's various water treatment plants, ensuring that the drinking water is clean and safe for consumption. Accordingly, New York City water consistently ranks high among municipal water supplies for its exceptional quality and taste.

Therefore, the Council finds that the detrimental environmental effects of discarded water containers, as well as the unnecessary cost to taxpayers for the purchase of bottled or "spring" water for city employees, warrants a prohibition against City departments procuring such items as long as a potable municipal water supply exists.

§2. The administrative code of the city of New York is amended by adding a new subchapter 7 to chapter 3 of title 6 to read as follows:

**SUBCHAPTER 7**

**Prohibition on Plastic Water Bottles and Certain Water Dispensers**

§6-317 *Plastic water bottles and certain water dispensers prohibited.* a. *To the extent practicable, each city department and agency shall utilize the city's municipal water supply for such department's or agency's drinking water needs.*

b. 1. *No city department or agency shall procure, purchase or otherwise acquire single serving bottles of water or water dispensers that utilize any water that does not come from the city's municipal water supply, unless the department of environmental protection determines pursuant to subdivision two below that utilizing the city's municipal water supply is not practicable.*

2. *Upon the request of any city department or agency, the department of environmental protection shall evaluate the drinking water from such city department's or agency's municipal water supply and determine whether utilizing such municipal water supply is practicable.*

c. *This section shall not apply to emergency procurements pursuant to section three hundred fifteen of the charter.*

§3. This local law shall take effect ninety days after its enactment into local law provided, however, that prior to such effective date the commissioners of the relevant departments may promulgate rules or take any other action necessary for implementation of this local law.

Referred to the Committee on Contracts.

Int. No. 253

By Council Members Lappin, Brewer, Chin, Ferreras, Fidler, Foster, Koppell, Lander, Mendez, Nelson, Palma, Sanders, Van Bramer, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report on complaints of harassment in the transit system.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; *complaints of sexual abuse (as defined by article 130 of the penal code), forcible touching (as defined by article 130 of the penal code), public lewdness or exposure of a person (as defined by article 245 of the penal code), and unlawful surveillance (as defined by article 250 of the penal code) alleged to have occurred in the transit system (categorized by class of crime alleged) for each patrol precinct and transit district; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the*

narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command.

§2. This local law shall become effective ninety days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 245

**Resolution calling on the New York State Legislature to pass A.10163/S.7050, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.**

By Council Members Mark-Viverito, Lander, Brewer, Chin, Mendez, Palma, Williams and Rodriguez.

**Whereas**, Recent studies conducted by the National Employment Law Project indicated that wage theft costs the average low-wage worker in New York State \$3,016 per year, comprising 15% of his or her annual income; and

**Whereas**, In New York City alone, wage theft losses equal more than \$18.4 million per week, nearly \$1 billion per year; and

**Whereas**, In addition, the same studies indicated that over a quarter of low-wage workers receive less than the legal minimum wage and 67% of low-wage workers who work more than 40 hours per week do not receive time-and-a-half for overtime as required by law; and

**Whereas**, Workers are terrified to speak up for their rights because they often face discharge and other retaliation as a result; and

**Whereas**, The penalties currently in place for employers paying employees less than their correct wage are minimal and do not deter the practice; and

**Whereas**, A.10163 (Heastie)/S.7050 (Savino) was introduced in the New York State Legislature and would amend the State's Labor Law to establish the Wage Theft Prevention Act; and

**Whereas**, A.10163/S.7050 would increase civil and criminal penalties to protect employees and the interest of the workers; and

**Whereas**, This legislation would amend the remedies available to an employee if it is found that an employer is at fault in a claim; and

**Whereas**, Further, this legislation would also amend the civil and criminal penalties that employers may face for violations of New York State's minimum wage or overtime pay laws; and

**Whereas**, New Yorkers deserve to get the pay they work hard for every day and the Wage Theft Prevention Act will help ensure they receive it; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass A.10163/S.7050, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

Referred to the Committee on Civil Service and Labor.

