

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, OCTOBER 9, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Wednesday, October 9, 2013, 3:18 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	David G. Greenfield	Annabel Palma
Gale A. Brewer	Daniel J. Halloran III	Diana Reyna
Fernando Cabrera	Vincent M. Ignizio	Donovan J. Richards
Margaret S. Chin	Robert Jackson	Joel Rivera
Leroy G. Comrie, Jr.	Letitia James	Ydanis A. Rodriguez
Elizabeth S. Crowley	Peter A. Koo	Deborah L. Rose
Inez E. Dickens	G. Oliver Koppell	Eric A. Ulrich
Erik Martin Dilan	Karen Koslowitz	James Vacca
Daniel Dromm	Bradford S. Lander	Peter F. Vallone, Jr.
Mathieu Eugene	Stephen T. Levin	Albert Vann
Julissa Ferreras	Melissa Mark-Viverito	James G. Van Bramer
Lewis A. Fidler	Darlene Mealy	Mark S. Weprin
Daniel R. Garodnick	Rosie Mendez	Jumaane D. Williams
James F. Gennaro	Michael C. Nelson	Ruben Wills

Excused: Council Members Gonzalez, King, Lappin and Recchia.

There is presently one vacant seat in the Council (16th Council District, The Bronx) pending the swearing-in of the certified winner of the November 5, 2013 General Election for this position.

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 46 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Adriene Thorne, Middle Collegiate Church, 112 2nd Avenue, New York, NY 10003.

Sisters and brothers; let us pray.

Holy God, how good it is to turn to you in prayer,
to make space in the business
of our living and working for your guidance
to sweeten, to breathe with one breath, to seek your face
in the momentous work that is ours to do,
making New York City work for all who love it.
We ask your blessings loving God
on the work of this legislative body;
we thank you for their leadership
and we pray for their wisdom;
we thank you for their dedication
and we pray for their creativity.
We thank you for their passion
and we pray for their compassion.
Gather up all the gifts represented
in these, your servant leaders.
Gather them up and use them for the good,
for we pray in the name of all that is good
and all that is holy. Amen.

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

ADOPTION OF MINUTES

Council Member Williams moved that the Minutes of the Stated Meeting of September 12, 2013 be adopted as printed.

During the Communication from the Speaker portion of the Meeting, the Speaker (Council Member Quinn) acknowledged the presence of Council Member Dilan's young daughter Lea on the floor. The Speaker (Council Member Quinn) also presented NYC Baby jerseys to Council Members Ferreras and Garodnick for each Member's new-born child. In addition, the Speaker (Council Member Quinn) at this point congratulated Council Member James on winning the Democratic Party 2013 Run-off for Public Advocate. Earlier in the Meeting, the President Pro Tempore (Council Member Rivera) had acknowledged the presence in the Chambers of the following Democratic Party 2013 Primary winners: Assembly Member Inez Barron, Assembly Member Vanessa Gibson and Mark Levine.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-1257

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2014 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).

October 4, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107 (b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2014 to implement changes in the city's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2014 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN-1 is respectfully requested.

Yours truly,

Mark Page

Referred to the Committee on Finance.

M-1258

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

September 23, 2013

The Honorable Speaker Christine C. Quinn
 Attention: Mr. Gary Altman
 Council of the City of New York
 250 Broadway, 15th Floor
 New York, New York 10007

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

Dear Speaker Quinn:

Please be advised that on September 12, 2013 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (10):	LICENSE #	COUNCIL DISTRICT
Ascona Car Service Inc.	B02658	47
Avenue X Car Service Inc.	B02641	47
HOV Express Car & Limo. Inc.	B02606	38
Kirin Transportation Inc.	B02649	20
Lory Car Service Corp.	B02643	21
Malcolm Limo Express Corp.	B02657	9
Mazal Car Service Inc.	B02672	22
Patron Car Service Inc.	B02652	25
Taj Car & Limo. Services Inc.	B02665	28
Urban Car & Limo. Service	B02619	22
RENEWALS (21):	LICENSE #	COUNCIL DISTRICT
Alex Express Car & Limousine Inc.	B01398	44
Apple Radio Cars Inc.	B00318	36
Athenian Limo Inc. D/b/a Acropolis	B01594	22

Bed Star Drivers Association Inc.	B01714	40
Blue Car & Limo. Inc.	B02030	33
Brooklyn Radio Dispatch Inc.	B01312	34
Cheers Dispatch, Inc. D/b/a Seventh Avenue Car Service	B00692	39
Family Car Service	B00278	39
Forest Avenue Car Service Inc.	B02028	49
Golden Dragon Express, Inc.	B02102	1
H & B Car & Limousine Inc.	B01616	26
Huang Hou Car Services Inc.	B02111	20
J.I.G. Transport Corp. D/b/a New Eastern Car & Limousine Service	B01529	34
La Raza Car Service Inc.	B02249	25
Lindy Cars, Inc.	B00548	30
New American Class Limousine & Car Service Corp.	B01392	26
Pace Car Service	B02347	44
Rego Park Express Inc.	B01444	29
T & S Hillside Inc. D/b/a Red Cap Car Service	B00756	24
Tremont Dispatching Corp.	B00401	13
Uptown Transit Corp.	B00850	16
RENEWAL & OWNERSHIP CHANGE (3):	LICENSE #	COUNCIL DISTRICT
128 Bluebird Transport Inc. D/b/a Latch Car Service	B00054	28
New Easy Way Radio Dispatch Inc.	B00196	8
Transit Private Car Service Inc.	B00056	42
RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Ecuatoria Car & Limo. Service Inc. D/b/a Mexicana High Class #2 Inc.	B01264	22
RENEWAL & NAME CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Big East Multi Group Corp. D/b/a Premier Car Service	B00220	45
Queens Dispatch Service Inc. D/b/a Howard Car Service	B00210	32
RENEWAL & RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
Champion Car & Limo. Service Inc.	B00350	21
Special Radio Dispatcher Corp.	B02228	8
RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
Federal Transit NY Inc.	B02436	38
New Webster Car Service Inc.	B00911	15

RELOCATION & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Picture Properties Inc. D/b/a Deuces Transport Services	B02521	32
Sandra Car & Limo. Service Inc.	B02485	32
RELOCATION, OWNERSHIP CHANGE & NAME CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Aden Car & Limo. Service Inc. (to be changed to GTA)	B02543	38
Alltown Limo. Corp. (to be changed to Glenwood Car Service)	B02537	11

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey
 Director of Applicant Licensing
 Licensing & Standards Division
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-1259

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1260

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license HOV Express Car & Limo. Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1261

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Kirin Transportation Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1262

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Lory Car Service Corp., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1263

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Malcolm Limo Express Corp., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1264

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Mazal Car Service Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1265

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Patron Car Service Inc., Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1266

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Taj Car & Limo. Services Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1267

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Urban Car &

Limo. Service, Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1268

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Alex Express Car & Limousine Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1269

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Apple Radio Cars Inc., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1270

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Athenian Limo Inc. D/b/a Acropolis, Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1271

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bed Star Drivers Association Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1272

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1273

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1274

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Cheers Dispatch, Inc. D/b/a Seventh Avenue Car Service, Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1275

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Family Car Service, Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1276

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Forest Avenue Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1277

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1278

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license H & B Car &

Limousine Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1279

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Huang Hou Car Services Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1280

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license J.I.G. Transport Corp. D/b/a New Eastern Car & Limousine Service, Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1281

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La Raza Car Service Inc., Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1282

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1283

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New American Class Limousine & Car Service Corp., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1284

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Pace Car Service, Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1285

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rego Park Express Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1286

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license T & S Hillside Inc. D/b/a Red Cap Car Service, Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1287

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, relocation and name change base station license Tremont Dispatching Corp., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1288

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Uptown Transit Corp., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1289

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station

license 128 Bluebird Transport Inc. D/b/a Latch Car Service., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1290

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license New Easy Way Radio Dispatch Inc., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1291

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Transit Private Car Service Inc., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1292

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Ecuatoria Car & Limo. Service Inc. D/b/a Mexicana High Class #2 Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1293

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license Big East Multi Group Corp. D/b/a Premier Car Service, Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1294

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license Queens Dispatch Service Inc. D/b/a Howard Car Service, Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1295

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

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1296

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Special Radio Dispatcher Corp., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1297

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Federal Transit NY Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1298

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license New Webster Car Service Inc., Council District 15, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1299

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license Picture Properties Inc. D/b/a Deuces Transport Services, Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1300

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license Sandra Car & Limo. Service Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1301

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license Aden Car & Limo. Service Inc. (to be changed to GTA), Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1302

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license Alltown Limo. Corp. (to be changed to Glenwood Car Service), Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1258 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 598

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the SoHo business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on June 14, 2011 (Minutes, page 1972), respectfully

REPORTS:

ANALYSIS:

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts. Business Improvement Districts (BIDs) are specifically defined areas of designated properties. They use the City's real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID's additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and

advertising). Under the process established by Chapter 4 of Title 25 of the Administrative Code, the City Council has already adopted Resolution 1665, which set the hearing date for the SOHO BID Plan and its enacting legislation for Wednesday, March 13, 2013.

Prior to the Council's action, on November 10, 2010, the Community Board for the district in which the proposed BID is located, Community Board 2 of Manhattan voted to oppose the establishment of the BID for the following reasons:

1. Attendance at the November 18th hearing contained an overwhelming number of people opposing the establishment of the proposed BID. Opponents at the hearing argued that many of the services provided in the proposed BID, such as holiday lighting and social services, benefitted only commercial property owners, and not residents in the SOHO community;
2. The stated goal of the proposed BID to increase tourism via marketing and advertising would have a negative impact on the quality of life of people who live in the SOHO community;
3. The concerns of residents within the proposed BID were minimized because the Steering Committee had little resident representation, and was predominantly comprised of commercial property owners;
4. The proposed BID did not treat condo owners and co-op shareholders equally. Co-op shareholders, unlike condo owners, were unfairly required to pay an assessment equivalent to commercial property owners simply because the owner of the property leased space to commercial businesses on the ground floor of the property;
5. No other viable alternatives to the proposed BID, such as a merchants association or a partnership, were seriously considered by the Steering Committee; and
6. The Steering Committee did not provide adequate outreach to inform all affected property owners, co-op shareholders, and tenants of public hearings relating to the establishment of the proposed BID.

The City Planning Commission ("CPC") held a hearing on the Plan, and on January 26, 2011, the CPC approved a resolution (Calendar No. 12), which certified the CPC's qualified approval. In the resolution approving the proposed BID, the CPC addressed Community Board 2's concerns, and approved the proposed BID based on an understanding that the Original District Plan would be amended to address such concerns. In addition, the CPC recommended that the Original District Plan be amended to: 1) reflect a fair funding formula for co-operative shareholders; and 2) reflect the purpose of the proposed BID, which is to address cleanliness and improve traffic congestion, rather than promote tourism.

On October 19, 2011, after several meetings with, and between, elected officials, Community Board 2, the Commission, tenants, co-op shareholders, and property owners, SBS submitted an amended District Plan ("Amended Plan") to the Council.

