

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, OCTOBER 13, 2010

THE COUNCIL

Minutes of the
STATED MEETING

of

Wednesday, October 13, 2010, 3:20 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Crowley and Levin.

Editor's Note: *There is a vacancy in the Council pending the certified results of the scheduled Tuesday, November 2, 2010 Special Election in the 28th Council District (Queens).*

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

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

There were 48 Council Members present at this Stated Meeting held at the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y.

INVOCATION

The Invocation was delivered by Reverend Laura Jervis, First Chinese Presbyterian Church, 61 Henry Street, New York, New York 10002.

I invite you to prayer.

Gracious God, we thank you for this day, for the work you have given us to do, and especially we thank you for this City, which is our chosen home, and whose foundation is built upon tolerance, acceptance, and the promise of a better life. We come from many different places and traditions, to serve the people of your City, with the gifts you have given us. With humility and gratitude, we dedicate our labors to you.

We thank you, oh God, for the examples of excellence in education and sportswomanship you have given us today. We thank you for the extraordinary example of community service and heroism we have witnessed.

We ask that each of these individuals who were honored today may go from strength to strength.

We are grateful for the faithful witness of the First Chinese Presbyterian Church over these 100 years, welcoming waves of immigrants from China, and serving the Chinatown community. And so, we are reminded of the blessings shared by all people of faith, that in this City

we are free to worship as we choose, and to live in a free society.

We thank you for each member of this Council, we recognize the personal sacrifices each have made to hold public office, and the great responsibilities they shoulder.

We ask you to enlighten their minds to know what is true and just, strengthen their wills to fulfill their duties, enlarge their hearts

to care for the most vulnerable among us.

And we pray for the staff who support the work of this body, and serve the constituents in our neighborhoods with diligence and patience.

We lift up the Speaker, Christine Quinn, and ask that you endow her with wisdom and courage

for the challenges she faces on behalf of us all.

We name before you the honorable Margaret Chin, who is a source of great strength and pride to our community.

We thank you for her keen intellect, dedicated to the pursuit of justice for all, and for her commitment to public service.

And now, oh God, as you embrace this City

that you love so much,
lead us all in the ways of justice and peace.
Amen.

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

ADOPTION OF MINUTES

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

MESSAGES & PAPERS FROM THE MAYOR

M-279

Communication from the Mayor - Submitting the name of Roberta Washington to the Council for its advice and consent regarding her reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

August 18, 2010

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Roberta Washington to the City Council for advice and consent prior to her reappointment to the Landmarks Preservation Commission.

When reappointed, Ms. Washington will serve for the remainder of a three-year term expiring on June 28, 2012.

Thank you for reviewing this Landmarks Commission reappointment.

Sincerely,

Michael R. Bloomberg
Mayor

MRB:jb

cc: Robert B. Tierney
Roberta Washington

Referred to the Committee on Rules, Privileges and Elections.

M-280

Communication from the Mayor - Submitting the name of Mark Gjonaj to the Council for its advice and consent regarding his appointment to the Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

October 6, 2010

The Honorable Christine C. Quinn
Council Speaker

City Hall
New York, NY 10007

Dear Speaker Quinn:

Following the recommendation by a majority vote of the Bronx delegation of the City Council, and pursuant to Sections 31 and 2301 of the City Charter, I hereby present the name of Mark Gjonaj for advice and consent prior to his appointment to the Taxi and Limousine Commission.

The appointment of Mr. Gjonaj will be for the remainder of a seven-year term which began on February 1, 2008 and will expire on January 31, 2015.

Sincerely,

Michael R. Bloomberg
Mayor

MRB:jb

cc: Mark Gjonaj

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-281

Communication from the Department of Finance - Submitting Third Party Transfer Program, Staten Island, In Rem Action No. 49, Community District No. 1, Council District No. 49.

[stamped SEP 28 2010]

Honorable Christine C. Quinn
Speaker of the Council
City Council
City Hall
New York, NY 10007
Attention: Gary Altman

Re: Third Party Transfer Program
Manhattan, In Rem Action No. 49
Community District No. 1
Council District No. 49

Dear Madame Speaker:

Enclosed for your review is property ("Transfer Parcel") which is the subject of a final judgment of foreclosure in the referenced In Rem Action.

Pursuant to Administrative Code section 11-412.1, the judgment authorizes the Commissioner of Finance to execute and deliver the deed conveying such Transfer Parcel to the transferee selected by the Commissioner of Housing Preservation and Development. Pursuant to Administrative Code section 11-412.2, the enclosed list identifies the proposed transferee of this Transfer Parcel. Pursuant to Administrative Code section 11-412.2, such conveyance will be deemed approved 45 days from the date hereof unless disapproved by local law during such period.

I recommend approval of this matter provided in Administrative Code section 11-412.2 and request that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

David M. Frankel

DMF:fr

Enclosures

Referred to the Committee on Housing and Buildings.

LAND USE CALL UPS

M-282

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 490-494 LaGuardia Place, Community Board 2, Application 20095547 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-283

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 34 Union Square East, Community Board 5, Application 20115126 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-284

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 100325 ZSK, a special permit, shall be subject to Council review. This application is related to application no. C 100326 HAK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

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

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

REPORTS OF THE STANDING COMMITTEES

Reports 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. 479

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

The Committee on Finance, to which the annexed Land Use resolution was referred on October 13, 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 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”). 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 October 13, 2010, amends the description for the Description/Scope of Services for the Federation of Italian American Organizations of Brooklyn, Ltd., an organization receiving local discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “To provide support for youth soccer.” This Resolution now changes the Description/Scope of Services to read: “To assist the community with filing with Medicaid, food stamps and other entitlements.”

Also, this Resolution amends the description for the Description/Scope of Services for the South Asian Youth Action, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: “To provide services to Southeast Asian youth in the 28th Council District.” This Resolution now changes the Description/Scope of Services to read: “To provide youth programming services.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$7,500 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget read: “Supplement advertising dollars, assist in paying overhead expenses.” This Resolution now changes the Description/Scope of Services to read: “Assist in paying overhead expenses and provide support for marketing of Sunnyside.”

Moreover, this Resolution amends the description for the Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget read: “1) For (Skillman Holiday Lighting) lighting a section of Skillman Avenue during the holiday season; and 2) Graffiti clean-up in Council District 26.” This Resolution now changes the Description/Scope of Services to read: “Graffiti clean-up in Council District 26.”

Further, this Resolution amends the description for the Description/Scope of Services for the Department of Education-District 31, Region 7, an entity receiving local discretionary funding within the Department of Education in the amount of \$40,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: “\$5,000 each for Learning.com at PS 23R, 38R, 39R, 46R, 52R, and 69R. \$5,000 for netbooks at PS 26R. \$5,000 for books at PS 54R.” This Resolution now changes the Description/Scope of Services to read: “\$5,000 each for Learning.com at PS 23R, 38R, 39R, 46R, and 69R. \$5,000 for netbooks at PS 26R. \$5,000 each for books at PS 54R and PS 52R.”

Also, this Resolution amends the description for the Description/Scope of Services for the Department of Education-District 31, Region 7, an entity receiving local discretionary funding within the Department of Education in the amount of \$25,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: "\$5,000 each for books at PS 11R, 41R, 48R, 50R, and 60R." This Resolution now changes the Description/Scope of Services to read: "\$5,000 each for books at 41R, 48R, 50R, and 60R. \$2,500 for Library Books and \$2,500 for Art Mural Program at PS 11R."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Lincoln Square Neighborhood Center, an organization receiving aging discretionary funding in the amount of \$7,500 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Funds would support Education Advising for parents, students, and schools." This Resolution now changes the Description/Scope of Services to read: "Funds would support senior program and services."

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with 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, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2, attached hereto as Exhibit B; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3, attached hereto as Exhibit C; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-10 attached hereto, as reflected in Exhibits D-J; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain local discretionary funding in the Fiscal 2010 Expense Budget, as set forth in Chart 11, as reflected in Exhibit K; and sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain youth discretionary funding in the Fiscal 2010 Expense Budget, as set forth in Chart 12, as reflected in Exhibit L.

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 2011 Expense Budget, dated June 29, 2010, or the 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 funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding.

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

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to a Partial PEG Restoration-Pest Control as set forth in Chart 5, attached hereto as Exhibit E. As indicated in Chart 5, funding in the amount of \$50,000 will be removed from the Department of Health and Mental Hygiene, and be provided to the Fund for Public Health in New York, Inc.

Chart 6 sets forth the new designation of organizations receiving funding in various amounts, totaling \$1,265,000 in the aggregate, pursuant to the Obesity Prevention Initiative.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative. Chart 7 indicates a name correction. The correct name of an organization with EIN 51-0192170 to receive funding in the amount of \$30,952.38 within the budget of the Department of Youth and Community Development is the St. Nick's Alliance Corporation.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Alcoholism/Substance Abuse Initiative. Funding in the amount of \$55,000 for the Catholic Charities Community Services, Archdiocese of New York has been removed, and will be provided to the Catholic Charities Neighborhood Services, Inc.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative. Chart 9 indicates a name correction. The correct name of an organization with EIN 51-0192170 to receive funding in the amount of \$100,000 within the budget of the Department of Small Business Services is the St. Nick's Alliance Corporation.

Chart 10 sets forth the new designation of organizations receiving funding in various amounts, totaling \$700,000 in the aggregate, pursuant to the Coalition of Theatres of Color Initiative.

Chart 11 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.

Chart 12 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 12, the Metropolitan New York Coordinating Council on Jewish Poverty, Inc. will no longer serve as a fiscal conduit for the Jewish Community Council of Kew Gardens and Richmond Hill, Inc., an organization receiving funding in the amount of \$10,214 within the budget of the Department of Youth and Community Development.

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

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 and Fiscal 2011 Expense Budgets. Such resolution would take effect as of their respective dates of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 479:)

Res. No. 479

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

By Council Members Recchia, Comrie and Mealy.

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Federation of Italian American Organizations of Brooklyn, Ltd., an organization receiving local discretionary funding in the amount of \$20,000 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 Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the South Asian Youth Action, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$7,500 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region, an organization receiving local discretionary funding within the Department of Education in the amount of \$40,000 in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region, an organization receiving local discretionary funding within the Department of Education in the amount of \$25,000 in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Lincoln Square Neighborhood Center, an organization receiving aging discretionary funding in the amount of \$7,500 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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 Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Federation of Italian American Organizations of Brooklyn, Ltd., an organization receiving local discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services will now read: "To assist the community with filing with Medicaid, food stamps and other entitlements."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the South Asian Youth Action, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "To provide youth programming services."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$7,500 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget will now read: "Assist in paying overhead expenses and provide support for marketing of Sunnyside."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget will now read: "Graffiti clean-up in Council District 26."; 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, an organization receiving local discretionary funding within the Department of Education in the amount of \$40,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "\$5,000 each for Learning.com at PS 23R, 38R, 39R, 46R, and 69R. \$5,000 for netbooks at PS 26R. \$5,000 each for books at PS 54R and PS 52R."; 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, an organization receiving local discretionary funding within the Department of Education in the amount of \$25,000 in the Fiscal 2011 Expense Budget. The Description/Scope of

Services for such organization listed in the Fiscal 2011 Expense Budget will now read: "\$5,000 each for books at 41R, 48R, 50R, and 60R. \$2,500 for Library Books and \$2,500 for Art Mural Program at PS 11R."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Lincoln Square Neighborhood Center, an organization receiving aging discretionary funding in the amount of \$7,500 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "Funds would support senior program and services."; 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 in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a Partial PEG Restoration-Pest Control Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6, attached hereto as Exhibit F and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7, attached hereto as Exhibit G and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Alcoholism/Substance Abuse Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8, attached hereto as Exhibit H and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9, attached hereto as Exhibit I and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition of Theatres of Color Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10, attached hereto as Exhibit J and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 12, attached hereto as Exhibit L.

ATTACHMENT:

EXHIBIT A

EXHIBIT E

CHART 5: FY 2011 Partial PEG Restoration-Pest Control

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|---------------|-------|-------|
| Department of Health and Mental Hygiene | 13-6400434 | DOHMH | (\$50,000.00) | 816 | 104 |
| Fund for Public Health in New York, Inc. | 05-0539199 | DOHMH | \$50,000.00 | 816 | 104 |
| | | | \$0.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT F

CHART 6: Obesity Prevention Initiative

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|----------------|-------|-------|
| Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE) | 13-6400434 | DOHMH | \$725,000.00 | 816 | 113 |
| Foundation for the Advancement of Cardiac Therapies-Health Corp. | 26-1268563 | DOHMH | \$740,000.00 | 816 | 113 |
| Move to Improve (formerly SPARKS) (DOH) | 13-6400434 | DOHMH | \$160,000.00 | 816 | 113 |
| New York Road Runners Foundation, Inc. | 13-5987949 | DOHMH | \$240,000.00 | 816 | 113 |
| | | | \$1,265,000.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 7: Adult Literacy

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|---------------|-------|-------|
| St. Nicholas Neighborhood Preservation Corporation | 51-0192170 | DYCD | (\$30,952.38) | 280 | 005 |
| St. Nick's Alliance Corporation | 51-0192170 | DYCD | \$30,952.38 | 280 | 005 |
| | | | \$0.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 8: Alcoholism/Substance Abuse

| Organization | EIN Number | Agency | Amount | Agy # | U/A * |
|--|------------|--------|---------------|-------|-------|
| Catholic Charities Community Services, Archdiocese of New York | 13-5562185 | DOHMH | (\$55,000.00) | 816 | 122 |
| Catholic Charities Neighborhood Services, Inc. | 11-2047151 | DOHMH | \$55,000.00 | 816 | 122 |
| | | | \$0.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 9: Small Business and Job Development/Financial Literacy

| Organization | EIN Number | Agency | Amount | Agy # | U/A |
|--|------------|--------|----------------|-------|-----|
| St. Nicholas Neighborhood Preservation Corporation | 51-0192170 | DSBS | (\$100,000.00) | 801 | 002 |
| St. Nick's Alliance Corporation | 51-0192170 | DSBS | \$100,000.00 | 801 | 002 |
| | | | \$0.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT J

CHART 10: Coalition of Theaters of Color

| Organization | EIN Number | Agency | Amount | Agy # | U/A |
|--|------------|--------|--------------|-------|-----|
| Billie Holiday Theatre, Inc. | 11-2335154 | DCA | \$80,000.00 | 126 | 003 |
| Black Spectrum Theatre Company, Inc. | 51-0135262 | DCA | \$80,000.00 | 126 | 003 |
| Forty Greene Avenue Cultural Center, Inc. - Paul Robeson Theatre | 11-2627553 | DCA | \$50,000.00 | 126 | 003 |
| Harlem Artist Development League Especially for You - H.A.D.L.E.Y. Players | 13-3611138 | DCA | \$50,000.00 | 126 | 003 |
| International Arts Relations, Inc. | 23-7212492 | DCA | \$70,000.00 | 126 | 003 |
| National Black Theatre Workshop, Inc. | 13-2632596 | DCA | \$80,000.00 | 126 | 003 |
| Negro Ensemble Company | 13-5216904 | DCA | \$26,000.00 | 126 | 003 |
| New Federal Theatre, Inc. | 13-2814763 | DCA | \$70,000.00 | 126 | 003 |
| New Heritage Theatre Group, Inc. | 13-2663678 | DCA | \$70,000.00 | 126 | 003 |
| Society of the Educational Arts, Inc. | 11-3210593 | DCA | \$52,000.00 | 126 | 003 |
| Thalia Spanish Theatre, Inc. | 23-7446611 | DCA | \$72,000.00 | 126 | 003 |
| | | | \$700,000.00 | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT K

CHART 11: Local Initiatives (Fiscal 2010)

| Member | Organization | EIN Number | Agency | Amount | Agy # | U/A | Fiscal Conduit/EIN |
|----------|---|------------|--------|---------------|-------|-----|--------------------|
| Katz | 112th Precinct Community Council | 11-3415594 | DYCD | (\$3,000.00) | 260 | 312 | 11-2375563 |
| Katz | 112th Precinct Community Council | 11-3415594 | DYCD | \$3,000.00 | 260 | 312 | 23-7259792 |
| Crowley | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | (\$1,500.00) | 260 | 005 | 13-2738818 |
| Crowley | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | \$1,500.00 | 260 | 005 | 13-2738818 |
| Kosowitz | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | (\$17,750.00) | 260 | 005 | 13-2738818 |
| Kosowitz | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | \$17,750.00 | 260 | 005 | 13-2738818 |
| | | | \$0.00 | | | | |

* Indicates pending completion of pre-qualification review.

EXHIBIT L

CHART 12: Youth Discretionary (Fiscal 2010)

| Member | Organization | EIN Number | Agency | Amount | Agy # | U/A | Fiscal Conduit/EIN |
|----------|---|------------|--------|---------------|-------|-----|--------------------|
| Kosowitz | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | (\$10,214.00) | 260 | 312 | 13-2738818 |
| Kosowitz | Jewish Community Council of Kew Gardens and Richmond Hill, Inc. | 13-3944621 | DYCD | \$10,214.00 | 260 | 312 | 13-2738818 |
| | | | \$0.00 | | | | |

* Indicates pending completion of pre-qualification review.

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, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 13, 2010.

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

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 L.U. No. 226

Report of the Committee on Finance in favor of approving 1663 Eastburn Avenue, Block 2794, Lot 15, Bronx, Council District No. 14, 1744 Clay Avenue, Block 2891, Lot 6, Bronx, Council District No. 14, 1804 Weeks Avenue, Block 2800, Lot 1, Bronx, Council District No. 14.

The Committee on Finance, to which the annexed Land Use resolution was referred on October 13, 2010, respectfully

REPORTS:

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

October 13, 2010

TO: Hon. Domenic M. Recchia, Jr.
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of October 13, 2010-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 14, 15, 16, 17, and 18).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: 1663 East Avenue, 1744 Clay Avenue, and 1804 Weeks Avenue located in Council Member Cabrera's District; 1512, 1516, 1520, and 1524 Leland Avenue, 1528 Bryant Avenue, 2254 Crotona Avenue, and 806-808 East 175th Street located in Council Member's Rivera and Palma's District; 1269-1271 Morris Avenue and 621-623, 625-627 Manida Street located in Council Member Foster and Arroyo's District. These properties consist of a portfolio of projects once owned by the Ocelot Capital Group but has since been acquired by Omni New York, LLC after a foreclosure proceeding. The new owner, Omni New York, will establish three separate Housing Development Fund Company's (HDFC) for the entire portfolio of projects and would thus receive three separate tax exemptions. The following is a summary of the tax exemption for each HDFC.

1269-1271 Morris Avenue and 621-623, 625-627 Manida Street contains 4 building that will provide 134 units of rental housing for low income families. The sponsor, OLR MM Housing Development Fund Company will finance the acquisition and rehabilitation of these four properties with loans from the Bank of New York Mellon, HPD, and low income housing tax credits. All units will be rented to families whose incomes do not exceed 60% of area median income. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$139,011 in the first year and \$10.4 million over the 40-year length of the exemption.

1663 Eastburn Avenue, 1744 Clay Avenue and 1804 Weeks Avenue contains 3 building that will provide 116 units of rental housing for low income families. The sponsor, OLR ECW Housing Development Fund Company will finance the acquisition and rehabilitation of these three properties with loans from the New York City Housing Development Corporation, HPD, and low income housing tax credits. All units will be rented to families whose incomes do not exceed 60% of area

median income. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$183,461 in the first year and \$13.8 million over the 40-year length of the exemption.

1512, 1516, 1520, and 1524 Leland Avenue, 1528 Bryant Avenue, 2254 Crotona Avenue, and 806-808 East 175th Street contains 7 building that will provide 150 units of rental housing for low income families. The sponsor, OLR LBCE Housing Development Fund Company will finance the acquisition and rehabilitation of these seven properties with loans from the Bank of New York Mellon, HPD, and low income housing tax credits. All units will be rented to families whose incomes do not exceed 60% of area median income. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$176,668 in the first year and \$13.2 million over the 40-year length of the exemption.

These items have the approval of Council Member's Arroyo, Cabrera, Foster, Rivera and Palma.

Accordingly, this Committee recommends the adoption of L.U. Nos. 226, 227, and 228, along with their respective coupled resolutions.

(Please see the Report of the Committee on Finance for L.U. No. 227 & L.U. No. 228 for text of their respective coupled resolutions; for text of the coupled resolution for L.U. No. 226, please see below:)

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

Res. No. 483

Resolution approving an exemption from real property taxes for property located at 1663 Eastburn Avenue (Block 2794, Lot 15), 1744 Clay Avenue (Block 2891, Lot 6) and 1804 Weeks Avenue (Block 2800, Lot 1) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 226).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 24, 2010 that the Council take the following action regarding a housing project to be at 1663 Eastburn Avenue (Block 2794, Lot 15), 1744 Clay Avenue (Block 2891, Lot 6) and 1804 Weeks Avenue (Block 2800, Lot 1) The Bronx, ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on October 13, 2010;

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

RESOLVED:

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

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

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

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

- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2794, Lot 15, Block 2891, Lot 6 and Block 2800, Lot 1, on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean OLR ECW Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (h) "Partnership" shall mean OLR ECW, L.P.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner providing that, for a term of 50 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 13, 2010.

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

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 L.U. No. 227

Report of the Committee on Finance in favor of approving 1512, 1516, 1520, and 1524 Leland Avenue, Block 3923, Lots 47, 48, 50 & 51, Bronx, Council District No. 18, 1528 Bryant Avenue, Block 3001, Lot 7, Bronx, Council District No. 15, 2254 Crotona Avenue, Block 3101, Lot 21, Bronx, Council District No. 15. 806-808 East 175th Street, Block 2952, Lot 46, Bronx, Council District No. 15.

The Committee on Finance, to which the annexed Land Use resolution was referred on October 13, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Finance for L.U. No. 226 printed in these Minutes.)

Accordingly, this Committee recommends its adoption.