Int. No. 254

By Council Members Oddo, Arroyo, Ignizio, Halloran, Koo, Ulrich, Barron, Chin, Dickens, Foster, Gentile, Greenfield, James, Koppell, Lander, Lappin, Nelson, Reyna, Vacca, Van Bramer, Williams, Garodnick, Jackson, Crowley and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make nurses available to public and private primary and intermediate schools with at least one hundred students.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b and c of Section 17-187 of the administrative code of the city of New York, as added by local law 57 for the year 2004, are amended to read as follows:

b. Primary Schools. The department shall provide on a full-time basis at least one nurse at each public and private primary school which i) had at least [two hundred] *one hundred* students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse be provided; and iii) maintains, pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse can carry out his or her nursing duties.

c. Intermediate Schools. The department shall provide at least one nurse, provided that a nurse has not been provided pursuant to subdivision b of this section, or public health advisor or school health service aide, as appropriate, at each public and private intermediate school which i) had at least [two hundred] *one hundred*

students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse or public health advisor or school health service aide be provided; and iii) maintains pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse or public health advisor or school health service aide can carry out his or her duties.

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

Referred to the Committee on Health.

Int. No. 255

By Council Members Oddo, Ignizio, Ulrich, Koo, Fidler and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-611 of the administrative code of the city of New York is amended by adding a new subdivision 4 and a new subdivision 5 and by renumbering subdivision 4 as subdivision 6 and renumbering subdivision 5 as subdivision 7 to read as follows:

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

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

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

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

4. “Broad tipped indelible marker” shall have the same meaning set forth in subdivision e of section 10-117.

5. “Dealer of graffiti instruments” shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing one or several of the following products: etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s).

[4]6. “Personal information” shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser’s name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

[5]7. “Purchasing records” shall mean all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§2. Subdivision 1 of section 20-612 of the administrative code of the city of New York is amended to read as follows:

1. Every dealer of [etching acid]graffiti instruments shall request valid photo identification from each purchaser of etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s) at the time of such purchase and, if the item purchased is etching acid, shall contemporaneously record in writing or electronically such purchaser’s personal information.

§3. Section 20-613 of the administrative code of the city of New York is amended to read as follows:

**§20-613 Posting notice.** Every dealer of [etching acid]graffiti instruments shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s) shall be required to provide valid photo identification and, if the purchase is of etching acid, their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§4. This local law shall become effective ninety days after its enactment.

Referred to the Committee on Public Safety.

Res. No. 246

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.**

By Council Member Recchia.

**Whereas,** On June 19, 2009 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2010 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 Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program-Community Service Society Initiative within the budget of the Department of Health and Mental Hygiene; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region 7 receiving funding in the amount of \$72,000 within the budget of the Department of Education; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Health and Mental Hygiene; 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 receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; now, therefore, be it

**Resolved,** That the City Council approves the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program receiving funding within the budget of the Department of Health and Mental Hygiene to read: “This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total \$4 million.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Department of Education - District 31, Region 7 receiving local discretionary funding to read: “For various school projects. \$14,250 for Air Conditioning units at Public School 41R; \$5,000 for summer books and training for E-Chalk at Public School 60R; \$4,843.16 for a 77 inch Smartboard (SB6801GEN3W-UNIF) Wall Mounted Projection System at Public School 39R; and \$3,500 for general supplies at Intermediate School 2R.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding to read “\$7,000 will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane H.S. and P.S. 97 affecting nearly 1,000 students. \$8,000 to support GWDC, funds will be used to pay annual operating expenses.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Mental Health and Hygiene to read “The Early Childhood Direction Center (ECDC) of Staten Island University Hospital is an information and referral service for parents of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages.”; and be it further

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

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

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative as set forth in Chart 3, attached hereto as Exhibit C; and be it further

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



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

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation-Operating Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

**Resolved,** That the City Council approves the Initiative Funding transfer, as set forth in Chart 11, attached hereto as Exhibit K.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to Res No. 246 printed in these Minutes following the Report of the Committee of Finance for Res No. 246)

Int. No. 256

By Council Members Reyna, Lander, Mendez, Sanders and Rodriguez.