The following reflects amendments to the Original District Plan that were implemented based on suggestions and recommendations from tenants, co-op shareholders, condo owners, commercial property owners, community organizations, government agencies, and elected officials:

1. The first year budget has been decreased from \$700,000 to \$550,000;¹
2. Cooperative shareholders will be treated similar to condominium owners and will be assessed \$1 dollar per year for services provided in the proposed BID;²
3. Services in the proposed BID are now limited to sanitation, snow removal, pedestrian and public safety, advocacy, and administration;³ and
4. A preface page with the heading "Purpose" has been added to the Amended Plan. The preface reads that the purpose of the proposed BID is to "foster a unique, vibrant, mixed-use district with enhanced maintenance and public safety, effective advocacy and administration, technical and professional services for its members, and strategic capital improvements."⁴

November 20, 12 Oversight Hearing

On November 20, 2012, the Finance Committee held an oversight hearing to examine the outstanding issues concerning the proposed BID and its Amended Plan. Representatives from SBS, the SOHO BID Steering Committee, elected officials, and residents and property owners in SOHO testified. Issues raised at the hearing included:

- Proportional voting power (weighted voting vs. one person/one vote);
- Prohibition on borrowing;
- Requirement of a public hearing, in addition to the BID's annual meeting; and

for the Lower Ma_____

¹ See District Plan for the SOHO Business Improvement District (July 2011) at 12.

² See *id.* at 9.

³ See *id.* at unnumbered page 3.

⁴ See *id.* at unnumbered page 3.

- Limiting the BID's user rights of the City's streets to city-contracted newsstands and information kiosks.

March 13, 2013 Hearing

In order to determine whether the amended BID Plan has sufficient support to move forward, as currently written, the Finance Committee began the legislative process for the creation of the proposed BID, which will allow the Committee to hear from the SOHO community, and learn more about the progress made since the November 2012 hearing. Resolution 1665, approved by the Finance Committee and adopted by the Council on February 27, 2013, set the date for the March 13th hearing and directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record not less than ten nor more than thirty days before the March 13th Public Hearing and the SOHO Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed BID, to such other persons as are registered with the City to receive tax bills for property within the proposed BID and to occupants of each building within the proposed BID, also not less than ten nor more than thirty days before this Public Hearing. The Public Hearing to consider both the amended Plan itself and the enacting legislation, was closed without a vote. As required by law, the Committee waited at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after the Public Hearing served as an objection period. Any property owner may, during this time period, formally object to the Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such Plan.

Following the results from the City Clerk, and a review of the record of the March 13, 2013 hearing, the Committee will make a determination as to whether further amendments to the SOHO amended Plan are necessary.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after all requirements contained in chapter four of title 25 are complied with.

Objection Period Results (see attached excel sheet and City Clerk letter) and Memorandum of Understanding (M.O.U.)

The objection period for the creation of this BID ended on April 11, 2013 at 5p.m. According to the City Clerk, 2.7%, or 7 of the 260 property owners located in the proposed BID filed valid objections. These 7 property owners comprise 7.4% of the assessed valuation of the proposed BID. In light of these numbers, the Council is not prohibited by law from approving the creation of the SOHO BID.

Even though a small percentage of people within the BID boundaries objected to the creation of the SOHO BID, this Committee, along with Council Member Chin who was nothing short of patient, reasonable, and flexible, wanted to ensure that all affected individuals were pleased with the creation of the SOHO BID. To that end, Council Member Chin entered into an M.O.U. with the BID's Steering Committee to require:

1. In relation to the voting representation of property owners within the SOHO BID, the Steering Committee shall cause the SOHO BID DMA's certificate of incorporation or by-laws to be divided evenly into two sub-classes:
 - a. Class A-1 will consist of commercial property owners (50% of Class A Director seats); and
 - b. Class A-2 will consist of residential property owners (50% of Class A Director seats).
2. The Steering Committee shall cause the SOHO BID DMA to create a website dedicated to the SOHO BID. Such website shall contain the District Plan as adopted by the City Council, upcoming SOHO BID events, relevant contact information of the appropriate District Management Association members, services provided, upcoming public informational sessions and

public meetings, and time and substance of such upcoming public informational sessions and public meetings.

3. In the case of annual meetings of the SOHO BID DMA or other meetings required by the New York State Not for Profit law, or Chapter 4 of Title 25 of the of the Administrative Code of the city of New York, the Steering Committee shall cause the SOHO BID DMA to create and publish the minutes of all such meetings. Such minutes shall be posted on the SOHO BID DMA website.
4. In addition to the meetings prescribed by law, the Steering Committee shall cause the SOHO BID DMA to have at least 2 public informational sessions each year. Such sessions shall be open to all property owners and tenants within the BID boundaries.
5. The Steering Committee shall cause the SOHO BID DMA to publish the minutes of all public informational sessions held by the Board and the SOHO BID DMA. For all public informational sessions held by the SOHO BID DMA, all public comments, issues, and concerns shall be summarized and posted on the website of the SOHO BID DMA within 7 days.
6. Responses to such comments, issues, and concerns shall be posted on the DMA website within 30 days.

In addition, all of the concerns raised at the November 2012 hearing were addressed and accommodated, excluding the prohibition on borrowing debt.

October 9, 2013

The provisions in the MOU reflect Council Member Chin, the Finance Committee, and SBS's commitment to the people of SOHO and the people of New York City. In today's hearing, the Finance Committee will determine whether all four questions mentioned above can be answered in the affirmative, and if so whether legislation should be adopted.

SOHO BID DETAILS

Geographically, the proposed BID is located in Lower Manhattan (zip codes 10012 & 10013) in Community Board 2 and is comprised of an area of approximately 12 block-fronts, or approximately 280 tax lots. The proposed BID targets the Broadway corridor, and is broadly defined by the east and west side of Broadway from the north side of Canal Street to the south side of East Houston.

The 280 tax lots consist of approximately 70 commercial properties, 48 mixed use condominium properties, 1 vacant property, 1 tax exempt property owned by the Metropolitan Transit Authority, and 160 residential properties (14 cooperatives and 146 condominiums). The area consists of a diverse mix of retail, art galleries and neighborhood services. Buildings within the proposed BID are typically 5 to 12 story loft buildings with commercial uses on the ground floor and joint-live-work-quarters-for-artists on the upper floors.

Services

The services to be provided in the proposed BID are governed by the proposed BID's Amended Plan. The services provided in the proposed BID will supplement municipal services that are already provided by the City in the proposed BID area, will not take the place of services provided by the City on a city wide basis⁵. According to the proposed BID's Amended Plan, the following services will be provided and performed under the direction of the DMA:

- **Sanitation and Snow Removal:** Includes sweeping and cleaning of sidewalks and curbs, maintenance of trash receptacles, graffiti removal, maintenance of street furniture and management of news boxes, as well as snow removal at street corners.
- **Pedestrian:** designed to manage the sidewalk congestion and to mitigate the impact of street vending; due to the proposed BID's emergence as a major retailing destination.
- **Public Safety Services:** includes unarmed patrol; utilizing a licensed and bonded company to provide public safety services under a contract with the SOHO DMA and work in conjunction with the local NYPD Precinct.
- **Advocacy:** The BID will act as advocate on behalf of the stakeholders of the proposed BID to government agencies and elected public officials.
- **General & Administration:** The proposed BID will be administered by salaried staff which may include, but not be limited to: Executive Director, Project Manager and any other special staff and/or consultants deemed necessary by the proposed BID's Board of Directors. Administrative costs

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⁵ See Section 25-411 of the Administrative Code of the City of New York.

may also include office-related expenses such as rent, telephone, insurance, supplies, fringe benefits and other ordinary, necessary, and reasonable services and supplies.

- **Capital Improvements:** Street and sidewalk amenities to identify, enhance, and beautify the proposed BID; and capital improvement projects, which may include but are not limited to, storefront and/or façade improvement projects that address issues of signage, pedestrian area lighting.

Service Cost

The expenses to provide the above services to the benefited real properties within the proposed BID are detailed in the chart below.

Services	Budget
Sanitation and Snow Removal	\$200,000
Pedestrian and Public Safety	\$150,000
Advocacy and General Administration	\$200,000
Capital Improvements	As needed
TOTAL FIRST YEAR BUDGET	\$550,000

For addition details about the SOHO BID, including the management structure and specific properties located within, the BID please see the appended District Plan.

(The following is the text of the Fiscal Impact Statement for Int. No. 598:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECT

FISCAL IMPACT STATEMENT

INTRO. NO: 598
COMMITTEE: Finance

TITLE: To amend the administrative code of the city of New York, in relation to the establishment of the SoHo Business Improvement District.

SPONSORS: By Council Members Recchia, Jr., and Cabrera (by request of the Mayor)

SUMMARY OF LEGISLATION: Intro 598 amends Chapter 5 of title 25 of the administrative code of the city of New York by adding a new section 25-482 to establish a business improvement district in the borough of Manhattan to be known as the SoHo Business Improvement District (the "District").

EFFECTIVE DATE: This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires review of the BID legislation by the State Comptroller.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY 2014	Succeeding Effective FY: FY 2015	Full Fiscal Impact FY 2014
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The SoHo Business Improvement District will be funded through an additional self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2014 will be \$550,000. This amount will cover the BID's expenses as proposed by its first year budget. The District proposes to expend the \$550,000 in revenues in its first year's budget for snow removal/sanitation, public safety and general administration. Subsequent budgets will be determined on a yearly basis.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Chief Counsel, Finance Division

DATE SUBMITTED TO COUNCIL: June 14, 2011

HISTORY: The Committee on Finance held a hearing on Intro 598 on March 13, 2013, and the legislation was laid over to allow for the statutory 30-day objection period. Intro 598 will be considered again by the Committee on October 9, 2013 and, upon successful vote, will be submitted to the Full Council.

Accordingly, this Committee recommends its adoption

ATTACHMENTS to Committee Report:

Memorandum in Support from the Mayor

TITLE: A LOCAL LAW to amend the administrative code of the city of New York, in relation to the establishment of the SoHo business improvement district

SUMMARY OF PROVISIONS:

The proposed local law amends the Administrative Code by adding a new section 25-482 establishing the SoHo Business Improvement District in the Borough of Manhattan.

REASONS FOR SUPPORT:

A business improvement district is a valuable economic tool that works to strengthen and stabilize commercial and industrial areas. The program permits the use of the city's taxing authority to levy an assessment on real property located within the district. The assessment is then returned to a local management group, which provides services and improvements to the district that are in addition to those provided by the City.

The proposed SoHo Business Improvement District (hereinafter the "District") is located in Lower Manhattan. The District underwent significant changes in the 1960's as many artists established studio space and living quarters in loft buildings formerly occupied by printing, storage and textile firms. Today, the District continues to evolve into one of the City's most attractive and popular residential neighborhoods and retail shopping destinations. There are over 130 retail stores within the District, of which approximately 65% are apparel and accessories type stores with the remaining storefronts occupied by a mix of personal services, general merchandise, health and beauty, and food stores, as well as a limited number of eating and drinking establishments. The commercial buildings within the District provide office space for over 800 companies. In addition, the district contains approximately 140 residential condominium units and about a dozen buildings with either cooperative residential units or Joint Live-Work Quarters for artists dwelling on the upper floors.