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

Res. No. 484

Resolution approving an exemption from real property taxes for property located at 1512, 1516, 1520, and 1524 Leland Avenue (Block 3923, Lots 47, 48, 50, 51) 1528 Bryant Avenue (Block 3001, Lot 7) 2254 Crotona Avenue (Block 3101, Lot 21) 806-808 East 175th Street (Block 2952, Lot 46) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 227).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 24, 2010 that the Council take the following action regarding a housing project to be located at 1512, 1516, 1520, and 1524 Leland Avenue (Block 3923, Lots 47, 48, 50, 51) 1528 Bryant Avenue (Block 3001, Lot 7) 2254 Crotona Avenue (Block 3101, Lot 21) 806-808 East 175th Street (Block 2952, Lot 46) The Bronx, ("Exemption Area "):

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

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

WHEREAS, the Council held a hearing on the Project on October 13, 2010;

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

RESOLVED:

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

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

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

(a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

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

- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3923, Lots 47, 48, 50 & 51; Block 3001, Lot 7; Block 3101, Lot 21 and Block 2952, Lot 46, on the Tax Map of the City of New York.
 - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (e) "HDFC" shall mean OLR LBCE Housing Development Fund Company, Inc.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (h) "Partnership" shall mean OLR LBCE, L.P.
 - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner providing that, for a term of 50 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 13, 2010.

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

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 L.U. No. 228

Report of the Committee on Finance in favor of approving 1269-1271 Morris Avenue, Block 2450, Lots 38 & 39, Bronx, Council District No. 16. 621-623 and 625-627 Manida Street, Block 2765, Lots 226 & 219, Bronx, Council District No. 17.

The Committee on Finance, to which the annexed Land Use resolution was referred on October 13, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Finance for L.U. No. 226 printed in these Minutes.)

Accordingly, this Committee recommends its adoption.

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

Res. No. 485

Resolution approving an exemption from real property taxes for property located at 1269-1271 Morris Avenue (Block 2450, Lots 38 and 39) and 621-623 and 625-627 Manida Street (Block 2765, Lots 226 and 219) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 228).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 24, 2010 that the Council take the following action regarding a housing project to be located at 1269-1271 Morris Avenue (Block 2450, Lots 38 and 39) and 621-623 and 625-627 Manida Street (Block 2765, Lots 226 and 219) The Bronx, ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on October 13, 2010;

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

RESOLVED:

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

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2450, Lots 38 & 39 and Block 2765, Lots 226 & 219, on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean OLR MM Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (h) "Partnership" shall mean OLR MM, L.P.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner providing that, for a term of 50 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 13, 2010.

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

Reports of the Committee on Housing and Buildings

Report for Int. No. 263-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city plumbing code, in relation to reducing the waste of potable water for cooling.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 9, 2010 (Minutes, page 2108), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On October 13, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on four bills related to the efficient use of water. On June 22, 2010, the Committee heard earlier versions of these bills and received testimony from representatives of the Department of Buildings and other persons interested in this legislation. The bills before the Committee today, Proposed Int. No. 263-A, Proposed Int. No. 264-A, Proposed Int. 268-A, and Proposed Int. No. 271-A were amended following this initial hearing.

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030. PlaNYC, the City's comprehensive sustainability plan, sets an additional goal of reducing New York City's daily water use by 60 million gallons. Buildings are responsible for about 75% of our greenhouse gas emissions¹ and 85% of our water use, making improved building efficiency a crucial component of reaching these environmental goals. New York City has experienced seven droughts over the last 45 years² and is vulnerable to future droughts. The Department of Environmental Protection (DEP) has successfully implemented water conservation strategies since the 1990's, reducing daily average water use in New York City from over 208 gallons per person in 1988 to about 134 gallons per person in 2006³. Daily use remains high, however, and code improvements have the potential to make further reductions in water use, helping to protect the quality and adequacy of the City's water supply.

¹ Mayor's Office of Long-Term Planning and Sustainability, September 2009. Inventory of New York City Greenhouse Gas Emissions.

² New York City Department of Environmental Protection. Available online at: http://www.nyc.gov/html/dep/html/udrinking_water/droughts.html

Recognizing the important role of building performance, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's building codes, the Task Force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City.

The four bills before the Committee today are the first of the water efficiency recommendations to come before the Council and each bill is discussed below.

Proposed Int. No. 263-A

Most large cooling systems typically re-circulate water but certain large commercial cooling systems, such as large ice-making machines or walk-in refrigerators use potable water that passes through the system only once before being disposed of as wastewater, thus using large amounts of drinking water unnecessarily. Moreover, when these systems encounter problems, they are likely to use even more water (i.e., a valve that controls water flow may remain open when it fails) meaning that improperly functioning systems may be running drinking water on a once-through basis 24 hours a day. Proposed Int. No. 263-A would prohibit the use of potable water for once-through cooling systems.

³ Green Codes Task Force Proposals: Executive Summary at p. 57, 2010. Available online at: <http://www.urbangreencouncil.org/greencodes/>

Bill section one would add the definition of "once-through cooling" to New York City Plumbing Code (Plumbing Code or PC) section 202 in the appropriate

alphabetical order within that section. The definition of this term would be "the use of potable water to cool a condenser, other building equipment or process equipment, excluding equipment used to cool steam condensate, and then discharging the water into the sewage system."

Bill section two would amend chapter 4 of the Plumbing Code by adding a new section PC 428 entitled, "Prohibited Water Uses." The heading of new section 428.1 within section 428 would be, "Prohibited potable water uses" and provides that potable water shall not be permitted for those uses prohibited by PC 428. The heading of new section 428.1.1 would be, "Potable water prohibited for once-through cooling" and provides that potable water shall not be used for once-through cooling. This new section also provides that "equipment such as ice-making machines, walk-in coolers, refrigerated walk-in boxes, or environmental air conditioning equipment shall be provided with air cooled condensers or recirculating condenser water systems, or supplied with non-potable water as permitted by Appendix C" of the Plumbing Code. An exception would be made for once-through water cooled ice makers which produce less than 500 pounds of ice per day at Standard Rating Conditions as specified in ARI Standard 810 and for once-through water-cooled ice making machines, walk-in coolers, refrigerated walk-in boxes or air conditioning equipment supplied with potable water through piping systems installed prior to January 1, 2011 and any replacements that use the same or lesser amount of potable water.

Bill section three amends Chapter 13 of the Plumbing Code by adding a reference to the standard ARI 810.

Bill section four contains the enactment clause and provides that this local law would take effect on January 1, 2011, and would require the Commissioner of Buildings to take all measures

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

Amendments to Int. No. 263

- The bill title was amended to more accurately reflect that this bill is meant to address reducing the waste of potable water for cooling.
- Bill section one was amended to revise the definition of once-through cooling to exclude the use of potable water to temper hot water or steam before discharging into a sanitation drain.
- Bill section two was amended by adding an exemption for once-through cooled equipment supplied with potable water through piping systems that were installed prior to January 1, 2011 (the bill's effective date) and any subsequent equipment replacements that use the same or lesser amount of potable water.
- Former bill section three, the enactment clause, was renumbered as bill section four.
- New bill section three contains a reference to the standard MU 810, which refers to new section PC 428.1.1

Proposed Int. No. 264-A

Drinking water throughout the day is important for health and drinking fountains provide a free source of drinking water in buildings. A prescribed minimum numbers of drinking fountains are required in many buildings by the Plumbing Code but a previous change to the Plumbing Code allowed bottled water dispensers to fulfill up to 50% of this requirement.⁴

⁴ See Section PC 403, attached as an addendum to this report, which details the occupancies where drinking fountains are required.

Bill section one amends section 410 of the Plumbing Code by providing that required drinking fountains must be equipped with both a faucet for direct drinking and a separate faucet designed for filling a container at least 10 inches in height. When drinking fountains are required, up to fifty percent of the required drinking fountains may be substituted by dedicated plumbing fixtures with a faucet designed for filling a container at least 10 inches in height. Bottled water dispensers may not be substituted for the required drinking fountains. Drinking fountains and plumbing fixtures with faucets permitted to be substituted for the required drinking fountains may not be installed in public restrooms.

Bill section two contains the enactment clause and provides that this local law would take effect on July 1, 2012, and would require the Commissioner of Buildings to promulgate any necessary rules to implement its provisions prior to the effective date.

Amendments to Int. No. 264

- The description of the required drinking fountain was amended to clarify that the fountain must be equipped with both a faucet for direct drinking and a separate faucet designed for filling a container at least 10 inches in height.
- The bill was also amended to clarify that up to 50% of the required drinking fountains may be substituted for by a device or receptacle that is directly connected to the water supply line of the premises.
- The allowance for the continued use of water bottle dispensers as a substitute for the required drinking fountains was removed from the bill. Such use is now expressly prohibited.
- Finally, the enactment clause was amended to provide for an effective date of July 1, 2012 rather than January 1, 2011.

Proposed Int. No. 268-A

Certain types of commercial facilities such as commercial laundry facilities, commercial cooking facilities and swimming pools use large amounts of water. For these users, equipment leaks and malfunctions can waste enormous amounts of water very quickly. While all commercial buildings have meters that measure building-wide water consumption, identifying water usage by individual water users is not possible absent sub-meters placed strategically throughout a building. For that reason, Proposed Int. No. 268-A would require facilities that are major water users such as swimming pools, commercial kitchens, and commercial laundries, to have separate sub-meters to measure their water use.⁵ By measuring the amount of water used, the sub-meter can alert both the operator of the facility and DEP to a potential water leak or equipment malfunction and allow any potential problem to be addressed more quickly.

Bill section one contains the legislative intent expressing the need for this legislation.

Bill section two amends the definition section of the Plumbing Code to add definitions for the terms "water meter" and "water sub-meter." A water meter is defined as "a device that measures the flow of water supplied from a public water main to a building and that is used by the Department of Environmental Protection to bill for water supplied to the building." A water sub-meter is defined as "a device, other than a water meter, installed on a water distribution pipe or makeup water pipe that measures the flow of water within a specified space and/or to specified equipment within a building."

Bill section three amends PC section 606.5.4.1 by requiring that all roof tanks be provided with a high water level alarm which must be located at or slightly below the overflow.

The high water level alarm must be designed to activate when the ball cock, automatic supply valve, or emergency electrical cut-off fails. The alarm would alert the staff of the building of a water leak or equipment malfunction before the roof tank overflows and potable water is wasted.

Bill section four amends section 606 of the PC by adding a new section 606.7, which requires that water distribution pipe lines serving a commercial cooking facility, commercial laundry facility or commercial gym or spa be equipped with at least one water sub-meter to measure the amount of water supplied through such lines to the water using equipment within such facility, gym or spa.⁶ The water sub-meter must be equipped with an electronic encoder with absolute or pulse-based output. At least one such sub-meter is also required to be installed on makeup water lines serving an evaporative cooling tower or swimming pool. However, swimming pools accessory to Group R-3 occupancies' are not required to have a water sub-meter.

Bill section five amends section 608.16.2 of the PC by requiring that makeup water lines to boilers serving buildings greater than six stories must be equipped with at least one water sub-meter that is equipped with an electronic encoder with absolute or pulse-based output.

Bill section six contains the enactment clause and provides that this local law would take effect on January 1, 2011, except that the Commissioner of Buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Amendments to Int. 268

⁵ Commercial laundry facilities do not include laundry rooms in residential buildings where such laundry rooms only serve building residents.

⁶ According to the Plumbing Code, a water distribution pipe is "A pipe within the structure or on the premises that conveys water from the water service pipe, or from the meter when the meter is at the structure, to the points of utilization." See Section PC 202.

- A new bill section two was added to include definitions for the terms "water meter" and "water sub-meter."

- With respect to the required water sub-meters, bill sections four and five were amended to clarify that at least one water sub-meter will be required for the water using equipment within a commercial cooking facility, commercial laundry facility or commercial gym or spa and at least one water sub-meter for the makeup water lines serving an evaporative cooling tower or swimming pool. Additionally, the bill now requires that such water sub-meters be equipped with an electronic encoder with absolute or pulse-based output rather than requiring DEP to promulgate a list of approved water sub-meters.

Proposed Int. No. 271-A

Although New York City usually has abundant rainfall and snow melt in its 2,000 square mile watershed to provide those who reside and work in the City with adequate supplies of water, over the past 10-15 years there have been significant periods where the City's water supply has not been adequate to meet average daily needs without some limitations being imposed. For example, in the Spring and Summer of 2002, the City's water supply was only at 33% of capacity, far below the typical capacity of 80-90% and DEP imposed certain restrictions on water use, including restrictions on the availability of drinking water in restaurants, the watering of lawns and the hosing down of sidewalks.

It has been estimated by some that reducing the amount of water used by plumbing fixtures such as toilets and showerheads could ultimately reduce water consumption by 5-7

⁷ Pursuant to Section 310.1.3 of the Building Code of the City of New York, Group R-3 occupancies include oneand-two-family homes, group homes and convents and monasteries with fewer than twenty occupants.

gallons of water per person per day, or 3-4% over the next ten years.⁸ Using less water should also reduce wastewater flows, potentially easing the burden on the City's wastewater treatment plants and reducing the incidence of combined sewer overflows. Proposed Int. No. 271-A is intended to aid in this effort by address water efficiency standards for toilets, showerheads, and other plumbing fixtures.

Bill section one amends the list of definitions in section PC 202 by adding definitions for "Dual Flush Water Closet" and "WaterSense Program." A "Dual Flush Closet" is defined as a water closet that enables the user to use different flush volumes depending on the type of waste being disposed of The "WaterSense Program" is defined as a program of the United States Environmental Protection Agency providing for the third-party certification of plumbing fixtures as meeting performance and efficiency requirements established by such agency and authorizing the labeling of plumbing fixtures as meeting such requirements."

Bill section two amends section PC 604.4 by lowering the maximum flow rate or quantity for the following plumbing fixtures: a private lavatory from 2.2 gmp at 60 psi to 1.5 gmp at 60 Psi⁹; a shower head from 2.5 gpm at 80 psi to 2.0 g,p at 80 psi; a urinal from 1.0 gallon per flushing cycle to 0.5 gallons per flushing cycle and a water closet from, 1.6 to 1.28 gallons per flushing cycle or equivalent dual flush. Further, a new subdivision (c) as added to describe the purpose of a dual flush water closet and to establish the water usage criterion for such fixture. Such subdivision would provide that such water closet must provide "one third of the sum of the high flush volume plus twice the low flush volume is less than or equal to 1.28 gallons per flush."

⁸ Green Codes Task Force Proposals. Available online at:<http://www.urbangreencouncil.org/greencodes/>

⁹ Psi refers to pounds of pressure per square inch.

Bill section three amends section PC 604 to provide that showerheads, private lavatory faucets, water closets and for urinals, the urinal flush valve or fixture/valve combination must meet the specifications required for the WaterSense program label, bear such label, or be approved in accordance with the Plumbing Code. The WaterSense program label is not required for water closets in public restrooms.

Bill section four amends chapter 13 of the PC by adding a reference to the WaterSense standard promulgated by the United States Environmental Protection Agency (EPA).

Bill section five amends the existing penalty provisions of the Ad. Code, section 20-689, to specify that it is illegal to sell or offer for sale any plumbing fixture that does not comply with the maximum flow rates and water consumption requirements of PC 604.4.

Bill section six contains the enactment clause and provides that this local law would take effect on July 1,2012, except that the Commissioner of Buildings and the Commissioner of Consumer Affairs shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to the effective date.

Amendments to Int. 271

- Technical changes were made throughout the bill to address incorrect references, terminology ("dual flush water closet" rather than "dual flush toilet") and the removal of certain definitions and bill sections.
- The proposed definition for "non-water urinal" and changes to the Plumbing Code related to the use of such urinals were removed from the bill in response to testimony that called into question the wisdom of altering the current conditions under which they may be used.
- The proposed deletion of the current maximum water consumption flow rates and quantities for "blowout design toilets" and "clinical sinks" referenced in bill section three were removed from the bill.
- The proposed inclusion of a maximum flow rate for a service sink to table 604.4 was removed from the bill.
- The bill now requires the WaterSense program label for certain fixtures (showerheads, private lavatory faucets, water closets and for urinals the flush valve or fixture/valve combinations) or that such fixtures be approved in accordance with the Plumbing Code. Water closets in public restrooms are exempt from the WaterSense program requirements.
- A reference to the WaterSense program standards was added to chapter 13 of the PC.
- The penalty provision of current section 20-689 of the Ad. Code was revised to provide that "it shall be unlawful for any person to sell or offer for sale any plumbing fixture that does not comply with section 604.4 of the New York city plumbing code" rather than prohibiting both the sale and purchase of noncompliant fixtures.
- The enactment clause was amended to provide that the local law shall take effect on July 1, 2012 rather than January 1, 2011 as originally proposed.

Update

On Wednesday, October 13, 2010 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is from the text of the Fiscal Impact Statement for Int. No. 263-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY 11 | FY Succeeding Effective FY 12 | Full Fiscal Impact FY 11 |
|-------------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Ralph P. Hernandez, Legislative Financial Analyst
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 263 on June 9, 2010. Laid over and hearing held by Committee on June 22, 2010 as Int. No. 263. An amendment has been proposed, and the Committee will vote on an amended version of the legislation, Proposed Int.263-A, on October 13, 2010.

Accordingly, this Committee recommends its adoption, as amended.

Report for Int. No. 271-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 enhancing water efficiency standards.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 9, 2010 (Minutes, page 2129), respectfully

REPORTS:

(For text of report, please see the Report for Int. No. 263-A printed in these Minutes.)

The following is from the text of the Fiscal Impact Statement for Int. No. 271-A:

FISCAL IMPACT STATEMENT:

| | Effective FY 11 | FY Succeeding Effective FY 12 | Full Fiscal Impact FY 11 |
|------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: According to Mayor’s Office of Long-term Planning & Sustainability (OLTPS), this Int. 271-A 2 legislation would reduce water consumed by each plumbing fixture by 20 to 50 percent.¹

IMPACT ON EXPENDITURES: According to OLTPS, the cost of these new plumbing fixtures would be no more than the current less efficient products available.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Ralph P. Hernandez, Legislative Financial Analyst
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 271 on June 9, 2010. Laid over and hearing held by Committee on June 22, 2010 as Int. No. 271. An amendment has been proposed, and the Committee will vote on an amended version of the legislation, Proposed Int.271-A, on October 13, 2010.

¹ Mayor’s Office of Long Term Planning and Sustainability (OLTPS) testimony to the City Council’s Housing and Buildings Committee on June 22, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 271-A:)

Int. No. 271-A

By Council Members Lappin, Brewer, Gonzalez, Lander, Recchia, Van Bramer, Vann, Williams, Garodnick, Arroyo, Mark-Viverito, Rodriguez, Gennaro, Jackson, Levin, Chin, Eugene, Koppell and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to enhancing water efficiency standards.

Be it enacted by the Council as follows:

Section 1. Section PC 202 of the New York city plumbing code is amended by adding certain definitions to be placed in appropriate alphabetical order, to read as follows:

DUAL FLUSH WATER CLOSET. A water closet that enables the user to

select a high flush for solid waste or a reduced volume, low flush for liquid waste.

WaterSense PROGRAM. A program of the United States Environmental Protection Agency providing for the third-party certification of plumbing fixtures as meeting performance and efficiency requirements established by such agency and authorizing the labeling of plumbing fixtures as meeting such requirements.

§2. Table 604.4 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended to read as follows:

TABLE 604.4
MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS

| PLUMBING FIXTURE OR FIXTURE FITTING | OR | MAXIMUM FLOW RATE OR QUANTITY ^b | OR |
|--|----|---|----|
| Lavatory, private | | [2.2] 1.5 gpm at 60 psi | |
| Lavatory, public (metering) | | 0.25 gallon per metering cycle | |
| Lavatory, public (other than metering) | | 0.5 gpm at 60 psi | |
| Shower head ^a | | [2.5] 2.0 gpm at 80 psi | |
| Sink faucet | | 2.2 gpm at 60 psi | |
| Urinal | | [1.0] 0.5 gallon per flushing cycle | |
| Water closet | | [1.6] 1.28 gallons per flushing cycle or equivalent dual flush ^c | |

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m,
1 pound per square inch = 6.895 kPa.

- a. A hand-held shower spray is a shower head.
- b. Consumption tolerances shall be determined from referenced standards.
- c. A dual flush water closet where one third of the sum of the high flush volume plus twice the low flush volume is less than or equal to 1.28 gallons per flush.

§3. Section PC 604 of the New York city plumbing code is amended by adding a new subsection 604.4.1, to read as follows:

604.4.1 WaterSense program label required. Showerheads, private lavatory faucets, water closets and for urinals, the urinal flush valve or fixture/valve combination, shall meet the specifications required for the WaterSense program label and shall bear such label, or shall be approved in accordance with this code.

Exception: Water closets in public restrooms.

§4. Chapter 13 of the New York city plumbing code is amended by adding a new referenced standard “WaterSense” after “PDF”, to read as follows:

WaterSense WaterSense U.S. Environmental Protection Agency Office of Wastewater Management (4204M) 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

| Version number and effective date | Title | Referenced in code section number |
|-----------------------------------|--|-----------------------------------|
| v. 1.0 - Oct. 1, 2007 | High-Efficiency Lavatory Faucet Specifications | 604.4.1 |
| v. 1.0 - Jan. 24, 2007 | Tank-Type High-Efficiency Toilet Specification | 604.4.1 |
| v. 1.0 - Aug. 14, 2009 | WaterSense Specification for Flushing Urinals | 604.4.1 |
| v. 1.0 - Mar. 4, 2010 | WaterSense Specification for Showerheads | 604.4.1 |

§5. Section 20-689 of the administrative code of the city of New York, as added by local law number 29 for the year 1989, is amended to read as follows:

§20-689 Water saving plumbing fixtures. (1) It shall be unlawful for any person to [distribute,] sell[,] or offer for sale [or import] any plumbing fixture [which] that does not [meet the standards of subdivision P.104.2 of section P.104.0 of reference standard RS-16 of the appendix to chapter one of title twenty-seven of this code] comply with section 604.4 of the New York city plumbing code.

§6. This local law shall take effect on July 1, 2012, except that the commissioner of buildings and the commissioner of consumer affairs shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO, Committee on Housing and Buildings, October 13, 2010.

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

Reports of the Committee on Land Use

Report for L.U. No. 177

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100345 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section 22c, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3806), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12 C 100345 ZMK**

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 No. 22c.