**A Local Law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph b of subdivision 1 of section 1301 of the New York city charter is amended to read as follows:

b. to serve as liaison for the city with local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contract with a local development corporation under which such local development corporation is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such local development corporation submit to the mayor, the council, the city comptroller, the public advocate and the borough presidents by January 31 of each year, a report for the prior year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of land where the project is estimated to retain or create not less than twenty-five jobs. [With regard to any project for which the project agreement and any other documents applicable to such project have been executed on or after July 1, 2005, the] *The* report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a [lease or] sale of city-owned land, the report shall commence from the date of the [lease or] conveyance of title by the city and shall continue for [seven] *fifteen* years or such longer period as is deemed appropriate by the department, and shall include any terms or restrictions on the use or resale of the property. [For projects in existence prior to July 1, 2005, the report shall be made with regard to each such project for the first seven years from the date when any project agreement or other document applicable to the project is executed by the entity receiving such assistance with such local development corporation and the] *The* report shall contain, for the current reporting year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum

amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as a result of the project, and where applicable, any job creation targets for the current reporting year; (viii) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the project, excluding real property tax revenue other than revenue generated by property tax improvements; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees and to all part-time employees; (xii) for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York[. For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity]; (xiii) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xiv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xv) a statement of compliance indicating whether, during the current reporting year, the local development corporation has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvi) for business entities for which project assistance was provided by such local development corporation in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, or a sale or lease of city-owned land where the project is estimated to retain or create less than twenty-five jobs, the data should be included in such report in the aggregate using the format required for all other loans, grants or tax benefits; and (xvii) an indication of the sources of all data relating to numbers of jobs.

The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the report shall simultaneously be made available in [electronic form] *a commonly available non-proprietary database format* on the website of the local development corporation or, if no such website is maintained, on the website of the city of New York. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the local development corporation, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided.

*For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Small Business.

Int. No. 257

By Council Members Reyna, Brewer, Foster, Koppell and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating the placement of ATM's in front of small businesses and requiring a permit in order to place ATM's on a sidewalk.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-128.2 to read as follows:

§19-128.2 ATM Booth Placement Permits. a. For the purposes of this section, the following term shall be defined as follows:

"Automated Teller Machine Booth" ("ATM booths") shall mean any device linked to the accounts and records of a banking institution that enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.

b. Permit required. On and after the effective date of this local law, it shall be unlawful to install or maintain one or more ATM booths on any public sidewalk without a permit therefore from the commissioner and unless such ATM booths are in compliance with the provisions of this section and any rules promulgated hereunder.

c. ATM booth requirements. The commissioner shall set forth by rule such requirements as he or she deems necessary for ATM booths installed or maintained on any sidewalk pursuant to a permit issued under this section. Such rules may include, but shall not be limited to:

1. Requirements related to an ATM booths' size, shape, appearance, materials, placement, construction, and maintenance.

2. Insurance and indemnification requirements that are imposed on an ATM booth permittee.

3. Requiring surveillance cameras, reflective safety mirrors, and adequate lighting at all non-bank ATMs.

d. Permit fees. Prior to the issuance of a permit to install or maintain one or more ATM booths on any sidewalk, each applicant shall pay to the commissioner a fee as set forth in the rules of the commissioner.

e. Term; transferability.

1. Each permit to install or maintain one or more ATM booths on any sidewalk shall expire three years from the date of issuance thereof.

2. A permit issued hereunder shall not be transferable from person to person.

f. Issuance, renewal, and revocation of permits. After due notice and an opportunity to be heard in writing, the commissioner may refuse to issue or renew a permit to install or maintain one or more ATMs pursuant to this section or may revoke any such permit for one or more violations of this section or the rules promulgated hereunder.

g. Enforcement. Notwithstanding any other provision of law to the contrary, the commissioner may, upon due notice and an opportunity to be heard in writing, serve an order upon the owner or other person in control of an ATM booth requiring such person to bring such ATM booth into compliance with the provisions of this section or any rules promulgated hereunder or remove or cause to be removed such ATM booth within seven days of the issuance of such order. If such person does not bring such ATM booth into compliance with the provisions of this section or any rules promulgated hereunder or remove or otherwise cause to be removed such ATM booth within seven days of the issuance of such order, the commissioner, his or her designee, an authorized officer or employee of any city agency or a police officer, is authorized to provide for the removal of such ATM booth to a place of safety. If such ATM booth is not claimed within thirty days after its removal, it shall be deemed to be abandoned and may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of. ATM booths that are removed pursuant to this subdivision shall be released to the owner or other person lawfully entitled to possession upon payment of the costs for removal and storage and any civil penalty imposed pursuant to section 19-150 of this subchapter for a violation of this section or any rules promulgated thereunder, or, if an action or proceeding for the violation is pending, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any penalty which may be imposed pursuant to section 19-150 of this subchapter.