Generally, the District includes properties on both sides of Broadway from the south side of Houston Street to the north side of Canal Street.

Services to be provided in the District include: sanitation and graffiti removal, public safety and visitor services, marketing and promotion of local businesses, social and technical services, administration, and additional services as may be required for the promotion and enhancement of the District. The District will be managed by the SoHo District Management Association, Inc. The budget for the first year of operation is \$700,000.

FISCAL IMPACT:

This local law will have no fiscal impact on the City. Services to be provided in the District will be paid for out of the annual assessments levied on properties located within the District.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,

Patrick A. Wehle

Memorandum of Understanding

DISTRICT OFFICE
65 PARK BOULEVARD, 11
NEW YORK, NY 10003
212 367 4154
FAX: 212 367 4148



THE COUNCIL OF
THE CITY OF NEW YORK

MARGARET S. CHIN
COUNCIL MEMBER, 1ST DISTRICT, MANHATTAN

MEMORANDUM OF UNDERSTANDING

CHAIR
LOWER MANHATTAN REDEVELOPMENT
COMMITTEES
PUBLIC HOUSING
PUBLIC WORKS
SMALL BUSINESS
LIVE WORKS
WOMEN'S BUSINESS
COUNCIL

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made as of the 9th day of October 2013, by and among Brian Steinwertzel, owner of commercial property located within the boundaries of the SOHO Business Improvement District (hereinafter referred to as the "SOHO BID"), Emily Hellstrom, owner of residential property located within the boundaries of the SOHO BID, Cheryl Klaus, Mary Roland, Bonnie Shapiro, Peter T. Murray, Andrew Brown, John J. Pasquale, Richard Pierpoint, David Briggs, and Donna Vogel representing residential and commercial property owners, (hereinafter collectively referred to as the "Steering Committee"), and New York City Council Member Margaret S. Chin, Democratic representative of Council District 1 in Manhattan (hereinafter referred to as the "Council Member").

WHEREAS, Pursuant to Local Law 82 of 1990, authorized by section 980 of the New York General Municipal Law, codified in Chapter 4 of Title 25 of the Administrative Code of the city of New York, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts, which are specifically defined areas of designated properties; and

WHEREAS, Business Improvement Districts use the City's real property tax collection mechanism to collect a special assessment to pay for additional services beyond those that the City provides; and

WHEREAS, The additional services, which are often in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising), are designed to enhance the area and to improve local business; and

WHEREAS, Pursuant to section 25-403 (a) of the Administrative Code, the District Plan of a business improvement district sets forth the BID's boundaries, allowable activities, effective prohibitions, assessment charges for services, and any other item or matter required to be incorporated therein by the City Council; and

WHEREAS, The Steering Committee, which guides the formation of a BID and is comprised of owners (majority) and tenants, demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget; and

WHEREAS, Pursuant to section 25-414 of the Administrative Code, once a BID is formed, the District Management Association (hereinafter referred to as the "DMA"), a not for profit corporation that is comprised of at least 13 Board of Directors of which the majority are property owners, governs a BID's operations for the purpose of carrying out activities as may be prescribed in the District Plan; and

WHEREAS, The SOHO BID has a total of 280 tax lots (less 1 vacant property and 1 exempt property), represented by 260 property owners consisting of 162 residential property owners who own 208 tax lots, and 116 commercial property owners who own 70 tax lots; and

WHEREAS, While commercial property owners and residential property owners alike benefit from the SOHO BID's services, and residential tax lots comprise the majority of the tax lots within the SOHO BID, commercial property owners pay the majority of the assessment charged within the BID; and

WHEREAS, It is the desire of the Council Member and the Steering Committee to maintain and/or enhance the residential fabric of the SOHO neighborhood while improving local business; and

WHEREAS, On March 13, 2013, under the process established by Local Law 82 of 1990, the City Council held a hearing on Int. 598, a Local Law to amend the administrative code of the city of New York in relation to the establishment of the SOHO business improvement district; and

WHEREAS, As of the date of this agreement, Int. 598 has not yet been adopted by the City Council; and

NOW, THEREFORE, THE STEERING COMMITTEE AND THE COUNCIL MEMBER HEREBY AGREE AND CONSENT AS FOLLOWS:

- 1. In relation to the voting representation of property owners within the SOHO BID, the Steering Committee shall cause the SOHO BID DMA's certificate of incorporation or by-laws to be divided evenly into two sub-classes:
a. Class A-1 will consist of commercial property owners (50% of Class A Director seats); and
b. Class A-2 will consist of residential property owners (50% of Class A Director seats).
2. The Steering Committee shall cause the SOHO BID DMA to create a website dedicated to the SOHO BID. Such website shall contain the District Plan as adopted by the City Council, upcoming SOHO BID events, relevant contact information of the appropriate District Management Association members, services provided, upcoming public informational sessions and public meetings, and time and substance of such upcoming public informational sessions and public meetings.

- 3. In the case of annual meetings of the SOHO BID DMA or other meetings required by the New York State Not for Profit law, or Chapter 4 of Title 25 of the of the Administrative Code of the city of New York, the Steering Committee shall cause the SOHO BID DMA to create and publish the minutes of all such meetings. Such minutes shall be posted on the SOHO BID DMA website.
4. In addition to the meetings prescribed by law, the Steering Committee shall cause the SOHO BID DMA to have at least 2 public informational sessions each year. Such sessions shall be open to all property owners and tenants within the BID boundaries.
5. The Steering Committee shall cause the SOHO BID DMA to publish the minutes of all public informational sessions held by the Board and the SOHO BID DMA. For all public informational sessions held by the SOHO BID DMA, all public comments, issues, and concerns shall be summarized and posted on the website of the SOHO BID DMA within 7 days.
6. Responses to such comments, issues, and concerns shall be posted on the DMA website within 30 days.
7. This agreement shall take effect upon its execution by the Steering Committee, the Council Member, and upon the adoption of Int. 598, A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the SOHO BID by the City Council.
8. This agreement shall continue until the dissolution of the SOHO BID, or as required by amendment of the by-laws, whichever is sooner.
9. If any clause, sentence, paragraph, section or part of this agreement shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

October 9, 2013

Margaret Chin
Council Member Margaret S. Chin

Steering Committee Co-Chair BENAN STEINWERTZEL
Emily Hellstrom
Steering Committee Co-Chair

Cheryl Klausss Cheryl Klausss
Steering Committee Member

Mary Roland MARY ROLAND
Steering Committee Member

Bonnie Shapiro BONNIE SHAPIRO
Steering Committee Member


Peter T. Murray PETER T. MURRAY
Steering Committee Member

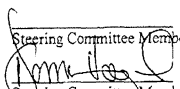
Andrew Brown ANDREW BROWN
Steering Committee Member

Warren Kethen WARREN KETHEN
Steering Committee Member

John J. Pasquale JOHN J. PASQUALE
Steering Committee Member

Richard Pierpoint RICHARD PIERPOINT
Steering Committee Member

Steering Committee Member

 Steering Committee Member DAVID BRIGGS

Steering Committee Member

 Steering Committee Member DONNA VOGEL

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(The following is the text of Int. No. 598:)

Int. No. 598

By Council Members Recchia, Cabrera and Gennaro (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the SoHo business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-482 to read as follows:

§ 25-482 *SoHo business improvement district.*

a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Manhattan, the SoHo business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the SoHo business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

KAREN KOSLOWITZ, Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, October 9, 2013.

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 Preconsidered Res. No. 1955

Report of the Committee on Finance in favor of approving a Resolution of the Council of the City of New York adopting the provisions of the “New York city Hurricane Sandy filing fee exemption and reimbursement act” to authorize exemptions and refunds for filing fees related to Federal Small Business Administration Disaster Loans given for Hurricane Sandy relief pursuant to Chapter 380 of the laws of New York of 2013.

The Committee on Finance, to which the annexed resolution was referred on October 9, 2013, respectfully

REPORTS:

1. Introduction

In the wake of Hurricane Sandy, many individuals and small businesses in New York applied for and were granted Disaster Loans by the Federal Small Business Administration to repair or replace damaged goods and property. In order to apply for these loans, applicants were required by sections 8019 and 8021 of the civil practice law and rules to pay filing fees.

2. State Legislation

In June 2013, the State Assembly and Senate passed a law (A07996/S05796) granting exemptions from these fees for people and entities affected by Hurricane Sandy in cities with populations greater than one million. The law also grants refunds to people or entities which had already paid the filing fees, dating back to October 28, 2012.

However, A07996/S05796 will only take effect in cities wherein the City Council or other governing body enacts a resolution adopting the provisions of A07996/S05796 within 30 days of the act’s effective date.

Governor Andrew Cuomo signed the bill into law on September 27, 2013, and it took effect immediately. In order for New Yorkers to take advantage of the filing fee waivers and reimbursements provided by A07996/S05796, the Council must pass this resolution, pursuant to Section 3 of the State bill.

3. Conclusion

4.

This resolution would provide a small but significant financial relief to many New Yorkers still struggling financially and personally in the aftermath of Hurricane Sandy by reimbursing them for the filing fees they incurred when applying for SBA Disaster Loans.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

KAREN KOSLOWITZ, Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, October 9, 2013.

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 Preconsidered Res. No. 1957

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 resolution was referred on October 9, 2013, 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 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget").

Analysis. This Resolution, dated October 9, 2013, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets.

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 2014 and Fiscal 2013 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, as described in Charts 4-11; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 12; sets forth new designations and specific changes in the designation of certain organizations receiving youth initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 13; amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2014 Expense Budget as described in chart 14; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2013 Expense Budget as described in chart 15. This resolution also reduces a Fiscal 2013 Expense Budget award through the Immigrant Opportunities Initiative to United Jewish Organizations (UJO of Williamsburg) from \$36,320 to \$29,118.

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 2014 Expense Budget, dated June 27, 2013 and Adjustments Summary/Schedule C/ Fiscal 2013 Expense Budget, dated June 28, 2012.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Out of School Time Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literary Services Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant Initiative Fund Transfers in accordance with the Fiscal 2014 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 14 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 15 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget.

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

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

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 2014 and 2013 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1957:)

Res. No. 1957

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 Koo.