INTENT

To recognize the existing mix of uses in the area and to facilitate the development of approximately 68 units of affordable housing and 48 accessory parking spaces for neighborhood community facilities.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 178

Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 100346 ZRK, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, relating to Section 123-90.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3806), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12 N 100346 ZRK**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District.

INTENT

To create a new Special Mixed Use District.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 179

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100347 HAK, an Urban Development Action Area Designation and Project, located at 1284 and 1300 37th Street, and the disposition of such property, Borough of Brooklyn, Council District no. 39. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3806), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12 C 100347 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1284 37th Street (Block 5295, Lot 4), and 1300 37th Street (Block 5300, Lot 9), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

INTENT

To facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 180

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100348 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3807), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12****C 100348 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing approximately eight units of affordable housing, and with three accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District.

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 181

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100349 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3807), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12****C 100349 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an off-site accessory parking lot with twenty-five parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District.

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 182

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100350 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District

no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3807), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100350 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 183

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100351 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3808), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100351 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5300, p/o Lot 9 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 184

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100352 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3808), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100352 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5300, p/o Lot 9 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 185

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100353 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3808), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100353 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 9 & 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 186

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100354 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3809), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100354 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 187

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100355 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3810), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100355 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 188

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100356 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit

under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3810), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100356 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 189

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100357 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3810), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100357 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 190

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100358 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3811), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100358 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 107 & 108), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 191

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100359 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3811), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100359 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 106), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 192

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100360 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3812), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100360 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 105), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 193

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100361 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3812), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100361 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 4 & 104), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

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

Report for L.U. No. 194

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100274 PPM, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of a

surface easement located at 882 St. Nicholas Avenue, Borough of Manhattan, Council District no. 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3812), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

C 100274 PPM

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition to the Broadway Housing Development Fund Company, Inc., of a surface easement located at 882 St. Nicholas Avenue, on the southeast corner of 155th Street and St. Nicholas Avenue, (Block 2069, part of Lot 26).

INTENT

To facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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

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

Res. No. 486

Resolution approving the decision of the City Planning Commission on ULURP No. C 100274 PPM, the disposition of a surface easement located at 882 St. Nicholas Avenue, on the southeast corner of 155th Street and St. Nicholas Avenue (Block 2069, part of Lot 26), Borough of Manhattan (L.U. No. 194).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services, for the disposition to the Broadway Housing Development Fund Company, Inc., of a surface easement located at 882 St. Nicholas Avenue, on the southeast corner of 155th Street and St. Nicholas Avenue (Block 2069, part of Lot 26). This action, in conjunction with the related actions, would facilitate the development of a 13-story mixed-use building with affordable housing and community facility and children museum space (ULURP No. C 100274 PPM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100275 PQM (L.U. No. 195), an application by the Department of Citywide Administrative Services and Department of Environmental Protection to acquire a surface easement located on Block 2069, part of Lot 21, in Manhattan; and C 100277 ZMM (L.U. No. 196), a Zoning Map Amendment from C8-3 and R7-2, to R8A, Broadway Housing Development Fund Company, Inc., applicant;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2010; and

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 3, 2010 (CEQR No. 10DCP031M);

RESOLVED:

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

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision and based on the environmental determination and consideration described in the report for the related application, C 100277 ZMM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 195

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100275 PQM, pursuant to §197-c and §197-d of the New York City Charter concerning the acquisition of a surface easement, generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place, Borough of Manhattan, Council District no. 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3813), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

C 100275 PQM

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services and the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter for the acquisition of a surface easement generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069, p/o Lot 21), to facilitate vehicular parking, access, storage and emergency staging.

INTENT

To facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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

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

Res. No. 487

Resolution approving the decision of the City Planning Commission on ULURP No. C 100275 PQM (L.U. No. 195), for the acquisition of a surface easement generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069, p/o Lot 21), to facilitate vehicular parking, access, storage and emergency staging in Community District 9, Borough of Manhattan.

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services and the Department of Environmental Protection, for the acquisition of a surface easement generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069, p/o Lot 21), to facilitate vehicular parking, access, storage and emergency staging. This action, in conjunction with the related actions, would facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space, Community District 9, Borough of Manhattan, (the "Site"), (ULURP No. C 100275 PQM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100274 PPM (L.U. No. 194), an application by the Department of Citywide Administrative Services to dispose of a surface easement located on Block 2069, part of Lot 26 in Manhattan; and C 100277 ZMM (L.U. No. 196), a Zoning Map Amendment from C8-3 and R7-2, to R8A, Broadway Housing Development Fund Company, Inc., applicant.

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2010;

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 3, 2010 (CEQR No. 10DCP031M);

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

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Application and Decision, and based on the environmental determination and consideration described in the report for the related application, C 100277 ZMM, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 196

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100277 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section 3b, Borough of Manhattan, Council District no. 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3813), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

C 100277 ZMM

City Planning Commission decision approving an application submitted by Broadway Housing Development Fund Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b:

- 1. changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and
- 2. changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010, and subject to the conditions of CEQR Declaration E-256.

INTENT

To facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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

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

Res. No. 488

Resolution approving the decision of the City Planning Commission on ULURP No. C 100277 ZMM, a Zoning Map amendment (L.U. No. 196).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by Broadway Housing Development Fund Company, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change C8-3 and R7-2 districts to an R8A District on part of Block 2069 in Manhattan Community District 9. The requested action, in conjunction with the related actions, would facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space (ULURP No. C 100277 ZMM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100274 PPM (L.U. No. 194), an application by the Department of Citywide Administrative Services to dispose of a surface easement located on Block 2069, part of Lot 26 in Manhattan; and C 100275 PQM (L.U. No. 195), an application by the Department of Citywide Administrative Services and Department of Environmental Protection to acquire a surface easement located on Block 2069, part of Lot 21, in Manhattan;

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 October 5, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 3, 2010 (CEQR No. 10DCP031M);

RESOLVED:

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

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100277 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No 3b;

1. changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and
2. changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010, and subject to the conditions of CEQR Declaration E-256, Community District 9, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 209

Report of the Committee on Land Use in favor of approving Application no. 20115157 HAM, an Urban Development Action Area Project located at 2053 7th Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3915), 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> |
|---|------------------|---------------------------|---------------------|----------------------------|
| 2053 7 th Avenue Interim Lease Manhattan | 1907/63 | 20115157 HAM | 209 | Tenant |
| 108 West 114 th Street Interim Lease Manhattan | 1823/40 | 20115158 HAM | 210 | Tenant |
| 100 W. 163 rd Street Neighborhood | 2511/64 | 20115199 HAX | 218 | |
| 954 Anderson Avenue Bronx | 2504/59 | | | Redevelopment |

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. Nos. 209 and 210.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed 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. 489

Resolution approving an Urban Development Action Area Project located at 2053 7th Avenue (Block 1907, Lot 63), 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. 209; 20115157 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 17, 2010 its request dated July 19, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2053 7th Avenue (Block 1907, Lot 63), 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 an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings 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 October 5, 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 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., SARA MA. 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, October 7, 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. 210

Report of the Committee on Land Use in favor of approving Application no. 20115158 HAM, an Urban Development Action Area Project located at 108 West 114th Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3915), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 209 printed in these Minutes).

Accordingly, this Committee recommends its adoption.

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

Res. No. 490

Resolution approving an Urban Development Action Area Project located at 108 West 114th Street (Block 1823, Lot 40), 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. 210; 20115158 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 17, 2010 its request dated July 19, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 108 West 114th Street (Block 1823, Lot 40), 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 an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings 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 October 5, 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 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., SARA MA. 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, October 7, 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. 213

Report of the Committee on Land Use in favor of approving Application no. C 070550 ZMX submitted by High Hawk, LLC, 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 an C8-3 District to an R7-1 District and establishing within an existing and proposed R7-1 District, a C2-4 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3916), respectfully

REPORTS:

SUBJECT

BRONX CB - 3 C 070550 ZMX

City Planning Commission decision approving an application submitted by High Hawk, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from a C8-3 District to an R7-1 District property bounded by Boston Road, Hoe Avenue, and East 174th Street; and
2. establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174th Street;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E- 251.

INTENT

To facilitate the construction of an eight-story mixed-use building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed 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. 491

Resolution approving the decision of the City Planning Commission on ULURP No. C 070550 ZMX, a Zoning Map amendment (L.U. No. 213)

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2010 its decision dated September 13, 2010 (the "Decision"), on the application submitted by High Hawk, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change from a C8-3 District to an R7-1/C2-4 District to facilitate the construction of an eight-story mixed-use building, Community District 3, Borough of the Bronx (ULURP No. C 070550 ZMX (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 October 5, 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 May 10, 2010, which included (E) designations for air quality, noise and hazardous materials for Block 2991/ Lots 1, 3, 5 and 26 (CEQR No. 07DCP001X);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment provided that the procedures setforth in City Planning Commission Report C 070550 ZMX are implemented.

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 070550 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d, changing from a C8-3 District to an R7-1 District, property bounded by Boston Road, Hoe Avenue, and East 174th Street; and establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174th Street, as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E-251, Community District 3, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 214

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. C 100258 POK, submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), for continued use as a garage, Community District 1, Borough of Brooklyn. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3916), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 C 100258 POK

City Planning Commission decision approving an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), in Community District 1, for continued use as a garage.

WHEREAS, by submission dated October 13, 2010, and submitted to the City Council on October 13, 2010 the Applicant withdrew the application.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 13, 2010

The Committee recommends that the Council approve the proposed resolution and thereby approve motion to file pursuant to withdrawal of the application.

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

Res. No. 492

Resolution approving a motion to file pursuant to withdrawal of the decision of the City Planning Commission on ULURP No. C 100258 POK (L.U. No. 214), for the acquisition of privately-owned property located at 525 Johnson Avenue (Block 2987, Lot 16), Borough of Brooklyn, for continued use as a garage.

By Council Members Comrie and Lander.

WHEREAS, the City Planning Commission filed with the Council on August 27, 2010 its decision dated August 25, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Sanitation (DOS) and the Department of Citywide Administrative Services (DCAS), for the acquisition of privately-owned property located at 525 Johnson Avenue (Block 2987, Lot 16), Community District 1, Borough of Brooklyn (the "Site"), (ULURP No. C 100258 POK) for continued use as a garage (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

WHEREAS, by submission dated October 13, 2010, and submitted to the City Council on October 13, 2010 the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council and Section 2-02(d) of the New York City Rules and Regulations.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 215

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. C 100264 POK, submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), for continued use as a parking lot, Community District 1, Borough of Brooklyn. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3917), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 100264 POK

City Planning Commission decision approving an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), in Community District 1, for continued use as parking lot.

WHEREAS, by submission dated October 13, 2010, and submitted to the City Council on October 13, 2010 the Applicant withdrew the application.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 13, 2010

The Committee recommends that the Council approve the proposed resolution and thereby approve motion to file pursuant to withdrawal of the application.

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

Res. No. 493

Resolution approving a motion to file pursuant to withdrawal of the decision of the City Planning Commission on ULURP No. C 100264 POK (L.U. No. 215), for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), Borough of Brooklyn, for continued use as a parking lot.

By Council Members Comrie and Lander.

WHEREAS, the City Planning Commission filed with the Council on August 27, 2010 its decision dated August 25, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Sanitation (DOS) and the Department of Citywide Administrative Services (DCAS), for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), Community District 1, Borough of Brooklyn (the "Site"), (ULURP No. C 100264 POK) for continued use as a parking lot (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

WHEREAS, by submission dated October 13, 2010, and submitted to the City Council on October 13, 2010 the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council and Section 2-02(d) of the New York City Rules and Regulations.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 216

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20115161 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Jasper Hospitality LLC d.b.a East End Bar & Grill to establish, maintain and operate an unenclosed sidewalk café located at 1664 Broadway, Borough of Manhattan, Council District no. 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3917), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

20115161 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Jasper Hospitality LLC, d/b/a East End Bar & Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1664 First Avenue.

By submission dated October 4, 2010 and submitted to the City Council on October 4, 2010 the Applicant withdrew the Petition.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed resolution and thereby approve the motion to file pursuant to withdrawal of the application by the applicant.

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

Res. No. 494

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 1664 First Avenue, Borough of Manhattan (20115161 TCM; L.U. No. 216).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 3, 2010 its approval dated September 3, 2010 of the petition of Jasper Hospitality, LLC, d/b/a The East End Bar & Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 20115161 TCM, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated October 4, 2010, and submitted to the City Council on October 4, 2010 the Applicant withdrew the petition.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 218

Report of the Committee on Land Use in favor of approving Application no. 20115199 HAX, an Urban Development Action Area Project located at 100 West 163rd Street and 954 Anderson Avenue, Council District no. 17, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

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

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 209 printed in these Minutes).

Accordingly, this Committee recommends its adoption.

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

Res. No. 495

Resolution approving an Urban Development Action Area Project located at 100 West 163rd Street (Block 2511/Lot 64) and 954 Anderson Avenue (Block 2504/Lot 59), 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. 218; 20115199 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 16, 2010 its request dated August 20, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 100 West 163rd Street (Block 2511/Lot 64) and 954 Anderson Avenue (Block 2504/Lot 59), Community District 4, 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 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 October 5, 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., SARA MA. 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, October 7, 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. 219

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 080129 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment of the zoning map, Section 3d, Borough of the Bronx, Council District no. 16.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4134), respectfully

REPORTS:

SUBJECT

BRONX CB - 3

C 080129 ZMX

City Planning Commission decision approving an application submitted by 3500 Park Avenue, LLC Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an M1-1 District to an R7-1 District property bounded by East 168th Street, a line midway between Park Avenue and Washington Avenue, a line 100 feet southwesterly of East 168th Street and Park Avenue; and
2. establishing within an existing and proposed R7-1 District a C2-4 District bounded by East 168th Street, Washington Avenue, a line 100 feet southwesterly of East 168th Street, and Park Avenue;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E- 259.

INTENT

To facilitate the construction of a new eight-story mixed-use building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed 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. 496

Resolution approving the decision of the City Planning Commission on ULURP No. C 080129 ZMX, a Zoning Map amendment (L.U. No. 219)

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by 3500 Park Avenue, LLC Associates, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change from an M1-1 District to an R7-1 District and to establish a new C2-4 District with the existing and proposed R7-1 districts, to facilitate the construction of a new eight-story mixed-use building, Community District 3, Borough of the Bronx (ULURP No. C 080129 ZMX (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 October 5, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on September 13, 2010, which included an (E) designation on Block 23289, Lot 20 to avoid the potential of noise impacts (CEQR No. 08DCP022X);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment provided that it is modified pursuant to the following conditions set forth in the City Planning Commission Report C 080129 ZMX:

That the applicant, 3500 Park Avenue, LLC, agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (EAS), hazardous material sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measure would be undertaken pursuant to the remediation plans.

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 080129 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d, from an M1-1 District to an R7-1/C2-4 District, property bounded by East 168th Street, a line midway between Park Avenue and Washington Avenue, a line 100 feet southwesterly of East 168th Street and Park Avenue, as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and which includes CEQR Designation E-259, Community District 3, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 220

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100036 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment of the zoning map, Section 6c, Borough of the Bronx, Council District no. 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4134), respectfully

REPORTS:

SUBJECT

BRONX CB - 2

C 100036 ZMX

City Planning Commission decision approving an application submitted by Crossings Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
2. changing from an R7-1 District to a C4-5X District property bounded by Southern Boulevard, East 163rd Street, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258.

INTENT

To facilitate the development of a ten-story mixed-use building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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

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

Res. No. 497

Resolution approving the decision of the City Planning Commission on ULURP No. C 100036 ZMX, a Zoning Map amendment (L.U. No. 220).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by the Crossings Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change from an R7-1/C2-4 District to a C4-5X District, on a site bounded by Hunts Point Avenue to the north, Bruckner Boulevard to the east and Southern Boulevard to the west, in the Longwood area of the Bronx, which would facilitate the development of a 10-story mixed-use building, Community District 2, Borough of the Bronx (ULURP No. C 100036 ZMX (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 October 5, 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 June 7, 2010, which included (E) designations (E-258) for hazardous material, air quality and noise impacts (CEQR No. 09DCP070X);

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 100036 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6c:

1. eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
2. changing from an R7-1 District to a C4-5X District property bounded by Southern Boulevard, East 163rd Street, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258, Community District 2, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 221

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100369 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment of the zoning map, Section 12a, Borough of Manhattan, Council District no. 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4135), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 1****C 100369 ZMM**

City Planning Commission decision approving an application submitted by the NYC 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 No. 12a, changing from an M1-5 District to a C6-2A District, property bounded by Canal Street, Hudson Street, Vestry Street and its easterly centerline prolongation, Canal Street, Broadway, Walker Street, West Broadway, North Moore Street, a line 100 feet westerly of Varick Street, Ericsson Place, Beach Street, Greenwich Street, Hubert Street, Washington Street, Watts Street, and West Street, as shown on a diagram (for illustrative purposes only) dated June 7, 2010.

INTENT

To develop a new rezoning strategy for the North Tribeca area in Manhattan.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 5, 2010

The Committee recommends that the Council approve the proposed 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. 498

Resolution approving the decision of the City Planning Commission on ULURP No. C 100369 ZMM, a Zoning Map amendment (L.U. No. 221).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by the New York City 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 change an M1-5 District to a C6-2A District (ULURP No. C 100369 ZMM) (the "Application");

WHEREAS, the Application is related to Application Number N 100370 (A) ZRM (L.U. No. 222), a Zoning Text Amendment to create new subareas with specific bulk envelopes and densities in the proposed C6-2A and to modify elements of the existing Special Tribeca Mixed Use District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 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 June 4, 2010 which included an e-designation (E-257) for hazardous materials, air quality and noise. On September 15, 2010, a Revised Negative Declaration was issued which reflects the modified application and minor corrections to the (E) Designation (CEQR No. 10DCP039M);

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 100369 ZMM, 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 12a, changing from a M1-5 District to a C6-2A District property bounded by Canal Street, Hudson Street, Vestry Street and its easterly centerline prolongation, Canal Street, Broadway, Walker Street, West Broadway, North Moore Street, a line 100 feet westerly of Varick Street, Ericsson Place, Beach Street, Greenwich Street, Hubert Street, Washington Street, Watts Street, and West Street, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 7, 2010, Community District 3, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 222

Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 100370(A) ZRM, pursuant to §§197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, Article XI, Chapter I (Special Tribeca Mixed Use District).

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4135), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 1****N 100370(A) ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06 (c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, concerning Article XI, Chapter I (Special Tribeca Mixed Use District).

INTENT

To develop a new rezoning strategy for the North Tribeca area in Manhattan.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 5, 2010

The Committee recommends that the Council approve the proposed 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. 499

Resolution approving the decision of the City Planning Commission on Application No. N 100370 (A) ZRM, proposed for modification pursuant to Section 2-06 (c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, concerning Article XI, Chapter I (Special Tribeca Mixed Use District), Borough Manhattan (L.U. No. 222).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, and proposed for modification pursuant to Section 2-06 (c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, concerning Article XI, Chapter I (Special Tribeca Mixed Use District) (Application No. N 100370 (A) ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application Number C 100369 ZMM (L.U. No. 221), an amendment to the Zoning Map to replace the existing M1-5 zoning district with a new contextual C6-2A zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 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 June 4, 2010 which included an e-designation (E-257) for hazardous materials, air quality and noise. On September 15, 2010, a Revised Negative Declaration was issued which reflects the modified application and minor corrections to the (E) Designation (CEQR No. 10DCP039M);

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 100370(A) ZRM, 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 I

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Accessory use, or accessory

* * *

An #accessory use# includes:

* * *

- (iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, and M1-5B Districts ~~and the #Special Tribeca Mixed Use District#~~, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

* * *

Joint living-work quarters for artists

A "joint living-work quarters for artists" consists of one or more #rooms# in a non-#residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and his household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986, whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

An #artist# is a person so certified by the New York City Department of Cultural Affairs.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists), and 74-78 (Conversions of Non-Residential Buildings) ~~and Article XI, Chapter I (Special Tribeca Mixed Use District).~~

* * *

Loft dwelling

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections 111-11 (Residential use modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE). Article XI, Chapter I (Special Tribeca Mixed Use District).

* * *

Chapter 5

Residential Conversion of Existing Non-Residential Buildings

* * *

15-011

Applicability within Special Districts

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District).

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by

Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

The provisions of this Chapter shall apply in the #Special Tribeca Mixed Use District# as modified by Article XI, Chapter 1 (Special Tribeca Mixed Use District).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in the #Special Tribeca Mixed Use District#.

15-013

Building permits and variances issued before the effective date of amendment

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

(2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:

(i) the conversion shall comply with the provisions of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), ~~or 44-112,~~ as appropriate in the zoning district in which the #building# being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), ~~or 44-112,~~ provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

15-026

Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

(a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and ~~44-111~~ Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)) may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:

- (1) existing on September 1, 1980 for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b); or 74-782, ~~or 44-201 paragraph (a);~~ or
- (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of ~~Section 111-111 paragraphs (a), (b)(1) and (e).~~ Section 111-40.

No #building# that meets the density requirements of Sections 15-111 or paragraph (c) of Section 111-40 ~~44-111 paragraph (e);~~ may subsequently add additional units or quarters except in accordance thereof.

No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111 ~~or 44-111 paragraph (e).~~

(c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and Section 111-40 ~~44-111~~, the following regulations shall apply:

(1) The minimum size of a #dwelling unit#, #joint living work quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;
- (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
- (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

(2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto either:
 - (a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#; ~~or~~
 - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#; ~~or~~
 - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
 - (d) a #street#;

- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
- (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

32-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

**42-01
Special Provisions for Adult Establishments**

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences#, or #joint living-work quarters for artists# or #loft dwellings# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #nonconforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

**42-53
Surface Area and Illumination Provisions**

M1 M2 M3

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

**42-532
Non-illuminated signs**

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences#, #loft dwellings# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

**42-533
Illuminated or flashing signs**

M1 M2 M3

However, in any #Manufacturing District# in which #residences#, #loft dwellings# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

**42-541
Permitted projection**

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) In M1-5A, M1-5B, M1-5M and M1-6M Districts and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

- (b) For #zoning lots# occupies . . .