§2. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 247

**Resolution calling upon the United States Congress to task the relevant agencies with amending the Community Reinvestment Act regulations to provide credits to financial institutions which renegotiate loans for projects on**

**stalled construction sites and help finance affordable housing for middle-income families.**

By Council Members Reyna, Vann, Chin, Dickens, Fidler, Lander, Mendez, Williams, White, Sanders, Dromm, Mark-Viverito, Koppell, Foster and Mealy.

**Whereas**, In 1977, the United States Congress enacted the Community Reinvestment Act (CRA) to encourage federally insured banks, thrift institutions, national banks, state-chartered commercial banks and savings banks to help meet the credit needs of the entire communities throughout the United States, including low and moderate-income communities, through appropriate lending practices; and

**Whereas**, Through the CRA, Congress required that regulated financial institutions must demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business, and that the convenience and needs of communities include reasonable access to credit, as well as reasonable access to deposit services; and

**Whereas**, The CRA has proven to be a social and economic benefit for many communities in need, with over one and a half trillion dollars having been made available to developers and non-profit groups through financial institutions that have been used to build such assets as affordable housing and medical clinics in underserved communities; and

**Whereas**, Although the CRA does not impose explicit penalties or fines for poor performance under the CRA, "the CRA has generated major changes in the manner of which banks and thrifts view and serve low-and moderate-income communities and customers. Billions, perhaps trillions, of dollars of credit has come into these communities, spurred, incited, or directed by the act and collateral laws..." according to Ellen Seidman, the former director of the Office of Thrift Supervision at the Department of the Treasury; and

**Whereas**, Due to the current economic recession, many construction projects are experiencing a slow-down or a complete work stoppage; and

**Whereas**, The work stoppage has led to many stalled construction sites across the City due to restrictive lending by financial institutions subject to CRA requirements; and

**Whereas**, In these trying economic times it is important that the government make every tool available to help communities continue to sustain themselves, to grow and continue to maintain the highest quality of life possible; and

**Whereas**, Many communities contain stalled construction sites, which could be used to provide affordable low- and middle-income housing; and

**Whereas**, One way to turn stalled construction sites into affordable middle-income housing would be to amend the Community Reinvestment Act (12 U.S.C. 2901) to encourage financial institutions to agree to providing financial support to developers and non-profit organizations on fair terms for the completion of these stalled projects, which could include both new financing and the renegotiation of terms and existing loans, where the lender could execute a regulatory agreement with the local housing agency to provide affordable middle-income housing for families earning up to 130% of the Area Median Income (AMI) for rental units and 165% of the AMI for units for homeownership; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to task the relevant agencies with amending the Community Reinvestment Act regulations to provide credits to financial institutions which renegotiate loans for projects on stalled construction sites and help finance affordable housing for middle-income families.

Referred to the Committee on Community Development

Int. No. 258

By Council Members Vallone Jr., Gentile, Koppell, Koslowitz, Nelson and Koo.

**A Local Law in relation to the creation of a Street Vendor Advisory Board.**

*Be it enacted by the Council as follows:*

Section 1. Street Vendor Advisory Board. a. There shall be an advisory board to study issues associated with street vendors in New York City and make recommendations to the mayor and council to ensure adequate protections for vendors, small businesses, and residents.

b. Such advisory board shall consist of ten members as follows:

i. Three members shall be appointed by the mayor, provided that at least one such member shall be from the small business community;

ii. Two members shall be appointed by the speaker of the council, provided that at least one such member shall be from the vending industry;

iii. The commissioners of the department of health and mental hygiene, the department of consumer affairs, the department of sanitation, the department of transportation, and the police department, or the designees of such commissioners, shall serve ex officio.

iv. At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.

c. Each member, other than members serving in an ex officio capacity, shall serve for a term of one year, to commence after the final member of the advisory

board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the advisory board shall serve without compensation and shall meet as necessary.

f. The advisory board shall issue a report to the mayor and council no later than one year after the final member of the advisory board is appointed. Such report shall include specific recommendations on the following topics:

- i. Alleviating congestion of vendors in densely populated areas;
ii. Health and safety concerns for vendors, patrons, pedestrians and vehicles;
iii. Enforcement of existing vending laws; and
iv. Neighborhood-based vending districts.
g. The advisory board shall terminate upon the publication of the report.
§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Res. No. 248

Resolution to amend the text of the New York City Zoning Resolution to require a Special Permit to be granted by the City Planning Commission for the installation of telephone exchanges or communications equipment in Residence Districts.