Whereas, On June 27, 2013 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 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, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 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, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and therefore be it

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 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; 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 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Out of School Time Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Drop Out Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Services Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Fund Transfers in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; 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 2013 Expense Budget, as set forth in Chart 12; 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 2013 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 15.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2014

Member	EIN Number	Agency	Organization	Amount	Agry #	UIA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Elyene	51-0118251	DFTA	Flatbush Development Corporation **	(\$20,000.00)	125	003		
Elyene	51-0118251	DYCD	Flatbush Development Corporation **	\$20,000.00	260	312		
Koo	13-3609811	DYCD	Korean American Family Service Center (KAFSC) **	(\$5,000.00)	260	005		
Koo	13-3609811	OCJC	Korean American Family Service Center (KAFSC) **	\$5,000.00	098	002		
Rodriguez	13-2989768	HPD	Washington Heights Inwood Coalition, Inc **	(\$7,000.00)	806	009		
Rodriguez	13-2989768	DYCD	Washington Heights Inwood Coalition, Inc **	\$7,000.00	260	312		
Rodriguez	51-0546894	DCLA	Latino International Theater Festival of New York, Inc. **	(\$8,000.00)	126	003		
Rodriguez	13-2562241	DYCD	Community League of the Heights, Inc. **	\$8,000.00	260	312		
Reyna	11-2382250	DYCD	Greater Ridgewood Restoration Corporation **	(\$15,000.00)	260	005		
Reyna	11-2382250	DSSS	Greater Ridgewood Restoration Corporation **	\$15,000.00	801	002		
Crowley	23-7398148	DYCD	Woodhaven Residents Block Association	(\$2,500.00)	260	005	Greater Woodhaven Development Corporation	11-2508190 *
Crowley	23-7398148	DYCD	Woodhaven Residents Block Association	\$2,500.00	260	005		
Crowley	11-1666876	DYCD	Sacred Heart Sports Association	(\$5,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141 *
Crowley	11-1666876	DYCD	Sacred Heart Sports Association	\$5,000.00	260	312		
Crowley	38-3853340	DYCD	Allied Veterans Memorial Committee of Greater Ridgewood and Glendale	(\$2,500.00)	260	005	Greater Ridgewood Youth Council, Inc.	11-2518141 *
Crowley	38-3853340	DYCD	Allied Veterans Memorial Committee of Greater Ridgewood and Glendale	\$2,500.00	260	005		
Crowley	11-2502910	DYCD	Glendale Civilian Observation Patrol, Inc., The	(\$9,500.00)	260	005	Maspeth Town Hall	23-7259702 *
Crowley	11-2502910	DYCD	Glendale Civilian Observation Patrol, Inc., The	\$9,500.00	260	005		
Levin	27-4620010	DYCD	Brooklyn Alliance of Neighborhood Gardens Land Trust **	(\$3,500.00)	260	005	Greater Ridgewood Youth Council, Inc.	11-2518141 *
Levin	27-4620010	DPR	Brooklyn Alliance of Neighborhood Gardens Land Trust **	\$3,500.00	846	006		
Brewer	02-0540281	HPD	Open House New York, Inc. **	(\$3,000.00)	806	009		
Brewer	02-0540281	DCLA	Open House New York, Inc. **	\$3,000.00	126	003		
Palma	13-5562185	DFTA	Catholic Charities Community Services, Archdiocese of New York **	(\$7,000.00)	125	003		
Palma	13-5562185	DYCD	Catholic Charities Community Services, Archdiocese of New York **	\$7,000.00	260	005		
Palma	13-3110811	HPD	Neighborhood Initiatives Development Corp **	(\$35,000.00)	806	009		
Palma	13-3110811	DSSS	Neighborhood Initiatives Development Corp **	\$35,000.00	801	002		
Dickens	13-2551688	DOHMH	Community Association of Progressive Dominicans, Inc.	(\$3,500.00)	816	113		
Dickens	13-3298145	DOHMH	Community Association of the East Harlem Triangle	\$3,500.00	816	113		
CD19	13-3298145	DFTA	Our Lady of the Blessed Sacrament Church **	(\$3,500.00)	125	003		
CD19	11-1646313	DYCD	Italian American Association of St. Mel Roman Catholic Church **	\$3,500.00	260	005		
CD19	23-7349898	DYCD	Korean Community Services of Metropolitan New York, Inc. **	\$3,500.00	260	312		
CD19	11-6060521	CJNY	Queens College Foundation, Inc. - Kufnerberg Center **	\$3,500.00	042	001		
Cabrera	13-3935309	DYCD	Computers for Youth Foundation, Inc. **	(\$10,000.00)	260	005		
Cabrera	13-3935309	DOE	Computers for Youth Foundation, Inc. **	\$10,000.00	040	402		
Dickens	13-1624210	DFTA	VISIONS/Services for the Blind and Visually Impaired **	(\$3,500.00)	125	003		
Dickens	13-1624210	DYCD	VISIONS/Services for the Blind and Visually Impaired **	\$3,500.00	260	312		
Rose	13-3556132	DOHMH	Community Health Action of Staten Island (formerly SI AIDS Taskforce) **	(\$10,000.00)	816	113		
Rose	13-3556132	DYCD	Community Health Action of Staten Island (formerly SI AIDS Taskforce) **	\$10,000.00	260	312		

CHART 5: Dropout Prevention and Intervention Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Washington Heights-Inwood Coalition	13-2989788	DOE	(\$30,000.00)	040	454
Catholic Charities Community Services, Archdiocese of New York	13-5562185	DOE	\$30,000.00	040	454

* Indicates pending completion of pre-qualification review.

CHART 4: Out of School Time Restoration - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Young Dancers in Repertory, Inc.	13-1624228	DYCD	(\$60,000.00)	260	312
Young Dancers in Repertory, Inc.	11-27199128	DYCD	\$60,000.00	260	312
YWCA of the City of New York (Main Branch)	13-1624228	DYCD	(\$840,000.00)	260	312
YWCA of the City of New York (Main Branch)	13-1624230	DYCD	\$840,000.00	260	312
YWCA of the City of New York (Main Branch)	13-1624228	DYCD	(\$200,000.00)	260	312
YWCA of the City of New York (Main Branch)	13-1624230	DYCD	\$200,000.00	260	312
YWCA of the City of New York (Main Branch)	13-1624228	DYCD	(\$360,000.00)	260	312
YWCA of the City of New York (Main Branch)	13-1624230	DYCD	\$360,000.00	260	312
St. Rosalia-Regina Pacis Neighborhood Improvement Association, Inc.	11-2687931	DYCD	(\$350,000.00)	260	312
NIA Community Services Network	11-2687931	DYCD	\$350,000.00	260	312
St. Rosalia-Regina Pacis Neighborhood Improvement Association, Inc.	11-2687931	DYCD	(\$350,000.00)	260	312
NIA Community Services Network	11-2687931	DYCD	\$350,000.00	260	312
St. Rosalia-Regina Pacis Neighborhood Improvement Association, Inc.	11-2687931	DYCD	(\$150,000.00)	260	312
NIA Community Services Network	11-2687931	DYCD	\$150,000.00	260	312

* Indicates pending completion of pre-qualification review.

CHART 7: HIV/AIDS Faith Based Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	(\$174,651.00)	816	112
Black Veterans for Social Justice	11-2608983	DOHMH	\$174,651.00	816	112
Coney Island Cathedral of Deliverance	11-2744627	DOHMH	(\$6,400.00)	816	112
Mentors Organized means Vicinity for Everyone (MOVE), Inc.	30-0480203	DOHMH	\$6,400.00	816	112
Bedford Central Presbyterian Church	11-2870465	DOHMH	(\$6,400.00)	816	112
Union United Methodist Church	11-1667775	DOHMH	\$6,400.00	816	112
Church of the Intercession	13-2851543	DOHMH	(\$6,400.00)	816	112
First Calvary Baptist Church	13-2945426	DOHMH	\$6,400.00	816	112
New Hope Community Church	06-1013595	DOHMH	(\$6,400.00)	816	112
New Hope for the World Ministries, Inc.	26-0434061	DOHMH	\$6,400.00	816	112
St. Paul's Community Baptist Church	11-2453951	DOHMH	(\$6,400.00)	816	112
Greater Tabernacle Christian Church	11-3107757	DOHMH	\$6,400.00	816	112
Child Center of New York, The	11-1733454	DOHMH	(\$6,400.00)	816	112
People's United Methodist Church	30-0844444	DOHMH	\$6,400.00	816	112

* Indicates pending completion of pre-qualification review.

CHART 6: HIV/AIDS Communities of Color Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Black Veterans for Social Justice (Watchful Eye)	11-2608983	DOHMH	(\$28,800.00)	816	112
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$28,800.00	816	112

* Indicates pending completion of pre-qualification review.

CHART 8: Cultural After School Adventure Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
	Cultural After School Adventure	13-8400434	DCA	(\$20,000.00)	126	003
Ulrich	Inspired Museum Foundation, Inc - Public School 65 The Raymond York Elementary School	13-3062419	DCA	\$20,000.00	126	003
Ulrich	Young People's Chorus of NYC, Inc - Public School 207 Rockwood Park	11-3372980	DCA	\$20,000.00	126	003
Ulrich	Queens Symphony Orchestra - Scholars Academy	11-2106191	DCA	\$20,000.00	126	003
Ulrich	Young People's Chorus of NYC, Inc - Public School 84 Joseph P. Addabbo	11-3372990	DCA	\$20,000.00	126	003
Rivara	Inspired Museum Foundation, Inc - Public School 97 Forest Park	13-3062419	DCA	\$20,000.00	126	003
Rivara	Bronx Arts Ensemble - PS 44 David C. Farragut	51-0166889	DCA	\$20,000.00	126	003
Rivara	Bronx River Art Center & Gallery, Inc. - PS 57 Crescent	13-3261148	DCA	\$20,000.00	126	003
Rivara	Midnet Foundation, Inc. - PS 85 Great Expectations	13-3662472	DCA	\$20,000.00	126	003
Rivara	Midtown Management Group, Inc. - PS 714	13-3162793	DCA	\$20,000.00	126	003
Rivara	Society of the Educational Arts, Inc. - PS 87 Morgan School	11-3210593	DCA	\$20,000.00	126	003
Chin	Abrons Arts Center at Henry Street Settlement - Public School 20 Arnes Silver	13-1562242	DCA	(\$20,000.00)	126	003
Richards	Queens Theatre in the Park, Inc - Springfield Gardens H.S.	11-3381629	DCA	\$20,000.00	126	003
Richards	Queens Theater Company - Springfield Gardens High School	11-3569393	DCA	\$20,000.00	126	003

* Indicates pending completion of pre-qualification review.

CHART 8: Adult Literacy Services Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
	Little Sisters of the Assumption Family Health Service, Inc.	13-2887881	DYCD	(\$10,000.00)	260	005
	Union Settlement Association	13-1632530	DYCD	\$10,000.00	260	005

* Indicates pending completion of pre-qualification review.