**Article VII
Administration**

**Chapter 4
Special Permits by the City Planning Commission**

**74-92
Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

**74-921
Use Groups 3A and 4A community facilities**

- (a) Use modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and noncommercial art galleries as listed in Use Group 3A,

provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

* * *

- (6) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and noncommercial art galleries shall be inapplicable to the #Special Tribeca Mixed Use District#.

* * *

Article XI - Special Purpose Districts

**Chapter 1
Special Tribeca Mixed Use District**

**111-00
GENERAL PURPOSES**

The "Special Tribeca Mixed Use District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a limited new housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to insure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

* * *

**111-02
General Provisions**

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

#Loft dwellings# and #joint living work quarters for artists# are permitted #uses# within the Special District and #loft dwellings# are the only permitted #residential use# in #buildings# designed for non #residential use# and erected prior to December 15, 1961. #Loft dwellings# and #joint living work quarters for artists# converted under the provisions of this Chapter, are not subject to the provisions of Section 32-42 (Location within Buildings).

#Buildings# designed for non #residential use#, and erected prior to December 15, 1961, that have not since been #enlarged# may be converted to #loft dwellings#, subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists).

#Buildings# designed for non #residential use#, and erected prior to December 15, 1961, that have since been #enlarged# may be converted to #loft dwellings#, and #buildings# designed for non #residential use# and erected prior to December 15, 1961, may be #enlarged# for #loft dwellings#, provided that such conversion or #enlargement# shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings).

A #home occupation# may occupy a #loft dwelling# as an #accessory use# in excess of the #floor area# limitations of Section 12-10 (DEFINITIONS — Home occupation), and subject to the following:

- (a) ~~Businesses operated as #home occupations# may have up to three non-#residential# employees., and~~
- (b) ~~Notwithstanding the limitation on #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#. It shall not include the sale of merchandise produced elsewhere.~~
- (c) ~~The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.~~

~~Museums or non-commercial art galleries are permitted #uses# within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-105 (Museums or noncommercial art galleries), and are subject to the #bulk# regulations applicable to #manufacturing uses# in Areas B1 and B2.~~

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

**111-03
District Map**

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

- Area A1 - General Mixed Use Area
- Area A2 - Limited Mixed Use Area (Commercial and Residential Uses)
- Area A3 - General Mixed Use Area
- Area A4 - General Mixed Use Area
- Area B1 - Limited Mixed Use Area
- Area B2 - Limited Mixed Use Area
- Area A5 - General Mixed Use Area
- Area A6 - General Mixed Use Area
- Area A7 - General Mixed Use Area

**111-10
SPECIAL USE REGULATIONS**

**111-101
Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists**

~~Within Areas B1 and B2, #loft dwellings# and #joint living work quarters for artists# are not permitted below the floor level of the third #story#, unless modified by the Chairperson of the City Planning Commission pursuant to Section 111-20 (MINOR MODIFICATIONS), paragraph (a), by authorization of the City Planning Commission pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission) or by special permit of the City Planning Commission pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING-WORK QUARTERS FOR ARTISTS).~~

**111-11
Residential use modification**

- (a) Loft dwellings
#Loft dwellings# created prior to (effective date) shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after (effective date), except as the result of a subdivision of a #loft dwelling# existing prior to (effective date).

- (b) Home occupations
A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and

- (2) ~~notwithstanding the limitation on #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.~~

111-102 12**Ground floor use restrictions**

- (a) ~~In all areas except Areas A2, A1, A3 and A4 ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.~~

- (b) ~~Areas B1 and B2~~

- (1) ~~Use of the ground floor in #buildings# constructed prior to March 10, 1976, shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c or 17e, except that where a #use# other than these occupied the ground floor of a #building# prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.~~

- (2) ~~In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts except as provided in Section 111-103, paragraph (c).~~

111-103 13**Additional use regulations**

- (a) ~~Areas A1, and A3 and A4~~

- (1) ~~#Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited in all #buildings#:~~

- (i) ~~within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;~~

- (ii) ~~all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;~~

- (iii) ~~all Use Group 16C #uses#;~~

- (iv) ~~within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;~~

- (v) ~~within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and~~

- (vi) ~~all Use Group 17C #uses#, except agriculture.~~

- (2) ~~The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway or West Street:~~

- (i) ~~all Use Group 8A #uses#;~~

- (ii) ~~all Use Group 8D #uses#;~~

- (iii) ~~all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and~~

- (iv) ~~all Use Group 12A #uses#.~~

- (3) ~~In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway or West Street, the following retail facilities #uses# shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section ~~111-40~~ 111-32 (Special Permit For Certain Large Commercial Establishments):~~

- (i) ~~all #uses# in Use Groups 6A and 6C;~~

- (ii) ~~all #uses# in Use Group 10 with parking categories B or B1; and~~

- (iii) ~~the above #uses# when listed in other use groups.~~

~~Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, and 6C and or all #uses# with parking categories B or B1. in Use Group 10 with parking categories B or B1.~~

~~In addition, in #buildings# not fronting on the above-listed #streets# listed in paragraph (a)(3) of this Section, #uses# listed retail facilities in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space ~~allotted~~ allocated to such #uses#, except as otherwise provided in Section 111-40 ~~32~~.~~

- (b) ~~Areas B1 and B2~~

~~#Loft dwellings# and #joint living work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living work quarters for artists# shall be permitted in other #buildings or other structures# only by special permit of the City Planning Commission, pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS), or by minor modification of the Chairperson of the City Planning Commission, pursuant to Section 111-20, paragraph (d), or by authorization of the City Planning Commission, pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission).~~

Areas A4, A5, A6 and A7

- (1) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted.

- (2) The following #uses# listed in Use Group 16 shall be permitted:

Carpentry, custom woodworking or custom furniture making shops Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

- (3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Shoddy

Soap or detergents.

(4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32 (Special Permit For Certain Large Commercial Establishments).

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. ~~In Areas A1, A2, A3 and A4,~~ The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

(d) Areas A4, A5, A6 and A7

#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit For Large Transient Hotels).

However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to (effective date of amendment), may continue under the terms of such approval.

(e) Environmental conditions for Area A2

(1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

(2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

111-104

Special provisions for Areas A1, A2, A3, A4 and B2

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(a) Area A1

The regulations applicable to a C6-2A District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or

enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

The regulations applicable to a C6-3 District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

No #floor area# bonuses shall be permitted in Area A2.

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a #zoning lot# shall not exceed 80 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot# not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth ~~below~~ in this paragraph, (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and community facility #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(3) Height and setback regulations

The height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet ~~[remove double-space]~~ or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line ~~[remove double-space]~~ connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall#

fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum building height

No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(1) In C6-2A and C6-3A Districts, the hHeight and setback regulations, as set forth in Table A of Section 35-24, shall be modified, as follows:

| District Area | Minimum base height (in ft.) | Maximum base height (in ft.) | Maximum building height (in ft.) |
|-------------------------------|------------------------------|------------------------------|----------------------------------|
| C6-2A | 60 | 70 | 110 |
| C6-3A <u>A4</u> | 60 | 70 | 140 |
| <u>A5</u> | <u>60</u> | <u>70</u> | <u>110</u> |
| <u>A6</u> | <u>60</u> | <u>85</u> | <u>120</u> |
| <u>A7</u> | <u>60</u> | <u>85</u> | <u>120</u> |

In a ~~C6-3A District~~, Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed above the maximum building height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

In Area A4, ~~However~~, the provisions of this paragraph, (d) (1), shall not apply to any #building# located in Historic Districts designated by the Landmarks Preservation Commission.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# ~~within Area A4~~, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(3) In a ~~C6-3A District~~, ~~the~~ maximum #floor area ratio# permitted on a #zoning lot# shall be 6.5 ~~as follows~~:

| Area | Maximum #floor area ratio# |
|------|----------------------------|
| A4 | 6.5 |
| A5 | 5.5 |
| A6 | 5.4 |
| A7 | 5.0 |

(4) In a C6-2A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.5.

Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to (effective date of amendment), to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to variance granted by the Board of Standards and Appeals under calendar #231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within two years of the grant of said variance.

(e) Area B2

In Area B2, except as modified by the express provisions of this Chapter, the underlying district regulations are superseded and replaced by the regulations applicable in M2-4 Districts.

111-105

Museums or non-commercial art galleries

Areas B1 and B2

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Sections 111-102 and above the ground floor where #joint living work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-103.

111-11

Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists

#Joint living work quarters for artists# located within the District shall comply with all the #bulk# regulations of this Section applicable to #loft dwellings#.

111-111

Loft dwelling requirements

(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# of 30 feet minimum depth.

(b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;

(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds 5 percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or

(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement, however, may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living work quarters for artists and loft dwellings) for #loft dwellings#:

(i) for which a determination of #residential# occupancy on September 1, 1980 has been made; or

(ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into dwellings that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

(e) No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission, pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings). Mezzanines shall be permitted as provided in paragraph (d) of this Section.

111-112

Open space equivalent

At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be #developed# for recreational #use#.

For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

111-20 MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

- (a) ~~The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.~~

Such efforts shall include but not be limited to:

advertising in local and city wide press;

listing the space with brokers;

notifying the New York City Office of Economic Development; and

informing local and city wide industry groups.

Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.

- (b) ~~The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions:~~

- (c) ~~The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.~~

- (d) ~~The requirements of Section 111-103 (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:~~

- (1) ~~such #floor area# was occupied on September 1, 1980, as #loft dwellings# or #joint living work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;~~

- (2) ~~such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and~~

- (3) ~~the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.~~

A developer must send a copy of any request for modification pursuant to this Section to the

applicable Community Board at least ten days prior to the next regularly scheduled Community

Board meeting. If the Community Board elects to comment on such requests, it must do so

within 30 days of such notification.

111-21 Notice of Filing to Create Loft Dwellings or Joint Living Work Quarters for Artists

A duplicate copy of the application for an alteration permit shall be sent to the City Planning Commission by the applicant for information purposes only. No building permit shall be issued by the Department of Buildings for such #loft dwellings# or #joint living work quarters for artists# without the acknowledged receipt of such notice by the City Planning Commission.

111-23 Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission

The provisions of Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), relating to the prohibition of #loft dwellings# or #joint living work quarters for artists# below the level of the third #story# of a #building# in areas B1 and B2, and Section 111-103 (Additional use regulations), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Areas B1 and B2 where the #lot coverage# is 5,000 square feet or more, may be modified by authorization of the City Planning Commission, provided that:

- (a) ~~such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;~~

- (b) ~~any alterations to the subject #building# required in connection with such conversion to #loft dwellings# or #joint living work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and~~

- (c) ~~a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.~~

In order to grant an authorization, the City Planning Commission shall find that such modification shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

111-30 ENVIRONMENTAL CONDITIONS FOR AREA A2

- (a) ~~All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.~~

- (b) ~~All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.~~

* ~~Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).~~

111-30 SPECIAL PERMITS

111-31 Special Permit for Large Transient Hotels

In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential residential character of, or the future use or development, of the surrounding area. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

111-4032**Special Permit for Certain Large Commercial Establishments SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES**

The City Planning Commission may permit the total #floor area# of large commercial establishments ~~retail facilities~~ subject to Section 111-103, paragraph (a)(3) to exceed the ~~underlying limitations~~ #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4) ~~on square feet to exceed 20,000 square feet of #floor area#, including the #floor area# requirements for retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#.~~ , provided

~~As a condition of granting a special permit for such large #commercial# establishments, the Commission shall find that:~~

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

111-40**REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)**

The following is applicable to all existing #loft dwellings#, created prior to (effective date), within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.
- (b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
 - (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
 - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;
 - (iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or
 - (iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.
- (2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain preexisting dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:
 - (i) for which a determination of #residential# occupancy on September 1, 1980 has been made;
 - (ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

- (iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of this paragraph (c) may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

- (c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

- (d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

- (e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.

- (f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

111-50**SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS**

~~The City Planning Commission may permit, in Areas B1 and B2, the modification of the #use# provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow #loft dwellings# or #joint living work quarters for artists# on any #story# in any #building#, provided the Commission finds that:~~

- (a) ~~the conversion will not harm the commercial and manufacturing sectors of the City's economy;~~
- (b) ~~the conversion will not harm the commercial and manufacturing character of the surrounding area;~~
- (c) ~~the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and~~
- (d) ~~the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.~~

~~All #loft dwellings# or #joint living work quarters for artists# permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on~~

the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

111-51

Special Permit for Enlargements of Buildings Containing Loft Dwellings

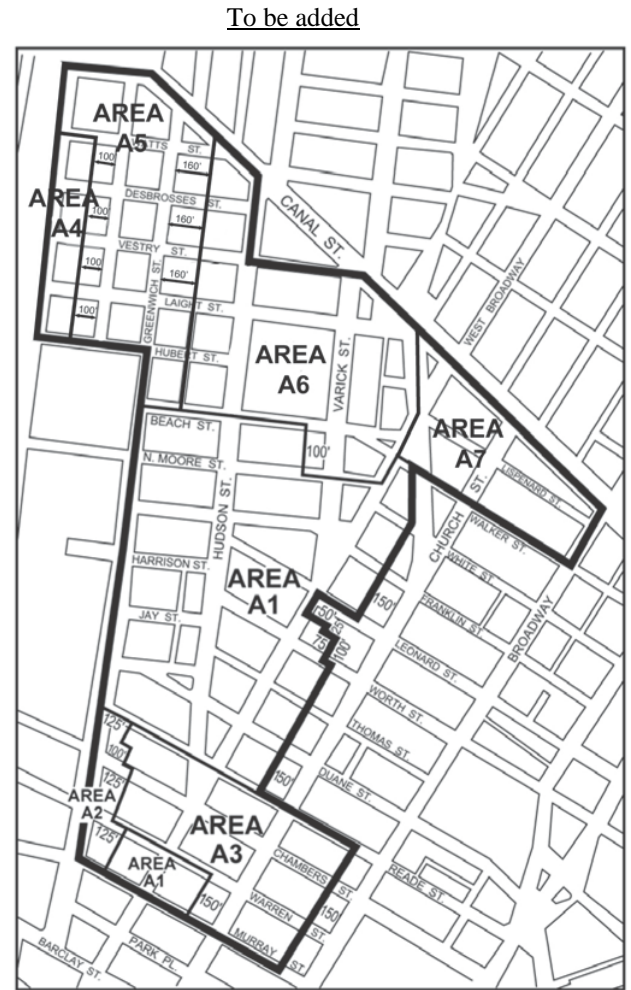
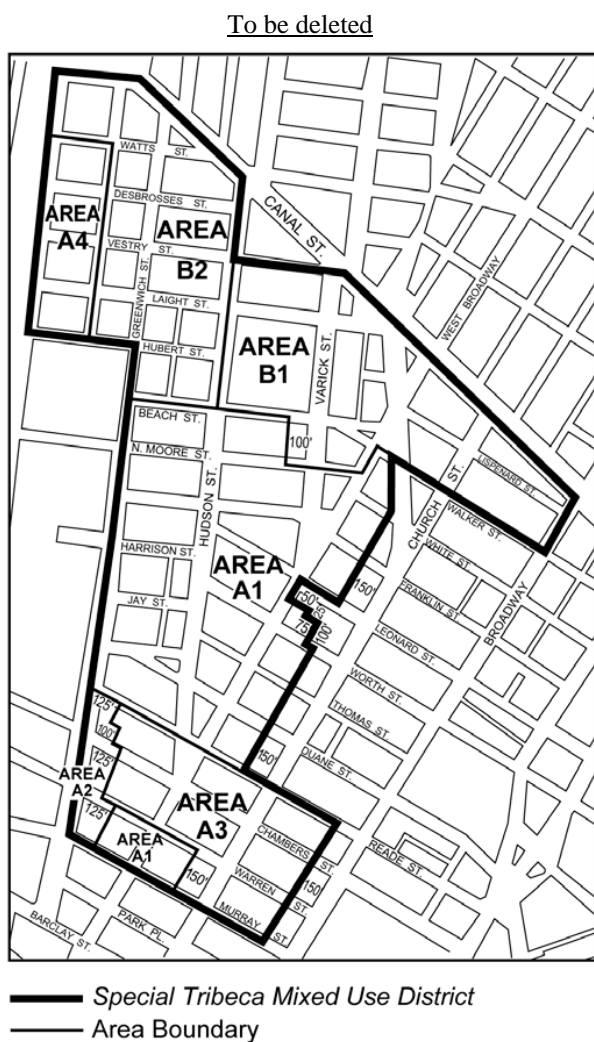
In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

- (a) #loft dwellings# in #buildings# designed for non #residential use# and erected prior to December 15, 1961, that have since been #enlarged#; or
(b) the #enlargement# of #buildings# designed for non #residential use# and erected prior to December 15, 1961, for #loft dwellings#, provided that:
(1) all #loft dwellings# comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20, paragraph (b);
(2) the #bulk# regulations of an M1-5 District shall apply, except that the #enlarged# portion of the #building# shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and
(3) the maximum #floor area ratio# for all #loft dwellings# shall not exceed 5.0.

In order to grant a special permit, the City Planning Commission shall find that the process of #enlargement# will not unduly burden #commercial# and #manufacturing uses# in the #building# and the neighborhood in which the #enlargement# is taking place will not be excessively burdened by increased #residential# activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

Appendix A
Special Tribeca Mixed Use District Map



Special Tribeca Mixed Use District
Area Boundary

- Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area A4: General Mixed Use Area
Area A5: General Mixed Use Area
Area A6: General Mixed Use Area
Area A7: General Mixed Use Area

APPENDIX F
Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#.

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within such special districts:

- #Special 125th Street District# - see Section 97-421 (Inclusionary Housing)
#Special Clinton District# - see Section 96-81 (C6-3X Designated District)
#Special Coney Island District# - see Section 131-321 (Special floor area regulations for residential uses)
#Special Downtown Jamaica District# - see Section 115-211 (Special Inclusionary Housing regulations)
#Special Garment Center District# - see Sections 121-31 (Maximum Permitted Floor Area) and 93-23 (Modifications of Inclusionary Housing Program)

#Special Harlem River Waterfront District# – see Section 87-20 (SPECIAL FLOOR AREA REGULATIONS)

#Special Hudson Yards District# – see Section 93-23 (Modifications of Inclusionary Housing Program)

#Special Long Island City Mixed Use District# – see Section 117-631 (Floor area ratio and lot coverage modifications)

#Special Southern Hunters Point District# – see Section 125-22 (Newtown Creek Subdistrict)

#Special Tribeca Mixed-Use District# – see paragraphs (d)(3) and (d)(4) of Section 111-20 (SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7)

#Special West Chelsea District# – see Section 98-26 (Modifications of Inclusionary Housing Program)

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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. 223

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100407 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment of the zoning map, Sections 3c and 3d, Borough of the Bronx, Council District no. 15.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4135), respectfully

REPORTS:

SUBJECT

BRONX CB - 6

C 100407 ZMX

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. 3c and 3d.