By Council Members Vallone Jr., Fidler, Van Bramer and Halloran.

Whereas, Section 201 of the New York City Charter allows, inter alia, the Land Use Committee of the City Council to file an application for changes to the Zoning Resolution if two-thirds of the members of the Committee shall have voted to do so; and

Whereas, since 1984 Section 22-21 of the Zoning Resolution has required the grant of a Special Permit by the Board of Standards and Appeals ("BSA") for the "Public utility or public service facilities...Telephone exchanges or other communication equipment structures..."; and

Whereas, on July 1, 1998 the Department of Buildings ("DOB") issued Technical Policy and Procedure Notice #3/98 that interpreted Section 22-21 of the Zoning Resolution and held that cellular antennae and related equipment did not require a BSA Special Permit if certain specifications and requirements are met; and

Whereas, as a result of such interpretation and holding by the Department of Buildings, the installation of cellular antennae and related equipment now requires only the filing of an alteration application and the issuance of a permit by DOB; and

Whereas, meaningful public review and input has been effectively removed from the approval process for the installation of cellular antennae and related equipment and such installations have proliferated at an alarming rate; and

Whereas, the City Council Land Use Committee is desirous of re-instituting meaningful public review and input for decisions regarding cellular antennae and related equipment by requiring a Special Permit to be granted by the City Planning Commission pursuant to Section 197c of the Charter; and

Whereas, an application for a change to the text of the Zoning Resolution made by the City Council Land Use Committee will be considered and reviewed in the manner set forth in Section 200 of the Charter and will undergo such environmental review as is required by law; now, therefore, be it RESOLVED that the Land Use Committee hereby approves the filing of an application that will amend the Zoning Resolution of the City of New York in the manner set forth below:

- Underlined matter is new, to be added;
Matter in Strikeout is old, to be deleted;
Matter within # # is defined in Section 12-10
\*\*\* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

22-20
USES PERMITTED BY SPECIAL PERMIT

22-21
By the Board of Standards and Appeals
\* \* \*

R1 R2 R3 R4 R5 R6 R7 R8 R9
R10

Public utility or public service facilities

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public utility stations for oil or gas metering or regulating

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings for access to electric, gas or steam lines

Water or sewage pumping stations

\* \* \*

22-22

By the City Planning Commission

\* \* \*

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public utility or public service facilities

Telephone exchanges or other communications equipment structures

\* \* \*

73-14

Public Service Establishments

In all Residence Districts, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:

\* \* \*

74-611

Telephone Exchanges or Other Communications Structures

In all Residence Districts, the City Planning Commission may permit Telephone Exchanges or other Communications Structures of any size, provided that the following findings are made:

- (a) that there are serious difficulties in locating such use in a nearby district where it is permitted as-of-right;
(b) that such proposed telephone exchanges or communications structures meet or exceed all regulatory requirements of the Federal Communications Commission and the New York State Public Service Commission where applicable;
(c) that the installation of such telephone exchanges or communications structures will be positioned in such a way as to blend harmoniously with surrounding structures and buildings;
(d) that the installation of such telephone exchanges or communications structures will not alter the essential character of the neighborhood or district in which it is proposed to be located.

The City Planning Commission may prescribe additional, appropriate conditions and safeguards to minimize the adverse effects attendant to the granting of such a permit.

Referred to the Committee on Land Use.

Res. No. 249

**Resolution in support of pending legislation in the New York State Legislature intended to amend the penal law in relation to the offense of non-support of a child.**

By Council Members Vallone, Jr., Van Bramer, Halloran and Koo.