CHART 11: Initiative Fund Transfers - Fiscal 2014

Source	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Social Adult Day Care Programs	Department for the Aging **	13-8400434	DFTA	(\$50,000.00)	125	003
Immigrant Opportunities Initiative	Immigrant Opportunities Initiative **	13-8400434	DYCD	(\$33,333.00)	260	005
HASA Money Management Services PEG Restoration	Gay Men's Health Crisis, Inc **	13-3137146	DSS	\$63,333.00	099	105

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the change to take effect

CHART 10: Immigrant Opportunities Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Brooklyn Public Library **	13-8400434	DYCD	(\$16,753.00)	260	005
Brooklyn	Brooklyn Public Library **	13-8400434	BPL	\$16,753.00	038	001
Queens	CUNY CLRN **	13-8400434	DYCD	(\$59,973.00)	260	005
Queens	City University of New York School of Law Foundation, The - CLRN **	13-8400434	CUNY	\$59,973.00	042	101

* Indicates pending completion of pre-qualification review.

CHART 13: Youth Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Rodriguez	Fraternidad de Los Angeles, Inc.	58-2672102	DYCD	\$5,000.00	260	312		13-3573852
Rodriguez	Fraternidad de Los Angeles, Inc.	58-2672102	DYCD	\$3,000.00	260	312	Hispanic Federation	

* Indicates pending completion of pre-qualification review.

CHART 12: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Rodriguez	Experimental Community Theater Inc.	13-2564241	DYCD	\$5,000.00	260	312		13-3573852
Rodriguez	Experimental Community Theater Inc.	13-2564241	DYCD	\$5,000.00	260	312	Hispanic Federation	
Rodriguez	Peer Health Exchange Inc.	56-2374305	DYCD	\$3,000.00	260	312		13-3573852
Rodriguez	Peer Health Exchange Inc.	56-2374305	DYCD	\$3,000.00	260	312	Hispanic Federation	
Rodriguez	Fundacion Profesor Juan Bosch	26-1238777	DYCD	\$5,000.00	260	005		13-3573852
Rodriguez	Fundacion Profesor Juan Bosch	26-1238777	DYCD	\$3,000.00	260	005	Hispanic Federation	
Rodriguez	Inter-Religious Foundation For Community Organization Inc.	13-2590548	DYCD	\$3,000.00	260	005		13-3573852
Rodriguez	Inter-Religious Foundation For Community Organization Inc.	13-2590548	DYCD	\$3,000.00	260	005	Hispanic Federation	
Rodriguez	New Marble Hill Tenants And Civic Association	13-4181819	DYCD	\$3,000.00	260	005		13-3573852
Rodriguez	New Marble Hill Tenants And Civic Association	13-4181819	DYCD	\$3,000.00	260	005	Hispanic Federation	
Recchia	Most Precious Blood Roman Catholic Church	11-1771932	DFTA	\$5,000.00	125	003		
Recchia	Most Precious Blood Roman Catholic Church	11-1680779	DFTA	\$5,000.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 14: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	James	Heights Hill Mental Health Services, SPPC, Community Advisory Board, Inc.	11-2765605	DOHMH	(\$5,000.00)	Funds will help serve clients during the budget period. These services will be available from 9-5 pm, Monday to Friday. The service will allow clients to increase their knowledge of housing criteria through information, referrals, and provide them with direct assistance in completing the NYC Housing Authority (NYCHA) or similar low income housing applications. Clients will also benefit from lower rent costs and greater economic stability.
Local	James	Heights Hill Mental Health Services, SPPC, Community Advisory Board, Inc.	11-2765605	DOHMH	\$5,000.00	Funds will be expended to pay a portion of the salary and fringe costs of the Director of Outreach. Staff member will provide weekly agency website updates as well as design, create and distribute the quarterly printed newsletter as well as the weekly E-mail newsletter. Staff member will attend monthly community meetings with other mental health providers and coordinate the agency's outreach to both consumers and providers to inform them of the free services available at Rainbow Heights Club for low/mid/LGBT people living with mental illness.
Aging	James	Grace International, Inc.	20-0924854	DFTA	(\$3,000.00)	To provide funding for the Stomp Out Obesity program, working with children who are at high risk of becoming obese and developing chronic obesity-related health complications.
Aging	James	Grace International, Inc.	20-0924854	DFTA	\$5,000.00	Health 360 allows more seniors to focus on their diet and lifestyle-related issues. We are presently partnering with the local senior centers in our area offering them these initiatives. Gen-NEXT helps seniors work together to better manage and develop food systems and other vital community services. Our programmatic plans include our Urban Victory Farmers, compost system, Urban Bee keepers, hoop house and chicken farm. REACH allows for a new online urban farming portal, mobile pantry, advocacy training, and rooftop gardens to maximize the number of potential urban farms in Central Brooklyn.
Local	Odoo	DOE-District 31, Region 7	13-6400434	DOE	(\$3,000.00)	Funds will be used for books and academic intervention services at PS 11.
Local	Odoo	DOE-District 31, Region 7	13-6400434	DOE	\$35,000.00	PS 47, 48, 50, 52, 54, 60 will each receive \$5,000 for books; PS 11 will also receive \$5,000 for Academic Intervention Services.
Local	Odoo	Children's Aid Society	13-5682191	OC-JC	(\$2,000.00)	Funds will provide an after school program for students attending Police Officer Rocco Lanza Intermediate School 72.
Local	Odoo	Children's Aid Society	13-5682191	OC-JC	\$2,000.00	Funds will provide an after school program for students attending I.S.61. The funding would be used for STEM and dance programs at I.S.61.
Local	Odoo	DOE-District 31, Region 7	13-6400434	DOE	(\$3,000.00)	Funds will be used support learning.com for ps 23, 38, 39, 46, & 69 and to purchase Air Conditioners for PS 26.
Local	Odoo	DOE-District 31, Region 7	13-6400434	DOE	\$30,000.00	Funds will be used support learning.com for ps 23, 38, 39, 46, & 69 (\$5,000 each) and \$5,000 to purchase Air Conditioners for PS 26.

* Indicates pending completion of pre-qualification review.

CHART 14: Purpose of Funds Changes - Fiscal 2014

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Dronm	New York Ballet Inc.	13-2947386	DCLA	(\$5,000.00)	New York City Ballet residences provide low-cost, multilevel programming to public school students ensuring that children have enriching experiences of ballet that positively impact their academic test scores, expand their imaginations, and encourage their creativity and overall growth.
Local	Dronm	New York Ballet Inc.	13-2947386	DCLA	\$5,000.00	To provide services for the Greater Woodhaven area, support operating expenses, and to provide services for the Greater Woodhaven area, and to support operating expenses.
Local	Crowley	Greater Woodhaven Development Corporation	11-2208190	DBRS	(\$7,500.00)	To provide services for the Greater Woodhaven area, and to support operating expenses.
Local	Crowley	Greater Woodhaven Development Corporation	11-2208190	DBRS	\$7,500.00	To provide services for the Greater Woodhaven area, and to support operating expenses.
Youth	Greenfield	United Chinese Association of Brooklyn	37-1489112	DYCD	(\$20,000.00)	Funds used to support an After School Tutoring program which includes paying for the space rental costs, staff salaries, and tutoring instructors to look after students after their school hour. In addition, the grants will also be used to pay for equipment, office supplies, office renovation, utilities, and program related expenses.
Youth	Greenfield	United Chinese Association of Brooklyn	37-1489112	DYCD	\$20,000.00	The fund will be used to support a youth weekend program which includes paying for the cost of renovating the office and classrooms, space rental, staff salaries, and instructor wages for the program. The grants will also be used for office supplies, equipment, utilities and insurance costs.
Senior Centers and Programs		Services and Advocacy for GLBT Elders, Inc.	13-2947387	DFTA	(\$150,000.00)	To support SAGE's direct service programs which provide support and assistance to LGBT older adults city-wide.
Senior Centers and Programs		Services and Advocacy for GLBT Elders, Inc.	13-2947387	DFTA	\$150,000.00	To support programming for youth, seniors, tenants and for community development initiatives.
Aging	Williams	Flabush Development Corporation	51-0188261	DFTA	(\$7,000.00)	FDC will conduct outreach in senior centers and through our tenant organizing initiatives, assisting seniors in applying for eligible entitlements and benefits. We will focus on SCHREIBER, HEAR, food stamps and Medicare/Medicaid.
Aging	Williams	Flabush Development Corporation	51-0188261	DFTA	\$7,000.00	To create and run a LGBTQ Summer Camp on Staten Island for Staten Island LGBT youth between the ages of 13 and 23, providing activities, and educational and other programs.
Local	Rose	Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3569132	DOHMH	(\$10,000.00)	Funds will support the CHASI Emergency Food Pantry in Port Richmond. Funding will partially support the salary and fringe benefits of the Pantry Program Assistant who is responsible for assisting pantry participants with registration and "shopping" at the customer choice pantry. He schedules and trains all pantry volunteers, and handles food inventory, including all food deliveries from various sources.
Local	Rose	Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3569132	DYCD	\$10,000.00	New York City Ballet residences provide low-cost, multilevel programming to public school students ensuring that children have enriching experiences of ballet that positively impact their academic test scores, expand their imaginations, and encourage their creativity and overall growth.
Local	Dronm	New York City Ballet Inc.	13-2947386	DCLA	(\$5,000.00)	To support the Meals on Wheels food delivery program to seniors.
Local	Dronm	New York City Ballet Inc.	13-2947386	DCLA	\$5,000.00	To run program to involve seniors in street beautification activities and to run informational program on immigration issues for seniors.
Aging	Dronm	Jackson Heights-Elmhurst Kallah, Inc.	11-2643410	DFTA	(\$5,000.00)	To support the Meals on Wheels food delivery program to seniors.
Aging	Dronm	Jackson Heights-Elmhurst Kallah, Inc.	11-2643410	DFTA	\$5,000.00	To run program to involve seniors in street beautification activities and to run informational program on immigration issues for seniors.

CHART 15: Purpose of Funds Changes - Fiscal 2013

Source	Member	Organization	EN Number	Agency	Amount	New Purpose of Funds
Youth	Williams	Coed Culture, Inc.	15-1636968	DYCD	(\$5,000.00)	Funds will be used to support after-school activities.
Youth	Williams	Coed Culture, Inc.	15-1636968	DYCD	\$5,000.00	Funds will be used to support out-of-school activities in support of children and families.*

* Indicates pending completion of pre-qualification review.

KAREN KOSLOWITZ, Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, October 9, 2013.

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 Preconsidered M-1257

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between various agencies in Fiscal Year 2014 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).

The Committee on Finance, to which the annexed resolution was referred on October 9, 2013, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on October 9, 2013, the Committee on Finance received a communication, dated October 4, 2013, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto (the "Modification"), to modify units of appropriation and transfer city funds between various agencies in the amount of \$1,320,785 in the Fiscal Year 2014 expense budget as adopted by the Council on

June 26, 2013, pursuant to Section 107(b) of the New York City Charter (the "Charter").

Analysis. 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 26, 2013, the Council adopted the expense budget for Fiscal Year 2014 (the "Fiscal 2014 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2014 Expense Budget to fund City Council local initiatives as well as other discretionary programs.