INTENT

To develop a zoning strategy that provides opportunities for new residential development in the Bronx.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed 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. 500

Resolution approving the decision of the City Planning Commission on ULURP No. C 100407 ZMX, a Zoning Map amendment (L.U. No. 223).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by the New York City 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 75 blocks along the Third Avenue and Tremont Avenue corridors, Community District 6, in the Bronx. The proposed rezoning from R7-1, R7-1/C1-4, R7-1/C2-4, C4-4, C8-3, M1-4, and M1-1 districts to R5, R6A, R7X/C1-4, C4-4A, C4-5X, C4-4D, M1-4/R7A, and M1-4/R7X districts are intended to strengthen Third Avenue and Tremont Avenue as major corridors that will promote a healthy mix of uses including affordable housing, retail, and commercial while preserving the surrounding neighborhood character, Community District 6, Borough of the Bronx (ULURP No. C 100407 ZMX (the "Application"));

WHEREAS, the Application is related to Application Number N 100408 ZRX (L.U. No. 224), a zoning text amendment to modify ZR Sections 123-63, 123-90, and Appendix D to establish a Special Mixed Use District (MX- 14); and to modify Appendix F in the Zoning Resolution to make the Inclusionary Housing Program applicable in the proposed C4- 4A (R7A), C4-5X (R7X), C4-4D (R8A), M1-4/R7A, and M1- 4/R7X 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 October 5, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Revised Negative Declaration, issued on September 15, 2010 (CEQR No. 10DCP043X);

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 100407 ZMX, 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. 3c and 3d:

1. eliminating from within an existing R7-1 District a C1-4 District bounded by East 178th Street, Hughes Avenue, a line 100 feet northeasterly of East Tremont Avenue, Clinton Avenue, a line 150 feet northeasterly of East Tremont Avenue, Marmion Avenue, a line 100 feet southwesterly of East Tremont Avenue, Arthur Avenue, East Tremont Avenue, Third Avenue, a line 100 feet southwesterly of East 178th Street, and a line midway between Third Avenue and Monterey Avenue;

2. eliminating from within an existing R7-1 District a C2-4 District bounded by:

a. East 189th Street, Park Avenue (northwesterly portion), East 188th Street, and Webster Avenue; and

b. Quarry Road, East 181st Street, Monterey Avenue and its southwesterly centerline prolongation, a line 100 feet southwesterly of East 180th Street, and Third Avenue;

3. changing from an R7-1 District to an R5 District property bounded by:

- a. East 186th Street, Washington Avenue, a line midway between East 185th Street and East 186th Street, a line 300 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 184th Street and East 185th Street, Washington Avenue, East 184th Street, a line 100 feet southeasterly of Park Avenue (southeasterly portion), a line 130 feet northeasterly of East 184th Street, and Park Avenue (southeasterly portion); and
- b. East 180th Street, Bathgate Avenue, a line 330 feet northeasterly of East 179th Street, a line midway between Bathgate Avenue and Third Avenue, a line 110 feet northeasterly of East 178th Street, Bathgate Avenue, East 179th Street, Washington Avenue, a line 220 feet northeasterly of East 178th Street, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
4. changing from an R7-1 District to an R6A District property bounded by:
- a. Cyrus Place, a line 100 feet westerly of Third Avenue, a line 170 feet southeasterly of Park Avenue (southeasterly portion), a line midway between Cyrus Place and East 187th Street, a line 100 feet westerly of Third Avenue, a line 250 feet southeasterly of Park Avenue (southeasterly portion), East 187th Street, a line 100 feet northwesterly of Washington Avenue, East 186th Street, and Park Avenue (southeasterly portion);
- b. Park Avenue (southeasterly portion), a line 130 feet northeasterly of East 184th Street, a line 100 feet southeasterly of Park Avenue (southeasterly portion), East 184th Street, Washington Avenue, a line midway between East 184th Street and East 185th Street, a line 300 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 185th Street and East 186th Street, Washington Avenue, East 185th Street, Bassford Avenue, East 184th Street, a line 130 feet northwesterly of Third Avenue, East 181st Street, Bathgate Avenue, East 180th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, and East 183rd Street;
- c. East 179th Street, Bathgate Avenue, a line 110 feet northeasterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178th Street, Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, a line 100 feet northwesterly of Washington Avenue, a line 240 feet southwesterly of East 178th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 220 feet northeasterly of East 178th Street, and Washington Avenue; and
- d. East 180th Street, a line midway between Bathgate Avenue and Third Avenue, a line 330 feet northeasterly of East 179th Street, and Bathgate Avenue;
5. changing from a C4-4 District to an R6A District property bounded by a line 150 feet northeasterly of East Tremont Avenue, Washington Avenue, a line 340 feet southwesterly of East 178th Street, and a line 100 feet northwesterly of Washington Avenue;
6. changing from an C8-3 District to an R6A District property bounded by:
- a. Cyrus Place, a line 170 feet southeasterly of Park Avenue (southeasterly portion), and a line 100 feet westerly of Third Avenue; and
- b. a line midway between Cyrus Place and East 187th Street, a line 250 feet southeasterly of Park Avenue (southeasterly portion), and a line 100 feet westerly of Third Avenue;
7. changing from an R7-1 District to an R7X District property bounded by Marmion Avenue, a line 100 feet northeasterly of East Tremont Avenue, Honeywell Avenue, a line 150 feet northeasterly of East Tremont Avenue, Daly Avenue, and a line 100 feet southwesterly of East Tremont Avenue;
8. changing from an R7-1 District to a C4-4A District property bounded by:
- a. East 181st Street, Monterey Avenue and its southwesterly centerline prolongation, a line 100 feet southwesterly of East 180th Street, and Third Avenue;
- b. East 181st Street, a line 100 feet northwesterly of Third Avenue, East 180th Street, and Bathgate Avenue; and
- c. Belmont Avenue, a line 100 feet northeasterly of East Tremont Avenue, Clinton Avenue, a line 150 feet northeasterly of East Tremont Avenue, Marmion Avenue, a line 100 feet southwesterly of East Tremont Avenue, Belmont Avenue, and East Tremont Avenue;
9. changing from a C8-3 District to a C4-4A District property bounded by East 181st Street, Third Avenue, a line 330 feet northeasterly of East 179th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 100 feet northwesterly of Third Avenue;
10. changing from an R7-1 District to a C4-4D District property bounded by East 184th Street, a line 100 feet northwesterly of Third Avenue, East 181st Street, and a line 130 feet northwesterly of Third Avenue;
11. changing from a C8-3 District to a C4-4D District property bounded by East 184th Street, Third Avenue, East 181st Street, and a line 100 feet northwesterly of Third Avenue;
12. changing from an R7-1 District to a C4-5X District property bounded by:
- a. East 189th Street, Park Avenue (southeasterly portion), East 188th Street, and Webster Avenue;
- b. Third Avenue, a line 100 feet southwesterly of East 178th Street, a line midway between Third Avenue and Monterey Avenue, a line 110 feet northeasterly of East 178th Street, Monterey Avenue, East 178th Street, Hughes Avenue, a line 100 feet northeasterly of East Tremont Avenue, Belmont Avenue, East Tremont Avenue, Belmont Avenue, a line 100 feet southwesterly of East Tremont Avenue, Arthur Avenue, and East Tremont Avenue;
- c. Washington Avenue, a line 220 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 150 feet northeasterly of East Tremont Avenue; and
- d. a line 240 feet southwesterly of East 178th Street, a line 100 feet northwesterly of Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
13. changing from a C4-4 District to a C4-5X District property bounded by Webster Avenue, a line 150 feet northeasterly of East Tremont Avenue, the northwesterly boundary line of a railroad right-of-way (New York and Harlem R.R. Division), a line 150 feet northeasterly of East Tremont Avenue, a line 100 feet northwesterly of Washington Avenue, a line 340 feet southwesterly of East 178th Street, Washington Avenue, a line 150 feet northeasterly of East Tremont Avenue, Third Avenue, a line 330 feet northeasterly of East 176th Street, Bathgate Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 220 feet northeasterly of East 176th Street, Washington Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 200 feet northwesterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, and a line 100 feet northeasterly of East 176th Street;
14. changing from an M1-1 District to a C4-5X District property bounded by:
- a. a line 220 feet northeasterly of East 178th Street, Park Avenue (northwesterly portion), East 178th Street, and a line 230 feet northwesterly of Park Avenue (northwesterly portion);
- b. Park Avenue (southeasterly portion), a line 240 feet southwesterly of East 178th Street, a line midway between Park Avenue (southeasterly portion) and Washington Avenue, and a line 150 feet northeasterly of East Tremont Avenue; and
- c. a line midway between Webster Avenue and Park Avenue (northwesterly portion), a line 300 feet southwesterly of East 178th Street, Park Avenue (northwesterly portion), and a line 150 feet northeasterly of East Tremont Avenue;

15. changing from an M1-4 District to a C4-5X District property bounded by:
- a line 150 feet southwesterly of East Tremont Avenue, Bathgate Avenue, and a line 220 feet northeasterly of East 176th Street;
 - a line 150 feet southwesterly of East Tremont Avenue, Washington Avenue, and a line 200 feet northeasterly of East 176th Street; and
 - a line 150 feet southwesterly of East Tremont Avenue, a line 120 feet northwesterly of Washington Avenue, a line 100 feet northeasterly of East 176th Street, and a line midway between Park Avenue (southeasterly portion) and Washington Avenue;
16. changing from a C8-3 District to a C4-5X District property bounded by:
- East 189th Street, a line 100 feet northwesterly of Washington Avenue, a line 100 feet northeasterly of East 188th Street, Washington Avenue, East 188th Street, Third Avenue, Cyrus Place, and Park Avenue (southeasterly portion);
 - Webster Avenue, a line 220 feet northeasterly of East 178th Street, a line 230 feet northwesterly of Park Avenue (northwesterly portion), East 178th Street, a line midway between Webster Avenue and Park Avenue (northwesterly portion), and a line 150 feet northeasterly of East Tremont Avenue;
 - East 178th Street, a line midway between Third Avenue and Monterey Avenue, a line 100 feet southwesterly of East 178th Street, and Third Avenue; and
 - a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178th Street, Third Avenue, and a line 150 feet northeasterly of East Tremont Avenue;
17. changing from an R7-1 District to an M1-4/R7A District property bounded by:
- a line 170 feet southeasterly of Park Avenue (southeasterly portion), a line 100 feet southwesterly of Third Avenue, and a line midway between Cyrus Place and East 187th Street; and
 - a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line 100 feet southwesterly of Third Avenue, and East 187th Street;
18. changing from an C4-4 District to an M1 -4/R7A District property bounded by Bathgate Avenue, a line 330 feet northeasterly of East 176th Street, a line midway between Bathgate Avenue and Third Avenue, and a line 150 feet southwesterly of East Tremont Avenue;
19. changing from a C8-3 District to an M1-4/R7A District property bounded by:
- East 188th Street, Washington Avenue, a line 170 feet southwesterly of East 188th Street, a line perpendicular to the last named course and passing through a point distant 180 feet southeasterly (as measured along the last named course) from the southeasterly street line of Washington Avenue, East 187th Street, Bathgate Avenue, a line 100 feet northeasterly of Third Avenue, Lorillard Place, a line 100 feet northeasterly of Third Avenue, Third Avenue and its northeasterly centerline prolongation, East 184th Street, Bassford Avenue, East 185th Street, Washington Avenue, East 186th Street, a line 100 feet northwesterly of Washington Avenue, a line 100 feet westerly of Third Avenue, a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line midway between Cyrus Place and East 187th Street, a line 100 feet westerly of Third Avenue, a line 170 feet southeasterly of Park Avenue (southeasterly portion), Cyrus Place, and Third Avenue; and
- a line midway between Bathgate Avenue and Third Avenue, a line 330 feet northeasterly of East 179th Street, Third Avenue, East 179th Street, a line midway between Third Avenue and Monterey Avenue, a line 125 feet southwesterly of East 179th Street, Third Avenue, a line 100 feet northeasterly of East 178th Street, a line midway between Third Avenue and Monterey Avenue, East 178th Street, Third Avenue, and a line 200 feet southwesterly of East 178th Street;
20. changing from an M1-4 District to an M1-4/R7A District property bounded by a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 100 feet northeasterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, a line 200 feet northeasterly of East 176th Street, Washington Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line 220 feet northeasterly of East 176th Street, Bathgate Avenue, a line 150 feet southwesterly of East Tremont Avenue, a line midway between Bathgate Avenue and Third Avenue, a line 100 feet northeasterly of East 175th Street, Bathgate Avenue, and East 175th Street;
21. changing from a C4-4 District to an M1-4/R7X District property bounded by a line 330 feet northeasterly of East 176th Street, Third Avenue, a line 150 feet southwesterly of East Tremont Avenue, and a line midway between Bathgate Avenue and Third Avenue;
22. changing from an M1-4 District to an M1-4/R7X District property bounded by a line 150 feet southwesterly of East Tremont Avenue, Third Avenue, East 175th Street, Bathgate Avenue, a line 100 feet northeasterly of East 175th Street, and a line midway between Bathgate Avenue and Third Avenue;
23. establishing within an existing R7-1 District a C1-4 District bounded by Third Avenue, a line 400 feet northeasterly of East 181st Street, a line 100 feet southeasterly of Third Avenue, and East 181st Street; and
24. establishing a Special Mixed Use District (MX-14) bounded by:
- East 188th Street, Washington Avenue, a line 170 feet southwesterly of East 188th Street, a line perpendicular to the last named course and passing through a point distant 180 feet southeasterly (as measured along the last named course) from the southeasterly street line of Washington Avenue, East 187th Street, Bathgate Avenue, a line 100 feet northeasterly of Third Avenue, Lorillard Place, a line 100 feet northeasterly of Third Avenue, Third Avenue and its northeasterly centerline prolongation, East 184th Street, Bassford Avenue, East 185th Street, Washington Avenue, East 186th Street, a line 100 feet northwesterly of Washington Avenue, East 187th Street, a line 250 feet southeasterly of Park Avenue (southeasterly portion), a line midway between East 187th Street and Cyrus Place, a line 170 feet southeasterly of Park Avenue (southeasterly portion), Cyrus Place, and Third Avenue;
 - a line 330 feet northeasterly of East 179th Street, Third Avenue, East 179th Street, a line midway between Third Avenue and Monterey Avenue, a line 125 feet southwesterly of East 179th Street, Third Avenue, a line 100 feet northeasterly of East 178th Street, a line midway between Third Avenue and Monterey Avenue, East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue; and
 - a line midway between Park Avenue (southeasterly portion) and Washington Avenue, a line 100 feet northeasterly of East 176th Street, a line 120 feet northwesterly of Washington Avenue, a line 200 feet northeasterly of East 176th Street, Washington Avenue, a line 220 feet northeasterly of East 176th Street, Bathgate Avenue, a line 330 feet northeasterly of East 176th Street, Third Avenue, and East 175th Street;
- as shown on a diagram (for illustrative purposes only) dated May 24, 2010 and subject to the conditions in CEQR Declaration E255, Community District 6, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA

MA. 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, October 7, 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. 224

Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 100408 ZRX, pursuant to §§197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution: Article II, Chapter 3, Section 23-90 and Appendix F; Article XII, Chapter 3, Sections 123-63 and 123 -90 and Appendix D.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4136), respectfully

REPORTS:

SUBJECT

BRONX CB - 6

N 100408 ZRX

City Planning Commission decision 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 23-90, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A, R7X, and R8A districts; and, Article XII, Chapter 3 (Special Mixed Use District), Section 123-63, 123-90, and Appendix D specifying a Special Mixed Use District (MX-14).

INTENT

To develop a zoning strategy that provides opportunities for new residential and commercial development in the Bronx.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the proposed 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. 501

Resolution approving the decision of the City Planning Commission on Application No. N 100408 ZRX, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Section 23-90, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A, R7X, and R8A districts; and, Article XII, Chapter 3 (Special Mixed Use District), Section 123-63, 123-90, and Appendix D specifying a Special Mixed Use District (MX-14), Borough of the Bronx (L.U. No. 224).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Section 23-90, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A, R7X, and R8A districts; and, Article XII, Chapter 3 (Special Mixed Use District), Section 123-63, 123-90, and Appendix D specifying a Special Mixed Use District (MX-14). The proposed Zoning Text Amendment will establish a Special Mixed Use District (MX-14) and make the Inclusionary Housing Program applicable in the proposed C4-4A (R7A), C4-5X (R7X), C4-4D (R8A), M1-4/R7A, and M1-4/R7X districts in the Borough of the Bronx, Community District 6 (Application No. N 100408 ZRX), (the "Application");

WHEREAS, the Application is related to Application Number N 100407 ZMX (L.U. No. 223), a zoning map amendment changing all, or portions of, seventy-five blocks from R7-1, R7-1/C1-4, R7-1/C2-4, C4-4, C8-3, M1-1, and M1-4 districts to R5, R6A, R7X/C1-4, C4-4A, C4-5X, C4- 4D, M1-4/R7A and M1-4/R7X 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 October 5, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Revised Negative Declaration, issued on September 15, 2010 (CEQR No. 10DCP043X);

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 100408 ZRX, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

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

23-90

INCLUSIONARY HOUSING

* * *

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in APPENDIX F of this Resolution.

* * *

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-952. The locations of such districts are specified in APPENDIX F of this Resolution.

| Special Mixed Use District | Designated | Residence |
|--|------------|----------------|
| MX 2- Community District 2, Brooklyn | | R7A R8A |
| MX 8- Community District 1, Brooklyn | | R6 R6A R6B R7A |
| MX 11- Community District 6, Brooklyn R7-2 | | |
| MX 14 – Community District 6, the Bronx | | R7A, R7X |

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: Port Morris, the Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

* * *

#Special Mixed Use District# - 13: Lower Concourse, the Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: Third Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

* * *

APPENDIX D

Index of Special Purpose Districts

| SPECIAL DISTRICT (SYMBOL) | SECTION NUMBER | ZONING MAP(S) | CP/ULURP NUMBER* | CPC ADOPTION | BOE/COUNCIL ADOPTION |
|---------------------------|----------------|---------------|------------------|--------------|----------------------|
|---------------------------|----------------|---------------|------------------|--------------|----------------------|

* * *

| | | | | | |
|--|--------|--------------------------------------|------------|----------|------------------------------|
| Mixed Use District-11 (MX-11) Gowanus, Brooklyn | 123-00 | 16a | 090049 ZRK | 2/17/09 | 3/11/09 |
| Mixed Use District-13 (MX-13) Lower Concourse, the Bronx | 123-00 | 6a | 090302 ZRX | 5/20/09 | 6/30/09 |
| Mixed Use District-14 (MX-14) Third Avenue, the Bronx | 123-00 | 3c 3d | 100408 ZRX | 9/15/10 | (effective date of adoption) |
| Natural Area District-1 (NA-1) | 105-00 | 21b 26a 26b 26c 26d 27a 27b | 22748(A) | 11/18/74 | 12/19/74 |

**APPENDIX F
Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #Residence Districts#.

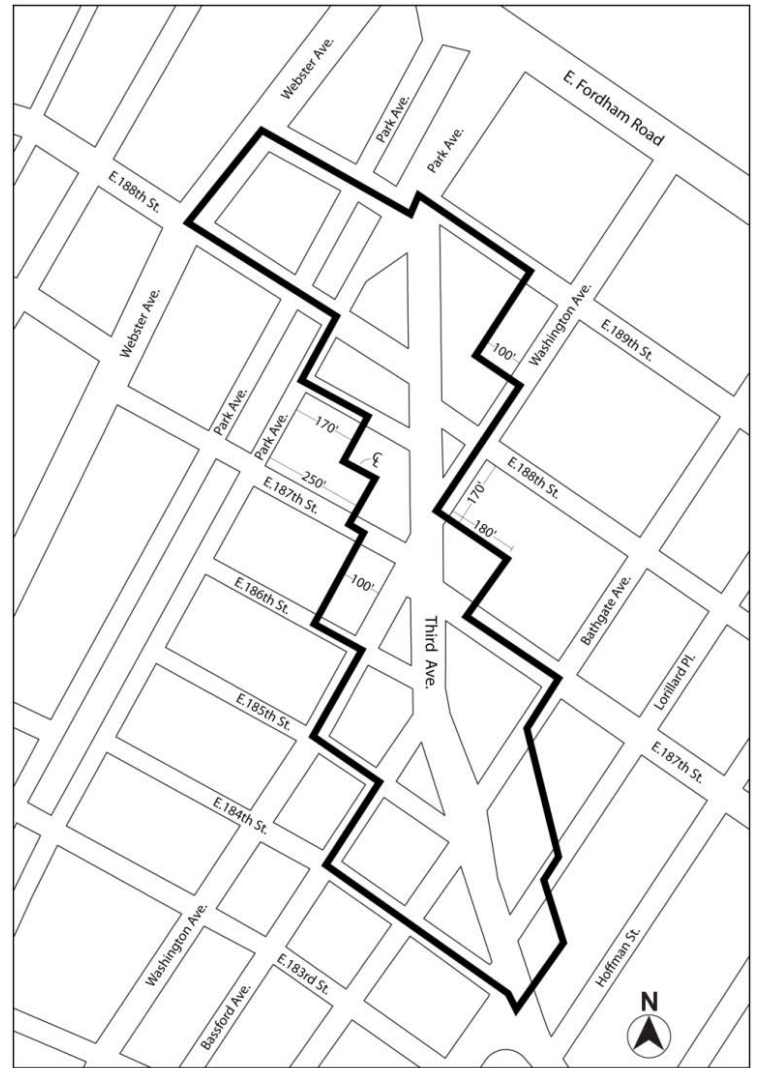
The Bronx, Community District 1

In the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 1:

The Bronx, Community District 6

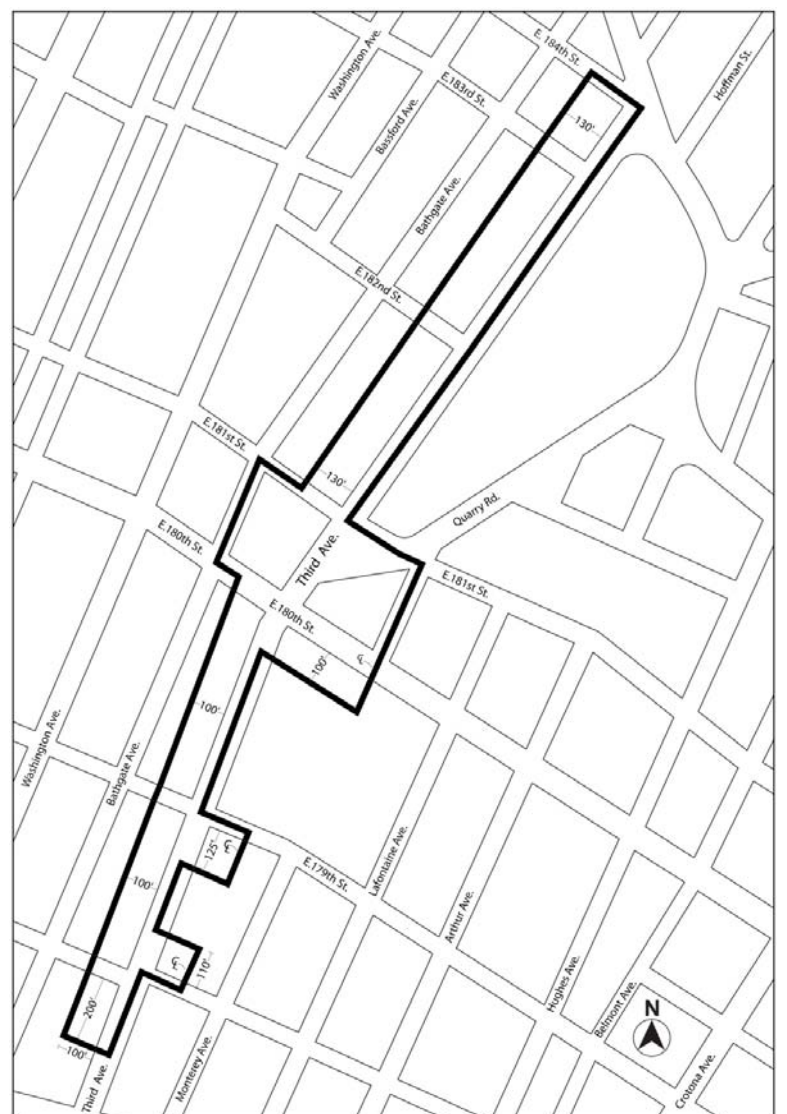
In the R7A, R7X and R8A Districts within the areas shown on the following Maps 1, 2, 3 and 4:

Map 1-



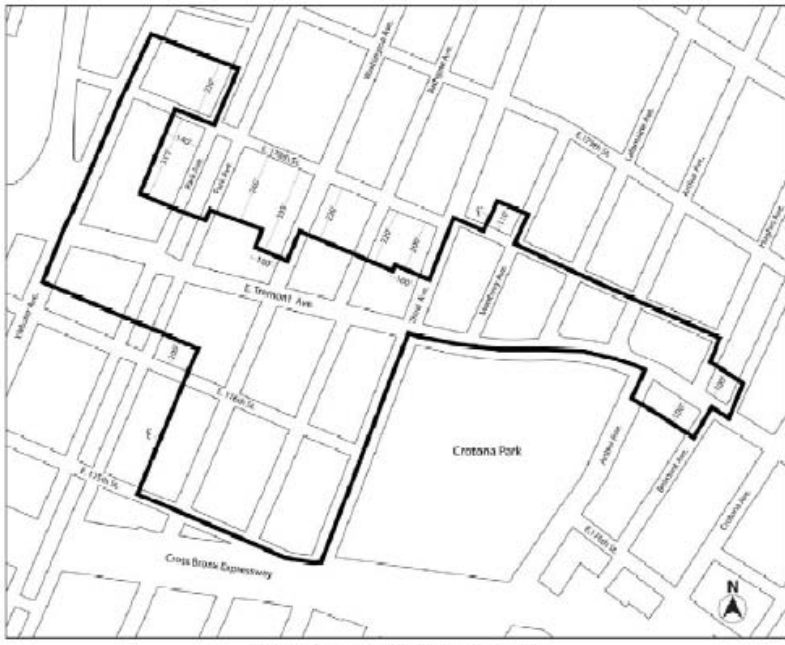
Portion of Community District 6, the Bronx

Map 2-



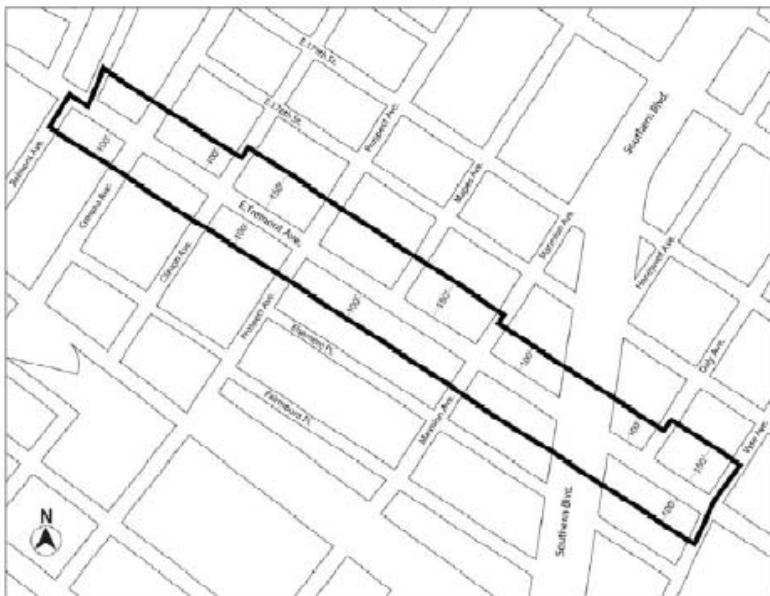
Portion of Community District 6, the Bronx

Map 3-



Portion of Community District 6, the Bronx

Map 4-



Portion of Community District 6, the Bronx

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., SARA MA. 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, October 7, 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:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of October 27, 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).