**Whereas**, Child support payments are designed to help cover essential living expenses associated with raising a child such as medical, educational, and food expenses; and

**Whereas**, Every year, however, some noncustodial parents fail to pay for child support even though they are required to do so by a court; and

**Whereas**, When a noncustodial parent does not meet this critical financial obligation, it places a huge burden on a custodial parent; and

**Whereas**, In some instances, custodial parents have to resort to applying for public assistance; and

**Whereas**, A custodial parent should not have to endure this burden or worry about finding other ways to obtain money; and

**Whereas**, In order to discourage such behavior, New York State has a system in place to penalize noncustodial parents for failing to comply with child support orders; and

**Whereas**, The court may enforce a child support order against a noncustodial parent by garnishing wages, intercepting unemployment compensation, and withholding state or federal income tax refund refunds, among other sanctions; and

**Whereas**, By intercepting unemployment checks and the like, the court ensures that child support payments are made; and

**Whereas**; Another action the state can take against a noncustodial parent is, in appropriate circumstances, to charge them with the crime of non-support of a child; and

**Whereas**, Under the current law, when such crime is charged, the prosecutor has the burden of proof to show that the noncustodial parent has the ability to pay and that the case is in arrears; and

**Whereas**, Frequently, however, proving the noncustodial parent's ability to pay is difficult, often because that individual successfully hides his or her assets; and

**Whereas**, Daniel Donovan, the District Attorney for Richmond County, stated at a New York City Council Public Safety Committee hearing on March 11, 2010 that exposing the assets of a noncustodial parent can be difficult; and

**Whereas**, Laws pending in the State Legislature, S.7004 and A.10169, would remedy this issue; and

**Whereas**, These bills, sponsored by Senator Andrew Lanza and Assemblywoman Janele Hyer-Spencer respectively, seek to amend the penal law by transferring the burden of proving ability or inability to pay child support to the noncustodial parent; and

**Whereas**, If enacted, these bills would create an affirmative defense to the offense of non-support of a child; and

**Whereas**, Instead of relying on a prosecutor to prove that a noncustodial parent has the ability to pay child support, these bills would force that parent to prove that he or she does not have the ability to pay; and

**Whereas**, By transferring this burden to the party with the most knowledge of the noncustodial parent's personal finances, which is the noncustodial parent him- or herself, these bills would increase the likelihood that noncustodial parents would comply with their child support obligations; now, therefore, be it

**Resolved**, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to amend the penal law in relation to the offense of non-support of a child.

Referred to the Committee on General Welfare.

Res. No. 250

**Resolution calling upon the Department of Education (DOE) to institute a policy that would limit the aggregate amount of homework that is given to elementary and middle grade school children to approximately ten minutes per grade level on any given night, and would include a homework-free night to allow children to participate in other activities, exercise and spend quality time with their families.**

By Council Members Vallone Jr., Barron, Lander and Halloran.

**Whereas**, Numerous books and articles in recent years have questioned the value and amount of homework assigned to school children in the United States; and

**Whereas**, As discussed in an April 2007 New York Times article, a number of recent books and publications have suggested that excessive amounts of homework have a harmful impact on school children, by turning learning into drudgery, diminishing creativity, contributing to childhood obesity and depression, and negatively affecting the quality of family time; and

**Whereas**, According to a 2004 national survey conducted by the University of Michigan and funded by the National Institute of Child Health and Human Development, the amount of time spent on homework by American children ages 6-17 has increased by 51 percent since 1981, while, concurrently, time spent on sports and outdoor activities has declined by more than one-third; and

**Whereas**, Additionally, data from the U.S. Department of Education's National Center for Education Statistics (NCES) shows that, between 1980 and 2002, the percentage of tenth graders nationwide spending more than 10 hours per week on homework increased from 7 to 37 percent; and

**Whereas**, An analysis of the research literature on the effects of homework by Duke University researchers, lead by Duke's Director of Education Dr. Harris Cooper, showed that homework generally has a positive influence on achievement, but found that the positive correlation was much stronger for secondary students - those in grades 7-12 - than for those in elementary school; and

**Whereas**, Notably, this same research review also found that giving students too much homework may diminish its effectiveness, or even cause it to become counterproductive; and

**Whereas**, According to NCES data collected as part of the National Assessment of Educational Progress (NAEP), from 1984 through 2004, fourth graders with no assigned homework have consistently scored higher on the NAEP reading test than those spending more than 2 hours on homework; and

**Whereas**, Further, long term trends in NAEP reading test scores from 1984 through 2004 show little or no difference in achievement between fourth graders spending less than 1 hour on homework compared with those who spend 1-2 hours; and

**Whereas**, Many parents in New York City and elsewhere complain about the nightly struggles over homework that place undue strain on parent-child relationships, as well as the fact that excessive amounts of homework leave little time for other after-school activities, sports, exercise, play and quality family time; and