Programs within the following agencies will receive funding as a result of this Modification:

1. Brooklyn Public Library (\$16,753)
2. City University of New York (\$43,473)
3. Dept. of Cultural Affairs (\$3,500)
4. Dept. of Education (\$12,000)
5. Dept. of Emergency Management (\$4,000)
6. Dept. of Health and Mental Hygiene (\$33,500)
7. Dept. of Small Business Services (\$210,185)
8. Dept. of Social Services (\$83,333)
9. Dept. of Youth and Community Development (\$214,684)
10. District Attorney- Bronx (\$10,000)
11. Fire Department (\$53,500)
12. Mayoralty-Mayor's Office of Contracts (\$50,000)
13. Miscellaneous (Various NYCHA tenant associations and the Korean American Family Service Center (\$35,857)

Funding in the amount of \$550,000 will be allocated from the general reserve to fund Common Cents within the budget of the Department of Youth and Community Development.

The net effect of this Modification is zero. For more detail on the funding transfer between agencies, initiatives and discretionary programs, see Appendix A of the attached report.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

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

TO: Honorable Christine C. Quinn
Speaker

Honorable Domenic M. Recchia, Jr.
Chairman, Finance Committee

FROM: Preston Niblack, Director, Finance Division
Jeffrey Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: October 9, 2013

SUBJECT: A budget modification (MN-1) for Fiscal Year 2014 to implement changes in the City's expense budget.

INITIATION: By letter dated October 4, 2013, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to modify units of appropriation and transfer funds between various agencies in the amount of \$1,320,785 to implement changes in the City's expense budget.

BACKGROUND: MN-1 reallocates appropriations that were reflected in the FY 2014 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-1 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1959:)

Res. No. 1959

RESOLUTION APPROVING THE MODIFICATION OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER. (MN-1)

By Council Member Recchia, Jr.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on October 9, 2013 the Committee on Finance received a communication, dated October 4, 2013 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds between various agencies in the amount of \$1,320,785 in the Fiscal Year 2014 expense budget as adopted by the Council on June 26, 2013, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. **Effective Date.** This resolution shall take effect as of the date hereof.

ATTACHMENT:



The City of New York
Office of Management and Budget
 255 Greenwich Street • New York, New York 10007-2146
 Telephone: (212) 788-5900 • Fax: (212) 788-6300

Mark Page
 Director

October 4, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107 (b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2014 to implement changes in the city's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2014 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN-1 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2014 Budget Modification

-MN 1-

From

040	Department of Education	
	401 GE Instr. & School Leadership	-100,000
	454 Central Administration - OTPS	-40,000
068	Admin. for Children Services	
	004 Headstart/Daycare - OTPS	-5,000
098	Miscellaneous	
	002 OTPS	-514,143
125	Department for the Aging	
	003 Community Programs - OTPS	-86,500
126	Department of Cultural Affairs	
	003 Cultural Programs	-82,500
	014 S.I. Zoological Society	-500
	019 Brooklyn Academy of Music	-52,500
806	Housing Preservation & Dev.	
	009 Office of Development-OTPS	-82,375
816	Dept Health & Mental Hygiene	
	113 Hlth Promo & Disease Prev-OTPS	-181,500
	117 OTPS - Health Care Access	-5,000
	120 Mental Health	-8,500
	122 Alcoholism Services	-34,000

Fiscal Year 2014 Budget Modification

-MN 1-

From

827	Department of Sanitation	
109	Cleaning & Collection - OTPS	-3,410
841	Department of Transportation	
007	Bureau of Bridges - OTPS	-4,500
846	Dept of Parks and Recreation	
006	Maintenance & Operations-OTPS	-84,500
		-1,284,928

Fiscal Year 2014 Budget Modification

-MN 1-

To

002	Mayoralty	
021	Office of the Mayor - OTPS	50,000
017	Dept. of Emergency Management	
002	OTPS	4,000
038	Brooklyn Public Library	
001	Lump Sum	16,753
040	Department of Education	
402	GE Instr. & School Leadership	12,000
042	City University	
001	Community College-OTPS	43,473
057	Fire Department	
005	Executive Admin - OTPS	53,500
069	Department of Social Services	
105	Adult Services - OTPS	83,333
126	Department of Cultural Affairs	
007	The Wildlife Conservation Soc.	3,500
260	Youth & Community Development	
005	Community Development - OTPS	112,184
312	Other Than Personal Service	652,500

Fiscal Year 2014 Budget Modification

-MN 1-

To

801	Dept. Small Business Services	
002	Dept of Business Serv. - OTPS	210,185
816	Dept Health & Mental Hygiene	
121	Mental Retardation Services	33,500
902	District Attorney - Bronx	
002	Other Than Personal Service	10,000
		1,284,928
		0

Appendix A

From

040	Department of Education	
401	GE Instr. & School Leadership	
	Department of Education	-100,000
	Unit of Appropriation Total	-100,000
454	Central Administration - OTPS	
	NYCHA Coney Island Houses TA	-2,000
	NYCHA Unity Towers TA Coney Island 1	-2,000
	NYCHA Todt Hill Houses TA	-2,000
	NYCHA Stapleton Houses TA	-2,000
	NYCHA New Lane Shores TA	-2,000
	NYCHA Mariners Habor TA	-2,000
	NYCHA Gravesend TA	-2,000
	Good Shepherd Services	-3,500
	NYCHA Coney Island Site 8 TA	-2,000
	Good Shepherd Services	-5,000

Appendix A

From

040 Department of Education		
454 Central Administration - OTPS		
NYCHA West Brighton Houses TA	-2,000	
NYCHA West Brighton Houses TA	-3,500	
Computers for Youth Foundation, Inc.	-10,000	
Unit of Appropriation Total		-40,000
068 Admin. for Children Services		
004 Headstart/Daycare - OTPS		
Catholic Charities Neighborhood Services, Inc.	-5,000	
Unit of Appropriation Total		-5,000
098 Miscellaneous		
002 OTPS		
NYCHA Todt Hill Houses TA	2,000	
Korean American Family Service Center (KAFSC)	3,857	
NYCHA O'Dwyer Gardens	-1,000	
Baisley Park Houses Tenant Association	7,500	
Ralph J. Rangel Houses Tenant Association	5,000	

Appendix A

From

098 Miscellaneous		
002 OTPS		
NYCHA Coney Island Site 8 TA	2,000	
NYCHA Coney Island Houses TA	2,000	
NYCHA Mariners Habor TA	2,000	
NYCHA West Brighton Houses TA	2,000	
Central Park East High School	-5,500	
HOPE Program, Inc., The	-1,500	
NYCHA New Lane Shores TA	2,000	
Ralph J. Rangel Houses Tenant Association	4,000	
New York City Housing Authority	-1,500	
NYCHA Stapleton Houses TA	2,000	
NYCHA Gravesend TA	2,000	
District Attorney-Bronx	-10,000	
Korean American Family Service Center (KAFSC)	5,000	

Appendix A

From

098 Miscellaneous		
002 OTPS		
General Reserve		-550,000
New York City Housing Authority		12,000
NYCHA Unity Towers TA Coney Island 1		2,000
Unit of Appropriation Total		-514,143
125 Department for the Aging		
003 Community Programs - OTPS		
Corona Self-Help Center, Inc.		-7,000
Catholic Charities Community Services, Archdiocese of New York		-7,000
Catholic Charities Community Services, Archdiocese of New York		-7,000
Rochdale Village Social Services, Inc. - NORC-SSP		4,500
Shows From The Heart Inc.		5,000
Jewish Community Center of Staten Island, Inc.		-10,000
Ralph J. Rangel Houses Tenant Association		-5,000
Department for the Aging		-50,000

Appendix A

From

125 Department for the Aging		
003 Community Programs - OTPS		
VISIONS/Services for the Blind and Visually Impaired		-3,500
Ralph J. Rangel Houses Tenant Association		-4,000
Flatbush Development Corporation		-4,000
Rochdale Village Social Services, Inc.		4,500
Catholic Charities Neighborhood Services, Inc.		5,000
NIA Community Services Network f/k/a St. Rosalia-Regina Pacis NIA		13,000
South Brooklyn Youth Consortium, Inc.- South Brooklyn Youth NORC		21,000
Catholic Charities Community Services, Archdiocese of New York		-7,000
New York City Housing Authority		-12,000
Mosholu-Montefiore Community Center, Inc.		4,000
Our Lady of the Blessed Sacrament Church		-3,500
Flatbush Development Corporation		-20,000
Jewish Community Council of Greater Coney Island, Inc.		-20,000

Appendix A

From

125 Department for the Aging		
003 Community Programs - OTPS		
Brooklyn Chinese-American Association, Inc.	11,500	
Boro Park Jewish Community Council	7,000	
Morris Park Community Association	-2,000	
Unit of Appropriation Total		-86,500
126 Department of Cultural Affairs		
003 Cultural Programs		
Garibaldi-Meucci Museum	-500	
Arts Gowanus dba AGAST Gowanus Open Studios a project of Arts Gowanus	-1,500	
Citywide Youth Opera, Inc.	-3,000	
Chashama, Inc.	-500	
Rooftop Films, Inc.	-4,000	
Museum of Food and Drink, The	-3,500	
United Palace of Cultural Arts	-5,000	

Appendix A

From

126 Department of Cultural Affairs		
003 Cultural Programs		
Jazzreach Performing Art & Education Association	-1,500	
Trident Swim Foundation, Inc.	-8,000	
Sephardic Heritage Museum, Inc.	-10,000	
Rhapsody Players, Inc.	-3,500	
Poets House Inc.	-3,500	
CenterStage The Queens Center for the Performing Arts	-3,500	
Concerts in Motion, Inc.	-3,000	
Harlem Needle Arts, Inc.	-3,500	
Greenpoint Monitor Museum, The	-3,500	
United Palace of Cultural Arts	-5,000	
Forum On Law Culture & Society	-3,000	
East Village Community Coalition, The	-3,500	
Arts for Art, Inc.	3,500	

Appendix A

From

126 Department of Cultural Affairs		
003 Cultural Programs		
Foundation for Contemporary Arts Inc.	-1,000	
BRIC Arts Media Bklyn, Inc.	-2,000	
Bella Voce Inc.	-1,500	
Lower East Side Tenement Museum, The	-10,000	
Latino International Theater Festival of New York, Inc.	-8,000	
Sundog Theatre	3,500	
Harlem Chamber Players Inc., The	-500	
Open House New York, Inc.	3,000	
Unit of Appropriation Total		-82,500
014 S.I. Zoological Society		
Staten Island Zoological Society, Inc.	-500	
Unit of Appropriation Total		-500
019 Brooklyn Academy of Music		
Brooklyn Academy of Music	-5,500	

Appendix A

From

126 Department of Cultural Affairs		
019 Brooklyn Academy of Music		
Brooklyn Academy of Music	-47,000	
Unit of Appropriation Total		-52,500
806 Housing Preservation & Dev.		
009 Office of Development-OTPS		
Washington Heights-Inwood Coalition, Inc	-32,100	
Pratt Area Community Council, Inc.	-5,000	
North Brooklyn Development Corporation	1,500	
St. Nick's Alliance Corporation	5,000	
Pratt Center for Community Development	4,725	
Open House New York, Inc.	-3,000	
Washington Heights-Inwood Coalition, Inc	-7,000	
Neighborhood Initiatives Development Corp.	-35,000	
Kingsbridge Heights Neighborhood Improvement Association, Inc.	-11,500	
Unit of Appropriation Total		-82,375