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

- (1) **Int 263-A --** Reducing the waste of potable water for cooling.
- (2) **Int 264-A --** Drinking fountains.
- (3) **Int 268-A --** Preventing water waste in buildings.
- (4) **Int 271-A --** Enhancing water efficiency standards.
- (5) **Res 479 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget **(Transparency Resolution, October 13, 2010)**.
- (6) **L.U. 194 & Res 486 --** ULURP, app. **C 100274 PPM**, 882 St. Nicholas Avenue, Borough of Manhattan, Council District no. 7.
- (7) **L.U. 195 & Res 487 --** ULURP, app. **C 100275 PQM**, West 155th Street, St. Nicholas Avenue and St. Nicholas Place, Manhattan, Council District no. 7.
- (8) **L.U. 196 & Res 488 --** ULURP, app. **C 100277 ZMM** zoning map Section 3b, Borough of Manhattan, Council District no. 7.
- (9) **L.U. 209 & Res 489 --** App. **20115157 HAM**, UDAAP, 2053 7th Avenue, Council District no. 9, Borough of Manhattan.
- (10) **L.U. 210 & Res 490 --** App. **20115158 HAM**, UDAAP, 108 West 114th Street, Council District no. 9, Borough of Manhattan.
- (11) **L.U. 213 & Res 491 --** App. **C 070550 ZMX** establishing within an existing and proposed R7-1 District, a C2-4 District.
- (12) **L.U. 214 & Res 492 --** App. **C 100258 PQK**, 525 Johnson Avenue (Block 2987, Lot 16), for continued use as a garage, CD 1, Brooklyn **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (13) **L.U. 215 & Res 493 --** App. **C 100264 PQK**, 145 Randolph Street for continued use as a parking lot, Community District 1, Borough of Brooklyn **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (14) **L.U. 216 & Res 494 --** App. **20115161 TCM**, unenclosed sidewalk café 1664 Broadway, Borough of Manhattan, Council District no. 5 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (15) **L.U. 218 & Res 495 --** App. **20115199 HAX**, UDAAP, 100 West 163rd Street and 954 Anderson Avenue, Council District no. 17, Bronx.
- (16) **L.U. 219 & Res 496 --** ULURP, app. **C 080129 ZMX** amendment of the zoning map, Section 3d, Borough of the Bronx, Council District no. 16.
- (17) **L.U. 220 & Res 497 --** ULURP, app. **C 100036** zoning map, Section 6c, Borough of the Bronx, Council District no. 17.
- (18) **L.U. 221 & Res 498 --** ULURP, app. **C 100369 ZMM** zoning map, Section 12a, Borough of Manhattan, Council District no. 1.
- (19) **L.U. 222 & Res 499 --** App. **N 100370(A) ZRM**, Zoning Resolution, Article XI, Chapter I (Special Tribeca Mixed Use District).
- (20) **L.U. 223 & Res 500 --** ULURP, app. **C 100407 ZMX** zoning

much needed tax relief; now, therefore, be it;

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce, and the Governor to sign, legislation which would provide tax relief to business owners and their customers in the Flushing Commons area.

Referred to the Committee on Finance.

Res. No. 476

Resolution adding a new rule to the Rules of the Council.

By Council Members Halloran, Koo and Vallone Jr.

Section 1. The Rules of the Council are amended by adding a new rule 2.71, to read as follows:

2.71. *Funding Distribution* - (a) *The amount of discretionary capital funding agreed upon by the Speaker and the Mayor, as part of a negotiated budget, shall be divided amongst each member based upon the each share of the council district's total population of the city using the most recent United States Census Bureau data; 2) each share of the council district's total land area of the city using the most recent United States Census Bureau Data; and 3) emergency needs of each council district.*

(b) *The amount of discretionary expense funding for borough presidents agreed upon by the Speaker and the Mayor, as part of a negotiated budget, shall be divided amongst each borough president based upon: 1) each share of the borough president's total population of the city using the most recent United States Census Bureau data; 2) each share of the borough president's total land area of the city using the most recent United States Census Bureau Data; and 3) emergency needs of each borough president.*

(c) *The amount of discretionary expense funding for public libraries agreed upon by the Speaker and the Mayor, as part of a negotiated budget, shall be divided amongst each public library based upon: 1) each share of the public library's total population of the city using the most recent United States Census Bureau data; 2) each share of the public library's total land area of the city using the most recent United States Census Bureau Data; and 3) emergency needs of each public library.*

§2. This resolution shall take effect immediately.

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 367

By Council Members Koppell, Lander, Palma, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to accessible for-hire vehicles.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. New York City's for-hire vehicle (FHV) industry uses nearly 39,000 licensed community car service vehicles to service 8.3 million residents annually. FHV's provide a crucial transportation service for New Yorkers living outside of Manhattan and often serve as an important supplement to public transportation in areas of the City with poor transit service. Demand responsive transportation, such as FHV's, are especially vital for wheelchair users in New York City, since the City's public transportation system is largely inaccessible to physically disabled persons.

The Taxi and Limousine Commission (TLC) recognized the importance of the FHV industry in providing transportation for disabled persons when it promulgated § 6-07(f) of the TLC Regulations on October 31, 2001. This regulation requires individual FHV base stations to provide service for physically disabled persons, either using vehicles owned by the base station or by contracting with another base station that provides equivalent service. However, it has become apparent that large numbers of base stations have entered into contracts with as few as two accessible transportation providers in order to provide accessible service for all persons in the City. Furthermore, of the 159 base stations inspected by the TLC in 2005, 110 were not in compliance with the regulation. Further, between May 1 and September 20, 2010, the TLC issued 92 summons to base stations that were not in compliance with TLC Regulation § 6-07(f).

The Council finds that the City's for-hire vehicle industry should play an important role in providing transportation for physically disabled persons. The Council further finds that the existing regulation, which allows base stations that provide accessible service to enter into an unlimited number of service contracts with other base stations, has created an impractical system that is failing to provide adequate services for physically disabled persons.

§2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-503.2 to read as follows:

§19-503.2 *Accessible for-hire vehicles. a. Definitions. For purposes of this*

section, the following terms shall have the following meanings:

1. "Accessible for-hire vehicle" shall mean any licensed for-hire vehicle equipped with a hydraulic lift or ramps designed for the purpose of transporting physically disabled persons, or containing any other physical device or alteration designed to permit access to and enable the transportation of physically disabled persons and that complies with the accessibility requirements of the Americans With Disabilities Act of 1990, as amended, and any regulations promulgated thereunder, or any licensed for-hire vehicle determined to be accessible to physically disabled persons pursuant to rules promulgated by the commissioner.

2. "Base station" shall have the same meaning as such term is defined pursuant to §19-502 of the code.

3. "On-demand" shall mean when requested.

4. "Physically disabled person" shall mean any person using a wheelchair or other personal mobility aid, such as a scooter.

b. *Accessible for-hire vehicle service required. An owner of any base station shall provide accessible for-hire vehicle transportation services to physically disabled persons on-demand by (i) utilizing one or more accessible for-hire vehicles licensed by such owner and/or (ii) arranging for the dispatch on-demand of one or more accessible for-hire vehicles from another base station pursuant to a contract with the owner of such other station; provided that such owner of such other station shall not have contracts for the arrangement of the dispatch on-demand of accessible for-hire vehicles with more than ten owners of base stations.*

c. *Accessible service at base stations with ten or more vehicles. An owner of any base station shall license at least one accessible for-hire vehicle available to be dispatched on-demand at such station for every ten for-hire vehicles licensed, owned or otherwise controlled by such owner at such station.*

d. *Equivalent service required. Transportation services provided to physically disabled persons pursuant to this section shall be equivalent to such services provided to all other persons with respect to the following: (i) service availability; (ii) response time with respect to request for service; (iii) fares charged; (iv) ability to accept reservations; (v) restrictions or limitation upon services offered; and (vi) service quality.*

e. *Penalty. Any base station owner that violates any provision of this section shall be liable for a civil penalty in the amount of five hundred dollars for each such violation. Failure to comply with any provision of this section within six months of receipt of a first violation issued pursuant to this section shall result in suspension of all base station licenses held by such owner until such time as the commissioner determines that such violation is remedied.*

f. *Enforcement and rules. The commissioner shall take appropriate action to enforce this section and shall promulgate rules as may be necessary to carry out the provisions of this section.*

h. *Report. Not later than January 1, 2012, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council regarding the accessibility of for-hire vehicles in the city of New York, including but not limited to (i) the number of base stations in the city and the number of vehicles and accessible for-hire vehicles licensed by the owner of each such station; (ii) whether accessible for-hire vehicle service is provided pursuant to subdivision b of this section; (iii) the number of contracts or arrangements at each such station that an owner of a base station has with another owner of a base station for the dispatch on-demand of one or more accessible for-hire vehicles; (iv) whether equivalent service is provided by each such station pursuant to subdivision d of this section; (v) the number of violations issued pursuant to subdivision e of this section and the nature of such violations; and (vi) a description of measures implemented by the commissioner in order to enforce the provisions of this section. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.*

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

§4. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 368

By Council Members Koppell, Palma, Vann and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to inspections by the department of buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-210.1 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding new subsections 28-210.1.1 and 28-210.1.2 to read as follows:

§28-210.1.1 *Inspection, failure to gain access to premises. a. The commissioner or his or her authorized representative shall attempt to enter and inspect any dwelling or any part thereof when the department has received a*

complaint of a condition which, if observed, would be identified by the department as an illegal residential conversion.

b. After two attempts to gain access to the dwelling or any part thereof without success, the commissioner or his or her authorized representative shall notify the owner of the dwelling, by certified mail, return receipt requested, that a complaint has been filed and an inspection will be scheduled. If the owner of the dwelling does not respond to such notice within ten business days of the mailing of such request, the commissioner or his or her authorized representative shall prepare an affidavit that documents each unsuccessful attempt to enter and inspect the applicable premises and the request for such entry and inspection. The commissioner shall review the allegations and documentation available, including the complaint, and shall also seek to obtain an affidavit from the complainant, if available. If the commissioner determines that the allegations in the complaint would if observed be a violation classified as an immediately hazardous or major violation, then the department shall seek an order from a court of competent jurisdiction directing that access be provided to an inspector or other authorized representative of the department to any dwelling or part thereof that is the subject of the complaint. The department shall promptly execute any such order in accordance with its terms.

§28-210.1.2 Court order for failure to gain access to inspect premises. a. Upon the issuance of an order directing that access to enter and inspect any dwelling or part thereof be provided to an inspector or other authorized representative of the department, the person, officer or inspector seeking to gain access shall, before entry, give notice of his or her authority and purpose to any occupant of the premises and shall, upon request, show such occupant the order or a copy thereof.

b. Nothing herein shall affect the validity of inspections authorized and conducted under any other provision of any other statute, law, rule or regulation without the issuance of an inspection order or warrant.

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

Referred to the Committee on Housing and Buildings.

Int. No. 369

By Council Members Lappin, Brewer, Comrie, Fidler, Koppell, Lander, Palma, Sanders, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring containers for foods packaged on premises to be made of recyclable material.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.3 to read as follows:

§16-310.3 Food containers. All establishments which sell food in the city shall only use or offer for use containers for packaging food composed of a material that has been designated as a recyclable by the commissioner pursuant to section 16-314 of this chapter, where foods are packaged (a) on the premises of the establishment where they are sold; or (b) in a manner determined by an entity situated in the city.

§2. This local law shall take effect simultaneous with the designation of rigid plastic containers as a recyclable material by the commissioner of sanitation pursuant to paragraph 1 of subdivision c of section 16-305 of the administrative code of the city of New York.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 370

By Council Members Lappin, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Palma and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting.

Be it enacted by the Council as follows:

Section one. Section 19-182 of Title 19 of the administrative code of the city of New York is amended to read as follows:

§19-182 Comprehensive study of pedestrian fatalities and serious injuries. a. [The]Every five years, the department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent five years where traffic crash data is available. In each such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such

[study] studies to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.

b. The first comprehensive traffic study [required under subdivision a of this section shall be submitted to the mayor and council by the thirtieth day of august, two thousand and nine. The] and plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and council by the thirtieth day of november, two thousand and [nine] fifteen. Subsequent studies and plans shall be submitted to the mayor and council every five years thereafter by the thirtieth of november in every such year.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-183 to read as follows:

§19-183 Traffic data. a. The department shall publish on its website the following traffic-related data: (1) the number of moving violation summonses issued, disaggregated by type of summons; (2) the number of traffic crashes, disaggregated by the type of vehicle or vehicles involved and by the number of motorists, passengers, bicyclists, scooters and pedestrians involved; (3) the number of traffic-related fatalities disaggregated by (i) the number of motorists, passengers, bicyclists, scooters and pedestrians involved; and (ii) the apparent human contributing factor or factors involved in the crash, including, but not limited to alcohol, driver inattention/distraction and use of cell phones or other mobile devices.

b. The data required under this section shall be published on the department's website in the aggregate city-wide and borough-wide and shall be searchable by intersection. Such data shall be updated at least once every week.

§3. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 371

By Council Members Lappin, the Speaker (Council Member Quinn), Arroyo, Ferreras, Mendez, Garodnick, Reyna, Foster, Brewer, Comrie, Fidler, James, Koppell, Koslowitz, Lander, Palma, Rose, Van Bramer, Rodriguez, Chin, Dickens and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to limited service pregnancy centers.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 17 to read as follows:

SUBCHAPTER 17

LIMITED SERVICE PREGNANCY CENTERS

§ 20-815 Definitions.

§ 20-816 Required disclosures.

§ 20-817 Confidentiality of health and personal information.

§ 20-818 Penalties.

§ 20-819 Hearing Authority.

§ 20-820 Civil cause of action.

§ 20-815 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings: a. "Abortion" shall mean the termination of a pregnancy for purposes other than producing a live birth, which includes but is not limited to a termination using pharmacological agents. Abortion does not include the termination of an ectopic pregnancy.

b. "Client" shall mean an individual who is inquiring about or seeking services at a limited service pregnancy center.

c. "FDA-approved contraceptive drugs and devices" shall mean all drugs and medical devices that have been approved by the United States food and drug administration for use as contraception.

d. "Health information" shall mean any oral or written information in any form or medium that relates to the past, present or future physical or mental health or condition of a client.

e. "Limited service pregnancy center" shall mean a facility where the primary purpose is to provide commercially valuable pregnancy-related services, regardless of whether they are offered for a fee but: (1) does not provide or refer for abortions or FDA-approved contraceptive drugs and devices; (2) is not licensed by the state of New York or the United States government to provide medical or pharmaceutical services; and (3) is not a facility where the primary purpose is for one or more practitioners, licensed under the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-one-b, one hundred thirty-nine or one hundred forty of the education law of New York, to provide medical services.

f. "Licensed medical provider" shall mean a person licensed or otherwise authorized under the education law of New York to practice as a physician, physician assistant, specialist assistant, nurse or midwife.

g. "Personal information" shall mean the name, address, date of birth, social security number, driver's license number or non-driver photo identification card number of a client. This term shall apply to all such data, notwithstanding the method by which such information is maintained.

h. "Premises" shall mean land and improvements or appurtenances or any part thereof.

§ 20-816 Required disclosures. a. (1) A limited service pregnancy center shall disclose to a client that the limited service pregnancy center does not provide abortion or FDA-approved contraceptive drugs and devices and does not provide referrals to individuals or organizations that provide abortion or FDA-approved contraceptive drugs and devices.

(2) The disclosures required by this subdivision must be provided in writing, in English and Spanish: (i) on at least one sign conspicuously posted in the entrance and any areas where individuals wait to receive services and to be written in such size and style as determined in accordance with rules promulgated by the commissioner; (ii) if the limited services pregnancy center has a website, clearly visible on such website in such size and style as determined in accordance with rules promulgated by the commissioner; and (iii) in any advertisement promoting the services of such limited service pregnancy center in clear and prominent letter type and in such size and style as determined in accordance with rules promulgated by the commissioner.

b. If a licensed medical provider is not present at a limited service pregnancy center, such limited service pregnancy center shall disclose to a client that a licensed medical provider is not available. Such disclosure must be provided in writing, in English and Spanish on at least one sign conspicuously posted in the entrance and any areas where individuals wait to receive services and to be written in such size and style as determined in accordance with rules promulgated by the commissioner.

§ 20-817 Confidentiality of health and personal information. a. All health information and personal information provided by a client in the course of inquiring about or seeking services at a limited service pregnancy center shall be treated as confidential and not disclosed to any other individual, company or organization unless such client requests or consents in writing to the release of such information or disclosure is required by operation of law or court order.

b. Any consent for the release of health or personal information required pursuant to subdivision a of this section must:

- (1) be in writing, dated and signed by the client;
- (2) identify the nature of the information to be disclosed;
- (3) identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;
- (4) identify the organization or individual who is to make the disclosure;
- (5) identify the client; and
- (6) contain an expiration date or an expiration event that relates to the client or the purpose of the use or disclosure.

§ 20-818 Penalties. a. Any limited service pregnancy center that violates sections 20-816 or 20-817 or any rules or regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for the first violation and a civil penalty of not less than five hundred dollars nor more than two thousand-five hundred dollars for each succeeding violation.

b. (1) If any limited service pregnancy center is found to have violated the provisions of section 20-816 on three or more separate occasions within two years, then, in addition to imposing the penalties set forth in subdivision a of this section, the commissioner after notice and a hearing shall be authorized to order that the limited service pregnancy center be sealed for a period not to exceed five consecutive days, except that such premises may be entered with the permission of the commissioner solely for actions necessary to remedy past violations of section 20-816 or prevent future violations. For the purpose of this subdivision, any violations at a limited service pregnancy center shall not be included in determining the number of violations of any subsequent limited service pregnancy center at that location unless the commissioner establishes that the subsequent operator of such limited service pregnancy center acquired the premises or limited service pregnancy center, in whole or in part, for the purpose of permitting the previous operator of the limited service pregnancy center who had been found guilty of violating section 20-816 to avoid the effect of violations.

(2) Orders of the commissioner issued pursuant to paragraph 1 of this subdivision shall be posted at the premises on which the activity occurs in violation of section 20-816.

(3) Ten days after the posting of an order issued pursuant to paragraph 1 of this subdivision and upon the written directive of the commissioner, officers and employees of the department and officers of the New York city police department are authorized to act upon and enforce such orders.

(4) A closing directed by the department pursuant to this paragraph shall not constitute an act of possession, ownership or control by the city of the closed premises.

(5) Mutilation or removal of a posted order of the commissioner or his designee shall be punishable by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding fifteen days, or both, provided such order contains therein a notice of such penalty. Any other intentional disobedience or resistance to any provision of the orders issued pursuant to this subdivision, including using or occupying or permitting any other person to use or occupy any premises ordered closed without the permission of the department as described in subdivision b shall, in addition to any other punishment prescribed by law, be punishable by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both.

§ 20-819 Hearing Authority. a. Notwithstanding any other provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of the provisions of this subchapter and any rules promulgated thereunder. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-818 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the commissioner. The penalties provided for in section 20-818 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All proceedings under this subchapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. Notice of any third violation for engaging in a violation of section 20-816 shall state that premises may be ordered sealed after a finding of a third violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§ 20-820 Civil cause of action. Any person claiming to be injured by the failure of a limited service pregnancy center to comply with section 20-817 shall have a cause of action against such limited service pregnancy center in any court of competent jurisdiction for any or all of the following remedies: compensatory and punitive damages; injunctive and declaratory relief; attorney's fees and costs; and such other relief as a court deems appropriate.