**Whereas**, A guide jointly developed by the National Education Association and National Parent Teacher Association recommends no more than 10-20 minutes of homework each school day for children in grades K-2 and 30-60 minutes a day for children in grades 3-6; and

**Whereas**, In keeping with these guidelines, Dr. Harris Cooper of Duke University, the most frequently cited researcher on the issue of homework, advocates a policy of 10 minutes of homework a night per grade level, so that a fourth-grader would be assigned 40 minutes of homework a night, while a twelfth grade high school senior would be assigned about two hours; and

**Whereas**, The Department of Education (DOE) currently has no system-wide policy limiting homework, leaving such decisions up to individual schools; and

**Whereas**, Homework policies among individual schools in the New York City public school system vary tremendously in terms of whether they set time limits at all and, if so, the length of time limits established; and

**Whereas**, The 10 minutes of homework per night per grade level rule of thumb is widely recognized and supported by many educators; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Department of Education (DOE) to institute a policy that would limit the aggregate amount of homework that is given to elementary and middle grade school children to approximately ten minutes per grade level on any given night, and would include a homework-free night to allow children to participate in other activities, exercise and spend quality time with their families.

Referred to the Committee on Education

Int. No. 259

By Council Members Van Bramer, Ferreras, Lander and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the time period for parking at parking meters.**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:

§ 19-167.2 *Maximum parking time at parking meters. The maximum time period allowed at a parking space regulated by a parking meter shall be four hours.*

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

Referred to the Committee on Transportation.

L.U. No. 107



By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100155 HAK, an Urban Development Action Area Designation and Project, located at 277, 275 and 273 Kosciuszko Street and the disposition of such property, Borough of Brooklyn, Council District no. 36. 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. 108

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100156 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 36 to facilitate the development of a 6-story community facility with sleeping accommodations. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 109

By Council Member Comrie:

Application no. C 080157 ZMX submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from a C8-3 District to an R7-1 District and establishing within the proposed R7-1 a C2-4 District.

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

L.U. No. 110

By Council Member Comrie:

Application no. 20105516 HKM (N 100278 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2384) by the Landmarks Preservation Commission of the Reformed church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue, as a historic landmark, Council District no. 49.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 111

By Council Member Comrie:

Application no. 20105517 HKM (N 100281 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2340) by the Landmarks Preservation Commission of the Joseph B. and Josephine H. Bissell House, located at 46 W. 55<sup>th</sup> Street, as a historic landmark, Council District no. 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 112

By Council Member Comrie:

Application no. 20105518 HKM (N 100280 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427,

LP-2387) by the Landmarks Preservation Commission of the Brill Building, located at 1619 Broadway, as a historic landmark, Council District no.3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 113

By Council Member Comrie:

Application no. 20105558 HKM (N 100282 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2373) by the Landmarks Preservation Commission of an extension of the Upper East Side Historic District, Council District no. 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

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

ANNOUNCEMENTS:

Thursday, May 27, 2010

★ Addition

Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 1:00 P.M.  
Int 209 - By Council Member Crowley (by request of the Mayor) - A Local Law in relation to the removal or deactivation of fire department alarm boxes.  
Int 210 - By Council Member Crowley and Halloran (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to establishing fees for certain probation services.  
Council Chambers – City Hall ..... Elizabeth Crowley, Chairperson

★ Deferred

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

Friday, May 28, 2010

★ Addition

Committee on ENVIRONMENTAL PROTECTION.....10:00 A.M.  
Int 194 - By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders Jr., Van Bramer and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor.....James F. Gennaro, Chairperson

★ Deferred

Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M.  
Agenda to be announced  
Hearing Room—250 Broadway, 14<sup>th</sup> Floor ..... Elizabeth Crowley, Chairperson

Committee on SANITATION AND SOLID WASTE MANAGEMENT .....10:00 A.M.  
Oversight - Public litter baskets  
Council Chambers – City Hall ..... Letitia James, Chairperson

★ Note Time Change

Committee on IMMIGRATION ..... ★ 10:00 A.M.  
Tour: Bay Parkway Community Job Center  
Location:Bay Parkway @ Shore Parkway  
Brooklyn, NY 11214  
Details Attached.....Daniel Dromm, Chairperson

★ *Deferred*

Committee on **TRANSPORTATION** ..... **1:00 P.M.**  
 Agenda to be announced  
 Council Chambers — City Hall ..... James Vacca, Chairperson