Appendix A

From

816 Dept Health & Mental Hygiene		
113 Hlth Promo & Disease Prev-OTPS		
NYC Health and Hospital Corp./East New York Diagnostic and Treatment Center	-3,500	
EMG Health Communications	5,000	
NYC Health and Hospital Corp./East New York Diagnostic and Treatment Center	-5,000	
New York Cancer Center, Inc.	-4,000	
New York Road Runners Foundation, Inc.	-14,000	
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	-10,000	
Department of Health and Mental Hygiene	-150,000	
Unit of Appropriation Total		-181,500
117 OTPS - Health Care Access		
New York University College of Dentistry	-5,000	
Unit of Appropriation Total		-5,000
120 Mental Health		
Brooklyn Community Service	-3,500	
Lifes WORC	-5,000	

Appendix A

From

816 Dept Health & Mental Hygiene		
120 Mental Health		
Unit of Appropriation Total		-8,500
122 Alcoholism Services		
Vietnam Veterans of America, Inc. - Brooklyn Chapter #72	-1,000	
Staten Island Mental Health Society, Inc.	-40,000	
Corona Self-Help Center, Inc.	7,000	
Unit of Appropriation Total		-34,000
827 Department of Sanitation		
109 Cleaning & Collection - OTPS		
Department of Sanitation	1,090	
Outstanding Renewal Enterprises, Inc.	-4,500	
Unit of Appropriation Total		-3,410
841 Department of Transportation		
007 Bureau of Bridges - OTPS		
Department of Transportation	-2,500	
Department of Transportation	-2,000	

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From

841 Department of Transportation		
007 Bureau of Bridges - OTPS		
Unit of Appropriation Total		-4,500
846 Dept of Parks and Recreation		
006 Maintenance & Operations-OTPS		
Northside Center for Child Development, Inc.	-115,000	
Historic House Trust of New York City	-500	
New Yorkers For Parks	5,000	
Department of Parks and Recreation	11,500	
Kew Gardens Council For Recreation And The Arts Inc.	6,000	
Brooklyn Alliance of Neighborhood Gardens Land Trust	3,500	
Brooklyn Queens Land Trust	3,000	
Prospect Park Alliance, Inc.	3,500	
Department of Parks and Recreation	-500	
City Parks Foundation	-1,000	
Unit of Appropriation Total		-84,500

Appendix A

From

-1,284,928

Appendix A

To

002	Mayoralty		
021	Office of the Mayor - OTPS		
	Mayor's Office of Contract Services	50,000	
	Unit of Appropriation Total		50,000
017	Dept. of Emergency Management		
002	OTPS		
	South Brooklyn Community Emergency Response Team (CERT)	4,000	
	Unit of Appropriation Total		4,000
038	Brooklyn Public Library		
001	Lump Sum		
	Brooklyn Public Library	16,753	
	Unit of Appropriation Total		16,753
040	Department of Education		
402	GE Instr. & School Leadership		
	Junior High School 226Q - Virgil Grissom	5,000	
	Central Park East High School	5,500	
	Center for Elimination of Violence	-3,500	
	United Palace of Cultural Arts	5,000	

Appendix A

To

040	Department of Education		
402	GE Instr. & School Leadership		
	Computers for Youth Foundation, Inc.	10,000	
	New York City Parents of Lesbians and Gay Men, Inc. (d/b/a PFLAG New York City)	-10,000	
	Unit of Appropriation Total		12,000
042	City University		
001	Community College-OTPS		
	City University of New York School of Law Foundation, The - CLRN	39,973	
	Queens College Foundation, Inc. - Kupferberg Center	3,500	
	Unit of Appropriation Total		43,473
057	Fire Department		
005	Executive Admin - OTPS		
	Metropolitan Fire Association	3,500	
	Throggs Neck Volunteer Ambulance Corps, Inc.	50,000	
	Unit of Appropriation Total		53,500
069	Department of Social Services		
105	Adult Services - OTPS		
	Gay Men's Health Crisis, Inc	83,333	

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To

069	Department of Social Services		
105	Adult Services - OTPS		
	Unit of Appropriation Total		83,333
126	Department of Cultural Affairs		
007	The Wildlife Conservation Soc.		
	Wildlife Conservation Society	3,500	
	Unit of Appropriation Total		3,500
260	Youth & Community Development		
005	Community Development - OTPS		
	Good Shepherd Services	3,500	
	Parodneck Foundation for Self-Help Housing and Community Development, Inc., The	1,500	
	Computers for Youth Foundation, Inc.	-10,000	
	Italian American Association of St. Mel Roman Catholic Church	3,500	
	Minister, Elders and Deacons of the Reformed Protestant Dutch Church of the City of New York c/o Coll	1,500	
	Brooklyn Alliance of Neighborhood Gardens Land Trust	-3,500	
	Reaching-Out Community Services Inc	16,500	
	Greater Ridgewood Restoration Corporation	-15,000	

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To

260	Youth & Community Development		
005	Community Development - OTPS		
	Palladia, Inc.	5,000	
	Black Agency Executives, Inc.	5,000	
	Harlem Commonwealth Council, Inc.	3,500	
	Korean American Family Service Center (KAFSC)	-5,000	
	Brotherhood/Sister Sol, The	50,000	
	Shows From The Heart Inc.	-5,000	
	Urban Justice Center	3,500	
	Woven Spaces, Inc.	3,500	
	Public Housing Communities, Inc.	3,500	
	Richmond Hill Business Improvement District	-4,000	
	Baisley Park Houses Tenant Association	-7,500	
	EMG Health Communications	-5,000	

Appendix A

To

260 Youth & Community Development	
005 Community Development - OTPS	
Vietnam Veterans of America, Inc. - Brooklyn Chapter #72	1,000
Brooklyn Public Library	-16,753
Guardians of the Sick	31,000
Friends of Abandoned Cemeteries	-3,000
Kew Gardens Council For Recreation And The Arts Inc.	-6,000
Community League of the Heights, Inc.	32,100
Reaching Across the World Ministries	-5,000
Bella Voce Inc.	1,500
Sunnyside District Management Association	-5,000
CUNY CLRN	-39,973
Morris Park Community Association	2,000
Corona Community Action Network Corp, The	-3,500

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To

260 Youth & Community Development	
005 Community Development - OTPS	
United Palace of Cultural Arts	5,000
Sephardic Heritage Museum, Inc.	10,000
Brooklyn Bridge Park Conservancy, Inc.	3,500
Rhapsody Players, Inc.	3,500
Museum of Food and Drink, The	3,500
Harlem Needle Arts, Inc.	3,500
Korean American Family Service Center (KAFSC)	-3,857
Catholic Charities Community Services, Archdiocese of New York	7,000
Forum On Law Culture & Society	3,000
Immigrant Opportunities Initiative	-33,333
East Village Community Coalition, The	3,500
Asian Americans for Equality	5,000
Asian Americans for Equality	5,000
Asian Americans for Equality	8,500

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To

260 Youth & Community Development	
005 Community Development - OTPS	
Crown Heights Jewish Community Council, Inc.	2,500
Arts Gowanus dba AGAST Gowanus Open Studios a project of Arts Gowanus	1,500
Bronx Parent Housing Network, Inc.	11,500
Catholic Charities Community Services, Archdiocese of New York	7,000
Jewish Community Council of Greater Coney Island, Inc.	20,000
Asian Americans for Equality	5,000
Catholic Charities Community Services, Archdiocese of New York	7,000
Unit of Appropriation Total	112,184
312 Other Than Personal Service	
Teens Against Crime, Inc.	-5,000
Mosholu-Montefiore Community Center, Inc.	-4,000
Trident Swim Foundation, Inc.	8,000
Amity Baptist Church	-5,000

Appendix A

To

260 Youth & Community Development	
312 Other Than Personal Service	
Common Cents	550,000
Flatbush Development Corporation	20,000
92nd Street Y (Young Men's and Young Women's Hebrew Association)	-100,000
Northside Center for Child Development, Inc.	115,000
Zimmer Club Youth Conservation Program of Staten Island, Inc.	-5,000
Working in Support of Education, Inc.	-4,500
United Activities Unlimited, Inc.	-25,000
Jacques Marchais Museum of Tibetan Art, Inc.	-3,500
Reach Out and Read of Greater New York, Inc.	3,500
Bank Street College of Education	30,000
88th Precinct	-3,500
VISIONS/Services for the Blind and Visually Impaired	3,500

Appendix A

To

260 Youth & Community Development	
312 Other Than Personal Service	
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	10,000
Rosedale Civic Association	12,000
Participatory Budgeting Project, The	5,000
Korean Community Services of Metropolitan New York, Inc.	-3,500
Horticultural Society of New York, The	10,000
Pratt Area Community Council, Inc.	5,000
Fund for the City of New York, Inc. - Rockaway Youth Task Force	3,500
Good Shepherd Services	5,000
Hispanic Federation, Inc.	7,000
Citywide Youth Opera, Inc.	3,000
Greenpoint Monitor Museum, The	3,500
Jewish Community Center of Staten Island, Inc.	10,000
Community League of the Heights, Inc.	8,000

Appendix A

To

260 Youth & Community Development	
312 Other Than Personal Service	
Arts for Art, Inc.	-3,500
Concerts in Motion, Inc.	3,000
Unit of Appropriation Total	652,500
801 Dept. Small Business Services	
002 Dept of Business Serv. - OTPS	
Sunnyside District Management Association	5,000
Dumbo District Management Association Inc.	500
New York Women's Chamber of Commerce, Inc.	20,000
Rockaway Development and Revitalization Corporation	-30,000
Neighborhood Initiatives Development Corp.	35,000
Greater Ridgewood Restoration Corporation	15,000
Asian Americans for Equality	-5,000
Asian Americans for Equality	-8,500
Asian Americans for Equality	-5,000

Appendix A

To

801 Dept. Small Business Services	
002 Dept of Business Serv. - OTPS	
Pratt Institute Center for Community and Environmental Development (PICCED)	50,000
Atlantic Avenue District Management Association, Inc.	-1,815
82nd Street District Management Association, Inc.	3,500
Brooklyn Hispanic Chamber of Commerce	50,000
New York Women's Chamber of Commerce, Inc.	50,000
Staten Island Economic Development Corporation	-1,000
Business Outreach Center Network, Inc.	4,000
Staten Island Economic Development Corporation	33,500
Asian Americans for Equality	-5,000
Unit of Appropriation Total	210,185
816 Dept Health & Mental Hygiene	
121 Mental Retardation Services	
Labor and Industry for Education, Inc.	-1,000
Grace Foundation of New York	34,500

Appendix A

To

816 Dept Health & Mental Hygiene	
121 Mental Retardation Services	
Unit of Appropriation Total	33,500
902 District Attorney - Bronx	
002 Other Than Personal Service	
District Attorney-Bronx	10,000
Unit of Appropriation Total	10,000
Unit of Appropriation Total	1,284,928
Unit of Appropriation Total	0

KAREN KOSLOWITZ, Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, October 9, 2013.