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

Referred to the Committee on Women's Issues.

Int. No. 372

By Council Members Levin, Cabrera, Comrie, Gentile, Jackson, James, Koslowitz, Nelson, Palma, Williams, Lander, Seabrook, Greenfield, Mark-Viverito, Rodriguez, Chin, Vallone, Jr., Crowley and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules for up to seven days on the four consecutive blocks adjacent to filming.

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.2 to read as follows:

§ 19-163.2 Suspension of parking regulations for filming. a. The issuance of a permit by the mayor's office of film theatre and broadcasting that authorizes filming and/or related activity shall result in suspension of alternate side of the street parking rules for up to seven days on the four consecutive blocks adjacent to the filming and/or related activity as determined by the department of transportation while such filming and/or related activity is being conducted.

b. In accordance with subdivision c of section 19-175.2 of this subchapter, the party to whom a permit is issued by such mayor's office shall immediately post notice of the parking rule suspensions in the four consecutive blocks where parking rules are suspended in accordance with subdivision a of this section.

§2. This local law shall take effect immediately after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 373

By Council Member Mark-Viverito and The Speaker (Council Member Quinn).

A Local Law to amend the New York City charter, in relation to requiring the Mayor's Office of Operations to report certain hate crime statistics on the My Neighborhood Statistics website.

Be it enacted by the Council as follows:

Section 1. Section 15 of Chapter 1 of the New York City charter is amended by adding a new subdivision g to read as follows:

g. *Hate crime statistics to be reported on My Neighborhood Statistics website. The mayor's office of operations shall include the following police department statistics in the data presented via the "My Neighborhood Statistics" website or via any successor website that is substantially similar in form or function: (1) the number of hate crimes; (2) the number of murders determined by the police department to be hate crimes; and (3) the number of felonious assaults determined by the police department to be hate crimes. Such statistics shall be provided in a manner consistent with other police department data available on the My Neighborhood Statistics website. For the purposes of this subdivision, hate crime shall have the meaning ascribed to it by section 485.05 of the New York penal law.*

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Governmental Operations.

Int. No. 374

By Council Members Mendez, Brewer, Chin, Comrie, Fidler, Gentile, James, Koppell, Lander, Palma, Van Bramer, Williams, Rodriguez, Garodnick, Mealy and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle crash data.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-183 to read as follows:

§19-183 *Compilation of bicycle crash data. a. The department shall compile the numbers of bicycle crashes that are reported to city agencies or other city officials. Such bicycle crash compilation shall include crashes between bicycles, between bicycles and scooters, between bicycles and other vehicles and between bicycles and pedestrians. The department shall commence compiling such data on January 1, 2012.*

b. *On April 1, 2013 and annually thereafter, the department shall provide a report to the council for the preceding calendar year, with such report posted on the department's website, of the total number of reported crashes as required by subdivision a of this section, disaggregated by those involving solely bicycles, between bicycles and scooters, between bicycles and motorized vehicles, and between one or more bicycles and pedestrians. Such report shall also be disaggregated by borough and by community district.*

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

Referred to the Committee on Transportation.

Res. No. 477

Resolution calling upon the New York State Legislature to override Governor Paterson's veto of A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, who are receiving shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30 percent of their household's monthly income towards shelter costs, including rent and utilities.

By Council Members Mendez, Palma, the Speaker (Council Member Quinn) and Council Members Arroyo, Brewer, Cabrera, Chin, Comrie, Dromm, Ferreras, James, Koppell, Koslowitz, Lander, Mealy, Rose, Sanders, Van Bramer, Vann, Rodriguez, Levin, Foster, Gennaro, Mark-Viverito, Jackson, Barron and Williams.

Whereas, When the New York City Human Resources Administration (HRA) created the HIV/AIDS Services Administration (HASA), it became one of the first government agencies to respond to the AIDS epidemic; and

Whereas, Since that time, a series of laws have been passed in New York City to ensure that people living with HIV/AIDS receive access to numerous benefits, services, and housing resources; and

Whereas, HASA now provides a range of services to low income New Yorkers living with HIV/AIDS, including linkage to social services benefits such as food stamps and cash assistance, help applying for supplemental security income (SSI) and social security disability income (SSDI), improved access to medical services and Medicaid, individualized service planning, and rental assistance, among other things; and

Whereas, Since the mid-1980s, New York City has recognized the

connection between stable housing and health by providing rental assistance to help persons living with HIV/AIDS maintain stable housing; and

Whereas, Persons living with HIV/AIDS need quality housing to stay healthy; and

Whereas, Studies show that persons who have stable housing are less likely to use drugs and engage in high-risk sexual activities and are more likely to adhere to complex pill regimens and receive proper medical care; and

Whereas, As of June 2010, HASA was serving 43,875 persons and providing housing rental assistance to over 25,000 clients; and

Whereas, The New York State Assembly passed A. 2565 on January 12, 2010, and the New York State Senate passed its companion bill, S. 2664, originally on July 16, 2009 and again on April 27, 2010; this legislation would cap the rent and utility contributions of individuals with clinical/symptomatic HIV/AIDS who are receiving shelter assistance or an emergency shelter allowance at 30 percent of their household's monthly income; and

Whereas, Speaker Sheldon Silver in the Assembly and Majority Leader John L. Sampson in the Senate, as well as sponsors Assemblymember Deborah J. Glick and Senator Tom Duane, deserve our praise and gratitude for their vital role in passing this important legislation; and

Whereas, This legislation only applies to HASA clients who are both living independently and have supplemental sources of income; and

Whereas, HASA clients who are in "independent living" are individuals who are living in private market apartments, not in supportive housing units; and

Whereas, Supplemental sources of income that would qualify clients for the 30 percent cap are SSI, SSDI, and veterans benefits, as well as earned income; and

Whereas, According to HRA's monthly "HASA Facts" Report for June 2010, at that time 13,790 HASA clients were receiving either SSI, SSDI, or veterans benefits and 981 clients had earned income; and

Whereas, Currently, HASA clients who are recipients of either SSI, SSDI, veterans benefits, or who have earned income are not entitled to a cap limiting the amount of income that they must pay towards shelter costs; and

Whereas, If the HASA rental assistance program were funded like many federal supportive housing programs and Section 8, HASA clients would be entitled to a cap limiting their monthly contribution to their shelter costs to 30 percent of their income; and

Whereas, Instead, HASA clients often find that as much as 50 percent to 70 percent of their benefits are spent towards shelter costs each month, leaving them on average with a little over \$11 per day to pay for other expenses; and

Whereas, Currently, the costs of the rental assistance program are shared between the State and the City; and

Whereas, When Governor Paterson vetoed A. 2565/S. 2664 on September 18, 2010, he stated that, without an identified source of funding, the bill would impose financial burdens on the State and the City during a time of fiscal crisis; and

Whereas, Mayor Bloomberg supported the Governor's veto, stating that the Governor's action saved State and City taxpayers millions of dollars; and

Whereas, Supporters of the bill contend that the cost estimates relied upon by Mayor Bloomberg and Governor Paterson are greatly overstated and do not account for the savings that would come from HASA clients who, with the support provided by the legislation, would be more likely to stay housed and healthy, and therefore be less likely to need costly medical or eviction prevention services and emergency housing services; and

Whereas, A. 2565/S. 2664 would allow HASA clients to keep more of their earnings to pay for essential expenses other than rent and utilities; and

Whereas, the City Council passed Resolution 2145 of 2009 on September 30, 2009, which called upon the State Assembly to pass and the Governor to sign A.2565/S. 2664; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to override Governor Paterson's veto of A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, who are receiving shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30 percent of their household's monthly income towards shelter costs, including rent and utilities.

Referred to the Committee on General Welfare.

Res. No. 478

Resolution praising the contributions of the annual Bronx College Fair Day in providing valuable information and assistance to young people seeking to obtain a college education.

By Council Members Palma, Cabrera, Koppell, Rose, Vacca, Williams and Rodriguez.

Whereas, According to a recent report by the New York City Department

of Education, the 2007 graduation rate for all New York City high schools was 59.7 % and the overall dropout rate was 13.8 %; and

Whereas, According to this report, 57.5 % of Black students from the class of 2007 graduated from high school within four years with a dropout rate of 13.9 %; and

Whereas, The report also indicated that 53.4 % of Hispanic students graduated within four years with a dropout rate of 18.2 %; and

Whereas, The United Coalition Association, under the leadership of its founder, Ronald Savage, has taken steps to fight against the alarming number of high school dropouts, particularly in the Black and Latino communities, by hosting the Bronx College Fair Day; and

Whereas, The United Coalition Association has hosted the annual Bronx College Fair Day since 2006; and

Whereas, The Bronx College Fair Day, which works in conjunction with the New York State College Fair Day, is designed to inspire youth by showing them the value of an education and providing them with resources that will enable them to pursue and obtain a high quality education and become successful adults in life; and

Whereas, This special event is for high school students who are interested in attending a school within the City University of New York (CUNY) or the State University of New York (SUNY), or one of the trade schools that participate in the college fair; and

Whereas, Representatives from over fifty schools usually attend the Bronx College Fair Day to distribute brochures and discuss with potential applicants what programs their schools have to offer and financial aid packages that are available; and

Whereas, Potential applicants may also interview with college representatives while at the Fair; and

Whereas, At the Bronx College Fair Day, the United Coalition Association also promotes and encourages participation in an essay competition it holds for students on the topic of the importance of obtaining higher education; and

Whereas, To qualify, candidates must be in the 11th or 12th grade to enter the contest, with the intention of attending a CUNY or SUNY college as a first-time freshman; and

Whereas, The grand prize winner receives \$500 towards college expenses sponsored by Fidelis Care, and five runners up are given a donation to pay for college application fees for up to five schools within CUNY and/or SUNY; and

Whereas, The Bronx College Fair Day is a productive way to encourage young people to pursue a college degree and to help increase access to higher education, especially when application fees and college expenses such as tuition and books can be extremely costly for many students; now, therefore, be it

Resolved, That the Council of the City of New York praises the contributions of the annual Bronx College Fair Day in providing valuable information and assistance to young people seeking to obtain a college education.

Referred to the Committee on Higher Education.

Res. No. 479

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

By Council Members Recchia, Comrie and Mealy.

Whereas, On June 29, 2010 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Federation of Italian American Organizations of Brooklyn, Ltd., an organization receiving local discretionary funding in the amount of \$20,000 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 Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the South Asian Youth Action,, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$7,500 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$30,000 within

the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region, an organization receiving local discretionary funding within the Department of Education in the amount of \$40,000 in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region, an organization receiving local discretionary funding within the Department of Education in the amount of \$25,000 in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Lincoln Square Neighborhood Center, an organization receiving aging discretionary funding in the amount of \$7,500 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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 Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Federation of Italian American Organizations of Brooklyn, Ltd., an organization receiving local discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services will now read: “To assist the community with filing with Medicaid, food stamps and other entitlements.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the South Asian Youth Action, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: “To provide youth programming services.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$7,500 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget will now read: “Assist in paying overhead expenses and provide support for marketing of Sunnyside.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Sunnyside Chamber of Commerce, an organization receiving local discretionary funding in the amount of \$30,000 within the budget of the Department of Small Business Services in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget will now read: “Graffiti clean-up in Council District 26.”; 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, an organization receiving local discretionary funding within the Department of Education in the amount of \$40,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: “\$5,000 each for Learning.com at PS 23R, 38R, 39R, 46R, and 69R. \$5,000 for netbooks at PS 26R. \$5,000 each for books at PS 54R and PS 52R.”; 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, an organization receiving local discretionary funding within the Department of Education in the amount of \$25,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget will now read: “\$5,000 each for books at 41R, 48R, 50R, and 60R. \$2,500 for Library Books and \$2,500 for Art Mural Program at PS 11R.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Lincoln Square Neighborhood Center, an organization receiving aging discretionary funding in the amount of \$7,500 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: “Funds would support senior program and services.”; 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 in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a Partial PEG Restoration-Pest Control Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6, attached hereto as Exhibit F and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7, attached hereto as Exhibit G and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Alcoholism/Substance Abuse Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8, attached hereto as Exhibit H and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9, attached hereto as Exhibit I and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition of Theatres of Color Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10, attached hereto as Exhibit J and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 12, attached hereto as Exhibit L.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of Exhibits, please see the resolution following the Report for the Committee on Finance printed in these Minutes).

Res. No. 480

Resolution calling on the State Legislature to pass Assembly Bill A.11520 and Senate Bill S.8084, which would amend the State's Labor Law to allow self-employed individuals to file claims with the Department of Labor to recoup unpaid earnings from clients that have not paid.

By Council Members Reyna, Brewer, Chin, Comrie, Dickens, Gentile, Gonzalez, James, Koppell, Lander, Palma, Rose, Vann, Williams and Rodriguez.

Whereas, According to the Freelancers Union, self-employed persons are

rapidly becoming a large sector of the workforce who now account for 16 percent of New York City's workforce and for two thirds of the City's job base growth since 1975; and

Whereas, According to the Freelancers Union, self-employed residents of the City earn about \$4 billion annually, which is reinvested into the local economy; and

Whereas, Self-employed New Yorkers are overwhelmingly middle and working class, with a majority earning less than \$50,000 annually; and

Whereas, One of the most difficult issues affecting self-employed New Yorkers is the nonpayment of wages owed by companies and individuals that hire such individuals; and

Whereas, Approximately 77 percent of the self-employed have experienced nonpayment of wages at some point in their careers, with 40 percent of self-employed New Yorkers reporting issues with unpaid wages last year; and

Whereas, According to the Freelancers union, self-employed individuals on average, were unable to collect \$5,745 as a result of nonpayment of wages in 2009; and

Whereas, The self-employed do not have many recourses to help them recoup their lost wages when compared to traditional salaried employees; and

Whereas, A traditional employee can file a wage claim with the New York State Department of Labor against a non-paying employer and recoup unpaid wages and be awarded up to \$20,000 in damages if the case is adjudicated in his or her favor; and

Whereas, The self-employed cannot currently file a Department of Labor wage claim against a nonpaying client and;

Whereas, A self-employed individual must rely on filing a lawsuit in Small Claims Court, which can be very costly and time consuming; and

Whereas, Due to the cost, administrative burden and fear of alienating current and future clients, only 4 percent of the self-employed hired an attorney to pursue unpaid wages while the remainder resorted to repeatedly calling or emailing clients to obtain their payment; and

Whereas, A fairer system for recovering unpaid wages needs to be developed so the self-employed are no longer faced with undue hardship when they try to obtain the wages they are due; and

Whereas, Currently pending before the New York State Legislature are Assembly Bill A.11520 and Senate Bill S.8084, which would amend the State's Labor Law to: 1) require that self-employed persons be compensated for their work within a reasonable amount of time; 2) mandate that work and compensation terms for amounts greater than six hundred dollars be provided for in a written contract; 3) empower the Commissioner of the Department of Labor to take action to pursue violations of written agreements and recoup unpaid compensation owed to self-employed persons; 4) allow liquidated damages to be assessed against the nonpaying client where appropriate; and 5) provide for criminal penalties for nonpaying clients who continue to refuse to pay in violation of the decision of the Department of Labor; and

Whereas, Assembly Bill A.11520 and Senate Bill S.8084 will go a long way towards creating a more equitable employment atmosphere for all self-employed New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass Assembly Bill A.11520 and Senate Bill S.8084, which would amend the State's Labor Law to allow self-employed individuals to file claims with the Department of Labor to recoup unpaid earnings from clients that have not paid.

Referred to the Committee on Small Business.

Int. No. 375

Council Members Rodriguez, Dickens, Fidler, Gentile, Gonzalez, James, Koppell, Mealy, Palma, Williams, Foster, Greenfield, Vann, Vallone, Levin, Lander, Mark-Viverito, Rose, Eugene, Cabrera, Garodnick, Jackson, Rivera, Chin, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.

Be it enacted by the Council as follows:

Section 1. Chapter two of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows:

§19-214 *Restrictions on issuing notices of violation for alternate side of the street parking violations.* a. For the purposes of this section, the term "roadway" shall mean that portion of the street ordinarily used for vehicular travel.

b. No notice of violation shall be issued to a driver or owner of a motor vehicle for violating alternate side of the street parking rules on a day when such rules are in effect if the driver or owner is in the vehicle and ready to move it when the street cleaning vehicle approaches or if the roadway under where such vehicle is parked has already been swept on such day.

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

Referred to the Committee on Transportation.

Res. No. 481

Resolution calling on the State Legislature to pass legislation protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits if their landlord has not returned to them a signed lease renewal within the statutory timeframe.

By Council Members Rodriguez, Chin, Dickens, Dromm, Ferreras, Fidler, James, Lander, Mealy, Palma, Rose, Sanders, Vacca, Williams, Greenfield, Foster and Mark-Viverito.

Whereas, The Senior Citizen Rent Increase Exemption (SCRIE) program provides protection from future rent increases to eligible senior citizen heads of households residing in rent-controlled, rent-stabilized and Mitchell-Lama apartments, and provides corresponding tax abatements to landlords; and

Whereas, Currently, to be eligible for SCRIE, a person must be at least 62 years of age, have an annual household income not exceeding \$29,000 and have an apartment with a rental value that exceeds one-third of such senior citizen's income; and

Whereas, The Disability Rent Increase Exemption (DRIE), which was created in June of 2005 and modeled on SCRIE, extended rent increase exemptions to people with disabilities provided that such persons' annual household income is no greater than \$19,284 if they live in a single-person household or \$27,780 if they live in households consisting of two or more people; and

Whereas, Both programs are crucial for keeping housing affordable for senior citizens and persons with disabilities; and

Whereas, In order to renew a lease for a rent-stabilized apartment, the State's Rent Stabilization Law requires the landlord to provide written notice of renewal by mail or personal delivery not more than 150 days and not less than 90 days before the existing lease expires to the current tenant; and

Whereas, After the receipt of the renewal notice, the tenant has 60 days to sign the lease, and return it to the landlord; and

Whereas, After the lease is signed by the tenant and returned to the landlord, the landlord has 30 days to sign and return the lease to the tenant. The renewal will then go into effect on or after the date that the lease is signed and returned to the tenant; and

Whereas, If the landlord does not return a signed lease within the 30 day period, the tenant may file a "Tenant's Complaint of Owner's Failure to Renew Lease" and/or a "Failure to Furnish a Copy of a Signed Lease" with the State Division of Housing and Community Renewal (DHCR) in order to force the landlord to provide the signed lease; and

Whereas, If the landlord does not comply with the order to produce the lease within 20 days, the rent increases provided for in the new lease will be postponed until the lease is provided; and

Whereas, It has become increasingly common for landlords in certain neighborhoods throughout the City to delay the return of the signed lease to SCRIE and DRIE tenants for weeks or even months at a time even though such tenants have been diligent and timely in signing and returning their leases; and

Whereas, For SCRIE and DRIE recipients who reside in rent-stabilized apartments and seek to renew their benefits, this delay in receiving the signed lease can result in a suspension or denial of their SCRIE or DRIE benefits, as both programs require the recipient to provide a completed application, which includes a copy of the signed lease within six months of the expiration date of the previous lease; and

Whereas, In order to protect tenants who in good faith have complied with the rent stabilization renewal process from being denied SCRIE and DRIE benefits while their landlord has refused to return their signed leases, State legislation is needed to amend the Rent Stabilization Law to provide that when a landlord has not returned a signed lease to a tenant eligible for SCRIE or DRIE within the statutory timeframe and such tenant has filed a "Tenant's Complaint of Owner's Failure to Renew Lease" or a "Failure to Furnish a Copy of a Signed Lease" with DHCR, such tenant cannot have their SCRIE or DRIE benefits suspended or revoked while their case is pending with DHCR; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass legislation protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits if their landlord has not returned to them a signed lease renewal within the statutory timeframe.

Referred to the Committee on Aging.

Res. No. 482

Resolution calling upon the New York City Housing Authority to include an admissions priority to its developments for applicants with severe health conditions in its next proposed agency plan.

By Council Members Rodriguez, Dromm, James, Palma, Rose, Vann, Williams, Foster, Mark-Viverito and Dickens.

Whereas, Poor or inappropriate housing conditions can magnify problems fueled by tenants with severe health conditions and or disabilities; and

Whereas, Poor housing conditions are proven to have a significant negative health effect on the residents, and conditions such as dampness, mold or poor ventilation can frequently exacerbate respiratory or cardiovascular disease; and

Whereas, Residents who become mobility-impaired or suffer any other disability often find their current housing to be drastically inadequate or inaccessible, compounding the effects of their disability; and

Whereas, Low-income residents with severe health conditions who currently live in a dwelling where the environment does not allow them to recover safely and normally often must continue living in their current circumstance for lack of financial means to move; and

Whereas, Continuing to live in such circumstances with a severe health condition can aggravate any illness, potentially to a life-threatening state; and

Whereas, It is the stated mission of the New York City Housing Authority (NYCHA) to provide decent and affordable housing in a safe and secure living environment for low- and moderate-income residents throughout the five boroughs; and

Whereas, NYCHA is a public housing agency (PHA) organized and funded primarily through federal and state programs; and

Whereas, The requirements for income eligibility and admission preferences for PHAs are based on federal and state law; and

Whereas, Section 156 of New York State Public Housing Law gives NYCHA the authority to select tenants for its projects; and

Whereas, According to section 960.206 of Title 24 of the Code of Federal Regulations, NYCHA has the authority to "adopt a system of local preferences for selection of families admitted to the PHA's public housing program;" and

Whereas, Such admission priorities must be based on local housing needs and determined by the PHA after a period of public comment and consultation with the resident advisory board of the PHA and then submitted as a part of PHA's annual or five year plan, whichever is applicable, to the federal Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan; and

Whereas, NYCHA has established an admission priority for victims of domestic violence; and

Whereas, Although victims of domestic violence should continue to receive top priority in admissions, applicants with severe health conditions should also receive an admission priority; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to include an admissions priority to its developments for applicants with severe health conditions in its next proposed agency plan.

Referred to the Committee on Public Housing.

Int. No. 376

By Council Members Vacca, Cabrera, Comrie, Fidler, James, Koslowitz, Palma, Recchia, Rose, Williams, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to creating standards for the approval and installation of certain traffic calming devices.