★ *Deferred*

Committee on **HOUSING AND BUILDINGS** ..... **1:00 P.M.**  
 Agenda to be announced  
 Hearing Room — 250 Broadway, 14<sup>th</sup> Floor ..... Erik Martin Dilan, Chairperson

**NEW YORK CITY COUNCIL FISCAL YEAR 2011 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XXXVI & CD-XXXVII Programs for the Fiscal Year 2011 to be held in the Council Chambers, City Hall, as follows:

**Tuesday, June 1, 2010**

★ *Deferred* ★★ *Note Time Changes* ★★★ *Addition*

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 10:00 — 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
★★★ 10:00 - 12:00	Sanitation	Sanitation and Solid Waste Management
12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
12:30 - 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
1:30 - 2:30	Legal Aid	Fire & Criminal Justice Svcs.
★ 2:30 — 3:00	Investigation	Oversight and Investigations
★★ 2:30 - 3:30	Parks & Recreation	Parks & Recreation

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**  
 See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall  
 Hearing Room — 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** ..... **11:00 A.M.**  
 See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall  
 Hearing Room — 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** ..... **1:00 P.M.**  
 See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall  
 Hearing Room — 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**Wednesday, June 2, 2010**

★ *Deferred* ★★ *Note Time Changes*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
★ 10:00 — 11:30	Aging	Aging
★★ 10:00 - 10:30	Medical Examiner	Health
★★ 10:30 - 12:00	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism,

		Drug Abuse & Disability Services and Subcommittee on Drug Abuse
★★ 12:00 - 2:00	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

**Thursday, June 3, 2010**

Committee on **LAND USE** ..... **10:00 A.M.**  
 All items reported out of the subcommittees  
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
 Hearing Room — 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

★ *Deferred*

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Police	Public Safety
12:00 - 1:15	District Attorney / Special Narcotics Prosecutor	Public Safety
1:15 - 1:45	Office of Emergency Management	Public Safety
1:45 - 2:45	Civilian Complaint Review Board	Public Safety
★ 2:45 — 4:45	Sanitation	Sanitation and Solid Waste Management

**Friday, June 4, 2010**

★ *Note Time Changes* ★★ *Deferred* ★★★ *Addition*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Select Committee
★★★ 9:00 - 11:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
★ 11:00 - 12:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Select Committee on Libraries
★ 12:30 - 1:45	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
★ 1:45 - 2:15	Housing Preservation & Development (Expense)	Housing & Buildings
★ 2:15 - 3:00	Housing Preservation & Development (Capital)	Housing & Buildings
★ 3:00 - 4:00	Buildings	Housing & Buildings
★★ 3:00 — 3:45	NYCHA	Public Housing

**Monday, June 7, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 - 1:30	Comptroller	Finance
1:30 - 2:00	Independent Budget Office	Finance

2:00	Public	
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Tuesday, June 8, 2010

Committee on CIVIL RIGHTS..... 1:00 P.M.  
 Res 169 - By Council Members Van Bramer, Brewer, Chin, Dromm, Ferreras, Koppell, Koslowitz, Lander, Rodriguez and Rose - Resolution calling on the United States Congress to pass and the President to sign H.R. 1283, the Military Readiness Enhancement Act of 2009, which would rescind the current "Don't Ask, Don't Tell, Don't Harass, Don't Pursue" policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.  
 Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Deborah Rose, Chairperson

Wednesday, June 9, 2010

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

MEMORANDUM

May 18, 2010

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON IMMIGRATION

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

**Bay Parkway Community Job Center  
 Bay Parkway @ Shore Parkway  
 Brooklyn, NY 11214**

The tour will be on **Friday, May 28, 2010 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:00 a.m. sharp.**

Council Members interested in riding in the van should call Julene Beckford at 212-788-7020.

Daniel Dromm, Chairperson  
 Committee on Immigration  
 Council

Christine C. Quinn  
 Speaker of the  
 Council

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, June 9, 2010.

MICHAEL M. McSWEENEY, City Clerk  
 Clerk of the Council

*Editor's Local Law Note: Int Nos. 37-A, 99, 153-A, and 182, all adopted by the Council at the April 29, 2010 Stated Council Meeting, were signed by the Mayor into law on May 18, 2010 as, respectively, Local Law Nos. 12, 13, 14, and 15 of 2010.*