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 19-183 to read as follows:

§19-183 Traffic calming devices. The department shall establish standards governing the approval and placement of traffic calming devices not governed by the manual on uniform traffic control devices, such as, but not limited to, speed humps, curb extensions, traffic diverters, median barriers and raised walkways. Such standards shall list the conditions under which installation of such traffic calming device would be appropriate. Such standards shall be distributed to any entity upon request and shall be published on the department's website.

§2. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 377

By Council Members Vacca, Cabrera, Comrie, Fidler, James, Palma, Williams, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to traffic study determinations.

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 19-183 to read as follows:

§19-183 Traffic study determinations. Upon issuing a determination in any traffic analysis requested by a member of the public, the department shall, within seven days of a request, provide such member of the public with a detailed explanation of the reasoning behind its determination and any traffic studies or reports supporting its determination.

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 378

By Council Members Vacca, Brewer, Cabrera, Comrie, Dromm, Ferreras, Fidler, Gentile, Gonzalez, James, Lander, Palma, Sanders, Vann, Williams, Greenfield, Rodriguez, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the submission of monthly reports by the New York City Police Department detailing the number of summonses issued for parking violations.

Be it enacted by the Council as follows:

Section 1. Section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision c, by relettering subdivision c as subdivision d, and by amending the new subdivision d to read as follows:

c. The New York City Police Department shall submit to the city council on a monthly basis a report of summonses issued for parking violations. The report shall include, at a minimum: 1. the total number of parking summonses issued for the preceding month disaggregated by precinct, and 2. for each precinct, the total number of summonses issued, disaggregated by violation charged and whether the violation was issued in the first, second, third, or fourth week of the month.

[c]d. The information, data and reports requested in subdivisions a, [and] b, and c shall be provided to the council except where disclosure of such material could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations. Notwithstanding any other provision of law, the information, data and reports requested in subdivisions a, [and] b, and c are not required to be transmitted in electronic format to the department of records and information services, or its successor agency, and are not required to be made available to the public on or through the department of records and information services' web site, or its successor's web site. These reports shall be provided to the council within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 379

By Council Members Vacca, Brewer, Cabrera, Chin, Comrie, Dromm, Fidler, Gennaro, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Williams, Foster, Garodnick, Greenfield, Nelson, Rodriguez, James, Crowley, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the denial of building permits to property owners with outstanding charges owed to the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 28-105.1 of the administrative code of the city of New York is amended by lettering such section as subdivision a and by adding new

subdivisions b and c to read as follows:

b. (1) The commissioner shall not issue to any applicant a permit for a property on which in the aggregate more than twenty-five thousand dollars is owed in (i) outstanding fines, civil penalties or judgments entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owed to the city with respect to such property and (v) unpaid water and sewage charges with respect to such property.

(2) The commissioner shall not issue to any applicant a permit for a property where the owner of such property, including any partner or principal if the owner of the property is a corporation, partnership or other legal entity, owes in the aggregate for properties within the city more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner; (iii) fees or liens related to repairs performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) property tax arrears owed to the city with respect to any such property and (v) unpaid water and sewage charges with respect to any such property. For the purposes of this section, "a partner or principal" of a corporation, partnership or other legal entity shall include all persons and entities with an ownership interest of ten percent or greater in such corporation, partnership or other legal entity.

(3) Where an applicant can demonstrate that a binding agreement for the payment of each amount set forth in items i through v of paragraph one and, when applicable, paragraph two of this subdivision, is in force, a permit may be issued by the department. Should the department receive notice that there is a failure to comply with such agreement subsequent to the issuance of a permit, the commissioner shall, on notice to the applicant, suspend or revoke such permit. Such notice shall inform the applicant of the reasons for the proposed suspension or revocation and that the applicant has the right to present to the commissioner, within ten business days of personal delivery or fifteen calendar days of service by mail of such notice, information as to why the permit should not be suspended or revoked.

(4) Notwithstanding the provisions of paragraph one and paragraph two of this subdivision, a permit may be issued where the issuance of such permit is necessary to correct an outstanding violation of the New York city construction codes, housing maintenance code or any other applicable provisions of law or where the commissioner determines that the issuance of a permit is necessary to perform work to protect public health or safety. A permit may also be issued for a space, unit or portion of a building occupied by a tenant who certifies to the department that the proposed work is not being done on behalf of the owner and that the tenant is not responsible for any of the outstanding fines, civil penalties or judgments, fees and other charges related to such property that is owed to the city.

c. The department shall establish by rule a process to allow any applicant to challenge the denial of a request for a permit pursuant to subdivision b of this section.

§2. Section 28-105.5 of the administrative code of the city of New York is amended by adding new subdivisions 28-105.5.1 and 28-105.5.1.2 to read as follows:

§28-105.5.1 Owner statement. All applications for permits shall include a signed statement by the owner of the property for which a permit is sought stating whether or not the owner owes in the aggregate more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owned to the city with respect to such property and (v) unpaid water and sewage charges with respect to such property. Such statement shall list the owner's full name and business address, as well as the full names, business address and business telephone number of the officers, partners and other principals if the owner is a corporation, partnership or other legal entity. Such statement shall also list all properties in the city in which the owner, including any partner or principal if the owner is a corporation, partnership or other legal entity, has a financial interest of ten percent or greater in such property and for each such property whether or not the owner including any partner or principal, if the owner is a corporation, partnership or other legal entity, owes in the aggregate more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owned to the city with respect to such property and (v) unpaid water and sewage with respect to such property. For the purposes of this section, "a partner or principal" of a corporation, partnership or other legal entity shall include all persons and entities with an ownership interest of ten percent or greater in such corporation, partnership

or other legal entity.

§28-105.5.1.2. *Audit.* The commissioner shall each year audit or delegate to an appropriate city agency to audit at least twenty-five percent of all statements submitted pursuant to section 28-105.5.1 of this code.

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

Referred to the Committee on Housing and Buildings.

Int. No. 380

By Council Members Vallone, Comrie, Fidler, James, Koppell, Lander, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to a pilot for the recycling of expanded polystyrene.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding new section 16-310.3 to read as follows:

§16-310.3 *Expanded polystyrene recycling pilot.* a. *When used in this section, the term “EPS” shall mean expanded polystyrene, or thermoplastic polymer foam comprised of at least 80 percent styrene or para-methylstyrene by weight.*

b. *The commissioner shall establish a one-year pilot program for the recycling of EPS which shall include, but not be limited to, the following:*

1. *the collection and recycling of lunch trays composed of EPS by the department for one full school year at no fewer than ten city schools of varying grade levels in each borough;*

2. *working in conjunction with the department of citywide administrative services to identify agencies that use a significant amount of EPS and establish a pilot program to require the source separation and collection of EPS from offices and facilities of each such agency;*

3. *working in conjunction with the operators of green markets and other relevant not-for-profit organizations to establish a green market EPS recycling take-back program. Through such program, the department shall provide weekly EPS recycling collection to no fewer than five participating green markets, monthly collection to no fewer than twenty participating green markets, or any combination thereof that the commissioner deems appropriate. The department shall provide deposit bins or other containers to participating green markets to store EPS for department collection;*

4. *Establishing a voluntary retail take-back program at markets, pharmacies, retail locations that sell EPS packaging, and at any other categories of retail locations the commissioner deems appropriate. The department shall provide deposit bins or other containers and weekly recycling collection of EPS that has been brought to, or source separated by, participating locations; and*

5. *The department shall accept EPS for collection and recycling at department special waste sites and household hazardous waste collection events.*

c. *Within six months of the conclusion of the EPS recycling pilot required pursuant with this section, the department shall issue a report assessing the efficacy of such pilot program including, but not limited to, the following: the amount of EPS diverted through each take-back or collection program and, if possible, the estimated EPS capture rate for the reported period; recommendations and cost estimates for expanding the EPS recycling program; and recommendations for implementing section 1201 of the New York state tax law in order to fund a permanent EPS recycling program.*

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 381

By Council Members Vallone, Jr., Cabrera, Foster, Nelson, Jackson, Halloran, Koo and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks except for smoking areas within public parks, to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.

Be it enacted by the Council as follows:

Section 1. Section 17-502 of the administrative code of the city of New

York is amended by adding new subdivisions oo, pp and qq to read as follows:

oo. *“Park or other property under the jurisdiction of the department of parks and recreation” means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge or control of the department of parks and recreation.*

pp. *“Pedestrian plaza” means an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.*

qq. *“Smoking area within a park or other property under the jurisdiction of the department of parks and recreation” means a designated area of not less than twenty percent of the total acreage within a park or other property under the jurisdiction of the department of parks and recreation that is larger than two acres.*

§2. Subdivision c of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows.

7. *Pedestrian plazas.*

§3. Subdivision d of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. *Any park or other property under the jurisdiction of the department of parks and recreation; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining parks, squares and public places; (b) any park strip or park mall that serves as a pedestrian route through property located adjacent to vehicular traffic designed primarily for pedestrians to cross vehicular thoroughfares; (c) parking lots; and (d) a smoking area within a park or other property under the jurisdiction of the department of parks and recreation.*

§4. Section 17-507 of the administrative code of the city of New York is amended to by adding a new subdivision g to read as follows:

g. *The department of parks and recreation shall have the power to enforce section 17-503 as it relates to property under its jurisdiction.*

§5. The title of section 17-513 of the administrative code of the city of New York is amended to read as follows.

§17-513 Rules [and report].

§6. Subdivision b of section 17-513 of the administrative code of the city of New York is REPEALED and a new subdivision b is added to read as follows.

b. *The department of parks and recreation and the department of transportation may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter.*

§7. This local law shall take effect one hundred twenty days after its enactment.

Referred to the Committee on Health.

L.U. No. 226

By Council Member Recchia:

1663 Eastburn Avenue, Block 2794, Lot 15, Bronx, Council District No. 14, 1744 Clay Avenue, Block 2891, Lot 6, Bronx, Council District No. 14, 1804 Weeks Avenue, Block 2800, Lot 1, Bronx, Council District No. 14.

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

L.U. No. 227

By Council Member Recchia:

1512, 1516, 1520, and 1524 Leland Avenue, Block 3923, Lots 47, 48, 50 & 51, Bronx, Council District No. 18, 1528 Bryant Avenue, Block 3001, Lot 7, Bronx, Council District No. 15, 2254 Crotona Avenue, Block 3101, Lot 21, Bronx, Council District No. 15. 806-808 East 175th Street, Block 2952, Lot 46, Bronx, Council District No. 15.

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

L.U. No. 228

By Council Member Recchia:

1269-1271 Morris Avenue, Block 2450, Lots 38 & 39, Bronx, Council District No. 16. 621-623 and 625-627 Manida Street, Block 2765, Lots 226 & 219, Bronx, Council District No. 17.

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

L.U. No. 229

By Council Member Comrie:

Application no. 20115126 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Union Square Operating, Inc. d/b/a TGI Fridays and Tim Horton's to establish, maintain and operate an unenclosed sidewalk café located at 34 Union Square East, Borough of Manhattan, Council District no. 2.

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

L.U. No. 230

By Council Member Comrie:

Application no. C 100409 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. 10c, 10d, 11b, 15a, Borough of Queens, Community District 7, 8 and 11.

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

L.U. No. 231

By Council Member Comrie:

Application no. N 100419 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas) relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district, Borough of Manhattan, Community District 3.

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

L.U. No. 232

By Council Member Comrie:

Application no. C 100420 ZMM 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 No. 12c, by changing from a C6-1 District to a C6-2A District, Borough of Manhattan, Community District 3.

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

L.U. No. 233

By Council Member Comrie:

Application no. C 100437 ZMM 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 No. 12a by changing from a C6-1 District to a C1-6A District, Borough of Manhattan, Community District 2.

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

L.U. No. 234

By Council Member Comrie:

Application no. N 100424 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District), Borough of Manhattan, Community District 4.

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

L.U. No. 235

By Council Member Comrie:

Application no. 20115154 HKM (N 110035 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.431, LP-2329) by the Landmarks Preservation Commission of the Look Building, located at 488 Madison Avenue (Block 1287, Lot 14) 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. 236

By Council Member Comrie:

Application no. 20115155 HKM (N 110036 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.431, LP-2329) by the Landmarks Preservation Commission of the Middleton S. and Emilie Neilson Burrill House, located at 36 East 38th Street (Block 867, Lot 45) 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. 237

By Council Member Comrie:

Application no. 20095547 TCM, pursuant to §20-225 of the Administrative Code of the City of New York, concerning the petition of Andikiana Corp. d/b/a Silver Spurs Eatery to construct, maintain and use an enclosed sidewalk café located at 490-494 LaGuardia Place, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-225(g) of the New York City Administrative Code.

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

L.U. No. 238

By Council Member Comrie:

Application no. 20115223 HAK, an Urban Development Action Area Project located at 824 Monroe Street, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal law for an exemption from real property taxes.

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

L.U. No. 239

By Council Member Comrie:

Application no. 20115268 HAX a request for approval of a voluntary dissolution, a termination of a prior tax exemption and a new tax exemption for property located on Block 2866/Lots 45, 80 and 86, 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.

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

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

ANNOUNCEMENTS:

Thursday, October 14, 2010

★ *Deferred*

Committee on **PUBLIC SAFETY** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Peter Vallone, Chairperson

★ *Deferred*

Committee on **SMALL BUSINESS** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson

★ *Note Location Change*

Committee on **HEALTH** jointly with the
 Committee on **PARKS AND RECREATION** **1:00 P.M.**
 Int 332 - By Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Nelson, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera and Koo (in conjunction with the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.
 ★ Int 381 - By Council Member Vallone - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks except for smoking areas within public parks, to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.
 Committee Room – 250 Broadway, 16th Floor
 Maria del Carmen Arroyo, Chairperson
 Melissa Mark-Viverito, Chairperson

Monday, October 18, 2010

★ *Deferred*

Committee on **IMMIGRATION** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

Committee on **CIVIL SERVICE AND LABOR** jointly with the
 Committee on **VETERANS** **1:00 P.M.**
 Oversight - Veterans in Civil Service Positions
 Committee Room – 250 Broadway, 16th Floor James Sanders, Chairperson
 Mathieu Eugene, Chairperson

Tuesday, October 19, 2010

★ *Note Topic Addition*

Committee on **SMALL BUSINESS** **10:00 A.M.**
 Oversight - How Can Government Help Freelancers Recover Unpaid Wages?
 ★ Res 480 - By Council Member Reyna - Resolution calling on the State Legislature to pass Assembly Bill A.11520 and Senate Bill S.8084, which would amend the State’s Labor Law to allow self-employed individuals to file claims with the Department of Labor to recoup unpaid earnings from clients that have not paid.
 Committee Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson

Committee on **TECHNOLOGY** **10:00 A.M.**
 Oversight - Tech and the City: New York City's Mobile Workforce - Making the Best Use of Technology
 Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

★ *Deferred*

Committee on **FINANCE** **1:00 P.M.**
 Proposed Int 172 A – By Council Members Vacca, Gentile, Crowley, Vallone, Jr., Lappin, Garodnick, Jackson, Greenfield, Lander, Nelson, Weprin, Ulrich, Koo, Halloran – A Local Law to amend the administrative code of the city of New York,

~~in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.~~
~~Committee Room – 250 Broadway, 16th Floor~~
~~..... Domenic M. Recchia, Chairperson~~

★ *Addition*

Committee on **LOWER MANHATTAN REDEVELOPMENT** **1:00 P.M.**
 Oversight - The Status of Construction of the World Trade Center Site
 Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson

Wednesday, October 20, 2010

Committee on **HOUSING AND BUILDINGS** **10:00 A.M.**
 Int 338 - By Council Member Brewer - A Local Law to amend the building code of the city of New York, in relation to greenhouses.
 Int 340 - By Council Members Dilan, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Vann, Williams, Rodriguez and Halloran - A Local Law to amend the New York city building code, in relation to increasing the allowable extension of sun control devices from building facades.
 Int 341 - By Council Member Dilan - A Local Law to amend the New York city building code, in relation to allowing large solar rooftop installations.
 Int 342 - By Council Member Dilan - A Local Law to amend the New York city building code, in relation to the installation of rooftop solar panels.
 Int 346 - By Council Member Garodnick - A Local Law to amend the administrative code of the city of New York, in relation to the installation of solar power energy systems on building walls and for ground mounted systems.
 Int 347 - By Council Member Garodnick - A Local Law to amend the New York city building code, in relation to requiring cool roof coating standards aligned with Leadership in Energy and Environmental Design standards.
 Int 348 - By Council Member Gennaro - A Local Law to amend the New York city building code to require the department of buildings to develop detailed criteria for the installation of vegetated green roofs.
 Int 349 - By Council Member Gennaro - A Local Law to amend the administrative code of the city of New York in relation to requiring photovoltaic installations on city-owned buildings.
 Int 350 - By Council Members Gennaro, Brewer, Cabrera, Chin, Fidler, Garodnick, Gentile, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Rose, Sanders Jr., Williams, Rodriguez, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to adoption of standards and a protocol that accommodates the installation of wind energy turbines on buildings.
 Int 351 - By Council Member Gennaro - A Local Law to amend the administrative code of the City of New York in relation to the installation of city-owned solar hot water systems on city-owned buildings, for privately-owned systems, and to establish a pilot program for owners of private property to install solar hot water systems.
 Int 352 - By Council Member Gennaro - A Local Law to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems.
 Int 353 - By Council Member Gennaro - A Local Law to amend the administrative code of the city of New York in relation to creation of a Solar Map, accessible online, and to establish a Smart Solar program to help residents and businesses pursue the best solar solution for their locale.
 Int 358 - By Council Members Reyna, Cabrera, Chin, Fidler, Garodnick, Gentile, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Sanders Jr., Williams, Rodriguez and Halloran - A Local Law to amend the New York city building code in relation to exempting solar panels from limits on rooftop coverage, and treating all alternative and distributed energy equipment, such as photovoltaic and solar thermal collectors, as permitted obstructions.
 Committee Room – 250 Broadway, 16th Floor
 Erik Martin-Dilan, Chairperson

★ *Deferred*
 Committee on **JUVENILE JUSTICE** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 Sara M. Gonzalez, Chairperson

Committee on **CONSUMER AFFAIRS** **1:00 P.M.**
 Oversight - Bed Bugs: DCA’s Role in Protecting Consumers
 Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**
 Oversight - Packaging Reduction: Production and Design
 Committee Room – 250 Broadway, 16th Floor Letitia James, Chairperson

Thursday, October 21, 2010

Committee on HIGHER EDUCATION 10:00 A.M.
Oversight - The status of retention and graduation rates at CUNY – How can they be improved?
Committee Room – 250 Broadway, 16th Floor
..... Ydanis Rodriguez, Chairperson

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS.....10:00 A.M.
Oversight - How Are Cultural Institutions in New York City Providing Affordable Access for Families and Quality Programming for Children?
Committee Room – 250 Broadway, 14th Floor
..... James Van Bramer, Chairperson

Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 1:00 P.M.
Oversight – Examining the FDNY’s Modified Response Pilot Program and Traffic Safety
Committee Room – 250 Broadway, 14th Floor
..... Elizabeth Crowley, Chairperson

★ Deferred
Committee on LOWER MANHATTAN REDEVELOPMENT 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson

Committee on COMMUNITY DEVELOPMENT 1:00 P.M.
Oversight - New York City Poverty 2010: A Look at the Impact of the recession on communities, people and the Administration’s Poverty Reduction Plan
Committee Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

Monday, October 25, 2010

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available Wednesday, October 20, 2010
Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ Addition
Committee on GOVERNMENTAL OPERATIONS10:00 A.M.
Int 361 - By Council Member Brewer - A Local Law to amend the administrative code of the city of New York, in relation to requiring that all executive orders and memoranda of understanding be made available to the public at no charge on the city’s website.
Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Wednesday, October 20, 2010
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

★ Note Time Change
Committee on PARKS AND RECREATION jointly with the
Committee on SANITATION AND SOLID WASTE MANAGEMENT ★ 1:00 P.M.
Oversight – Review of City Cleanup Following Recent Severe Storms
Committee Room – 250 Broadway, 14th Floor
..... Melissa Mark-Viverito, Chairperson
..... Letitia James, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M.
See Land Use Calendar Available Wednesday, October 20, 2010
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ Addition
Committee on TRANSPORTATION 1:00 P.M.
Proposed Int 257-A - By Council Member Reyna, Brewer, Foster, Koppell, Lander and Gentile - A Local Law to amend the administrative code of the city of New York, in relation to regulating sidewalk ATMs as revocable consents and requiring safety features for all outdoor ATMs.
Hearing Room – 250 Broadway, 16th Floor James Vacca, Chairperson

Tuesday, October 26, 2010

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th FloorLeroy Comrie, Chairperson

Committee on PUBLIC HOUSING jointly with the
Committee on GENERAL WELFARE.....10:00 A.M.
Oversight - How DHS and NYCHA Coordinate in Determining Eligibility for Shelter
Committee Room – 250 Broadway, 14th Floor Rosie Mendez, Chairperson
Annabel Palma, Chairperson

★ Deferred
Committee on EDUCATION 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson

Wednesday, October 27, 2010

★ Addition
Committee on RULES, PRIVILEGES & ELECTIONS10:30 A.M.
M 220 - Communication from the Mayor - Submitting the name of Michael Goldblum to the Council for its advice and consent regarding his appointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.
M 279 - Communication from the Mayor - Submitting the name of Roberta Washington to the Council for its advice and consent regarding her reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.
M 280 - Communication from the Mayor - Submitting the name of Mark Gjonaj to the Council for its advice and consent regarding his appointment to the Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Joel Rivera, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location.....~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

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, October 27, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 91-A (adopted by the Council at the September 16, 2010 Stated Council Meeting), Int Nos 262-A, 266-A, 267-A (adopted by the Council at the September 29, 2010 Stated Council Meeting) 270-A (adopted by the Council at the September 16, 2010 Stated Council Meeting), 273-A, 277-A (adopted by the Council at the September 29, 2010 Stated Council Meeting) and Int No. 312 (adopted by the Council at the September 16, 2010 Stated Council Meeting) were signed by the Mayor into law on October 6, 2010 as, respectively, Local Law Nos. 46, 47, 48, 49, 50, 51, 52, and 53 of 2010.

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