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

Reports of the Committee on Health

Report for Int. No. 1129-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating a food service establishment inspection ombuds office within the New York city department of health and mental hygiene.

The Committee on Health, to which the annexed amended proposed local law was referred on August 22, 2013 (Minutes, page 3302), respectfully

REPORTS:

I. Introduction

On Monday, October 7, 2013, the New York City Council Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will meet to vote on Proposed Int. Nos. 1129-A, 1132-A, 1134-A, 1141-A, and 1146-A, a package of legislation that would reform the City's restaurant inspection system.

The Committee held a hearing on prior versions of the bills on September 23, 2013.

II. Background

DOHMH is responsible for permitting, overseeing and inspecting New York City's 24,000 food service establishments¹ to ensure their compliance with applicable food safety laws, rules and regulations.² All restaurants must have a permit to operate and are inspected regularly to ensure compliance with the New York City Health Code.³

In 2005, DOHMH created the point and condition system for sanitary health code violations, which is still in use today, with minor alterations.⁴ Each violation is classified as either "critical" or "general" and assigned a point value. Depending on the severity level of the violation—referred to as a condition—the point value changes. Critical violation categories include food temperature, food source (e.g., use of unpasteurized milk), food protection (e.g., food item spoiled or cross-contaminated), facility design (e.g., improper sewage disposal system), personal hygiene and other food protection (e.g., eating in food preparation area). General violation categories include vermin/garbage, food source (e.g. canned food product dented), facility maintenance, and improper signage/documentation. Condition levels range from 1-5, with points ranging from 5 to 28 for critical violations and from 2 to 5 for general violations.⁵

Prior to July 2010, a restaurant that received 28 or more points on its inspection was considered to have failed the inspection and would be subject to a follow up "compliance inspection." Compliance inspections were full inspections and performed in the same manner as the initial inspection. If the restaurant had not corrected the previously cited violations, it would be subject to immediate closure by DOHMH.

In July 2010, DOHMH introduced a restaurant letter grading system in an effort to "1. communicate risks to the public to enable informed public choice about where to dine; 2. improve compliance by food service establishments and 3. reduce, over time, restaurant attributable food-borne illnesses."⁶ They cited the popularity of letter grading in Los Angeles and its success in reducing foodborne illnesses by 20% during the first ten years of implementation.⁷

DOHMH Letter Grading System

DOHMH is required to inspect all restaurants at least annually.⁸ At an initial inspection under the letter grading system, an inspector conducts a full sanitary inspection, following the point system developed in 2005. Only those violations that are considered to have a direct bearing on food safety count towards the restaurant's letter grade. Thus, a restaurant may be fined for violations of regulations such as those regarding artificial trans-fat, smoke-free air laws, calorie menu labeling, and posting of required signage but those violations will not be included when calculating the letter grade.⁹

If, at the initial inspection, a restaurant receives 13 or fewer points, the restaurant will immediately receive an A grade placard.¹⁰ The restaurant must post the letter grade immediately¹¹ in a conspicuous place on the front window of the

restaurant so that it is visible by passersby.¹² A restaurant that receives an A at an initial inspection is considered to have satisfied its annual inspection requirement and will not be inspected again for purposes of letter grading that year.¹³ As of January 2011, any restaurant that receives an A on its initial inspection is exempted from any fines for violations.¹⁴

If, at the initial inspection, a restaurant receives 14 or more points, the inspector will not issue a letter grade but will schedule a re-inspection to occur at least one week later.¹⁵ The restaurant is required to display its current letter grade (if it has one) until the re-inspection occurs.¹⁶ If, at the re-inspection, the restaurant receives 13 or fewer points, it will immediately receive an A grade placard.¹⁷ However, the restaurant will still be subject to fines for any violations it received at the initial inspection, despite the fact that it ultimately received an A grade during re-inspection.¹⁸

If, at the re-inspection, the restaurant receives more than 14 points, and is not closed by the DOHMH, the restaurant will be issued a "grade pending" card and a letter grade corresponding to the number of points it received.¹⁹ Restaurants who receive between 14 and 27 points will be issued a B grade placard and those who receive greater than 28 points will be issued a C grade placard.²⁰ Restaurants who get more than 14 points at the re-inspection must immediately post either the "grade pending" placard, if they intended to challenge the inspection results at the Administrative Tribunal, or the grade placard.²¹ After adjudication, the restaurant must immediately remove the "grade pending" placard and post the appropriate grade placard.²²

A restaurant that receives a B letter grade at either an initial or re-inspection will have its inspection cycle begin again five to seven months after the inspection at which it received the B grade.²³ A restaurant that received a C letter grade will have its inspection cycle begin again three to five months later.²⁴ A restaurant closed by DOHMH on either an initial or re-inspection will begin the cycle again two to four months after re-opening.²⁵ A new inspection cycle begins with initial inspections for purposes of letter grading.²⁶ These are not the only inspections that may take place, however. DOHMH reserves the right to conduct additional inspection for purposes of letter grading upon the belief there is "an increased risk to public health," which may include, but is not limited to, a history of closure, being the subject of a complaint of unsanitary conditions, or being compromised due to an environmental emergency.²⁷

Concerns Regarding the Letter Grading System

Since the introduction of letter grading, restaurants raised concerns about the system.²⁸ While the Administration touted the overwhelming success of the program,²⁹ and protested that only dirty restaurants had problems with the system,³⁰ a survey conducted by the Council suggested that approximately two-thirds of surveyed restaurants, including nearly 60% of those restaurants posting "A" grades in their windows, graded the system "1 – Poor" on a scale of 1 to 5.³¹ On March 7, 2012, the Council's Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, held an oversight hearing during which the concerns raised by restaurants, in meetings and open forums with Council Members since the inception of the program and highlighted in the citywide Council survey, were echoed and amplified.³² Principal among the issues raised by restaurateurs, advocates and experts during the hearing were the increased fine burden on restaurants since the introduction of the letter grading system; frayed and adversarial relations between DOHMH and restaurants; and inconsistencies across inspections.³³

The Council survey and hearing testimony made clear that restaurants across all five boroughs, of all sizes, cuisines, and letter grades, had significant concerns with the restaurant inspection process.³⁴ Further, the Council's analysis of the restaurant inspection results indicated considerable inspection inconsistency and limited overall improvement of restaurant performance.³⁵ Taken together, a question arose as to whether the benefits that the letter grading system provided justified the heavy toll taken on restaurants.

Ultimately, in light of its review of restaurant inspection data and issues raised by restaurants, and after extensive conversations with the restaurant industry and DOHMH, the Council determined that eight reform measures would significantly improve the program. Under an agreement reached by the Council and DOHMH that was announced in August 2013, three improvements will be accomplished through rulemaking by DOHMH³⁶ These measures include: across the board fine reductions, waiver of fines for restaurants receiving an "A" on initial inspections as a result of adjudication, and waiver of fines and points for violations pertaining to physical layout if such violations were not cited during previous inspections.³⁷ The remaining five measures would be accomplished by the legislation to be voted upon today. These include increased data reporting and the creation of an ombuds office, an inspection code of conduct, an advisory board, and a consultative inspection program.

The package of legislation is intended to improve the lines of communication between DOHMH and restaurants, and increase the quality of information provided to restaurants, helping to make the system less adversarial and more cooperative and educational. Further, as restaurants would be better informed about what they might expect during an inspection and better able to prepare accordingly, and as inspectors apply the rules fairly and uniformly, inspection results should become more consistent. The bills are also intended to improve the oversight and performance of the restaurant inspection system by developing better and more thorough performance indicators.³⁸

Revisions to the Legislation

Following the September 23, 2013 hearing on the legislation, the bills were revised slightly to clarify provisions and to address concerns raised by stakeholders and DOHMH. Substantive revisions were made to the advisory board legislation: Proposed Int. 1134-A removes the requirement that the advisory board hold an open meeting, increases the size of the board from ten members to twenty members, and adds a sunset provision that terminates the board in 2024.

Proposed Int. No. 1129-A

Proposed Int. No. 1129-A would require DOHMH to establish an office to field complaints, compliments, and comments about individual restaurant inspection issues and the program in general. The office would maintain a telephone hotline and website to receive such feedback. The office would also serve a number of other functions. It would investigate all inspection-related complaints, with the ability to identify egregious inspection errors that should be rectified by the department in lieu of submission to the administrative tribunal. This would include the withdrawal of violations pertaining to physical layout and major fixtures, where a restaurant had never been cited for such a violation during previous inspections; note, however, the restaurant would still be responsible for fixing the cited problem. The office would issue guidance letters on matters pertaining to restaurant inspections, including but not limited to appropriate inspection methods and food handling techniques, either upon request or on the office’s own initiative. Each quarter, the office would compile and analyze the type and number of violations issued by each inspector and would monitor such inspection results for trends and inconsistencies. Finally, the office would make recommendations to the DOHMH Commissioner regarding needed improvements to the restaurant inspection process. The bill would require the office to submit an annual report to the Mayor, the Speaker and the DOHMH Commissioner summarizing its activities for the year.

Proposed Int. No. 1132-A

Proposed Int. No. 1132-A would require DOHMH to create an inspection code of conduct pamphlet that inspectors would distribute to all restaurant owners/operators immediately prior to the beginning of an initial inspection informing them of their rights regarding restaurant inspections. The code of conduct would also be available on DOHMH’s website. The code of conduct would inform owners and operators that inspectors must: behave in a professional manner and identify themselves in a manner that does not unduly interfere with patrons; be able to communicate with the restaurant owner or operator or use language assistance services; fairly and impartially apply DOHMH laws and rules and have an understanding of all relevant laws and regulations; provide information on how to file a complaint about an inspector and how to contest a violation at the tribunal; be able to answer reasonable questions about the inspection; and upon finding a violation, explain to the owner/operator how to correct such violation.

Proposed Int. No. 1134-A

Proposed Int. No. 1134-A would require DOHMH to create an advisory board to provide advice to DOHMH on the effect of the inspection program on restaurants, food safety and public health. The board would be comprised of ten mayoral appointees and nine Council appointees, with the DOHMH Commissioner to serve ex officio. The appointees would include restaurant industry representatives and food safety experts. In addition, DOHMH would be allowed to invite non-member, non-voting participants to join the discussions of the board. The board would meet quarterly, and the agenda for its first four meetings would include the following topics: appropriate point values for violations; inspector training curriculum; the relationship between DOHMH and restaurants; and the impact of letter grading on health and safety, including a discussion of any changes in food-borne illness rates. The bill would require the advisory board to submit an annual report to the Mayor and the Council on the impact of letter grading on health and safety, including food-borne illness rates, and the board’s specific recommendations for improvements to the inspection process. Under the bill, the board would be terminated in 2024.

Proposed Int. No. 1141-A

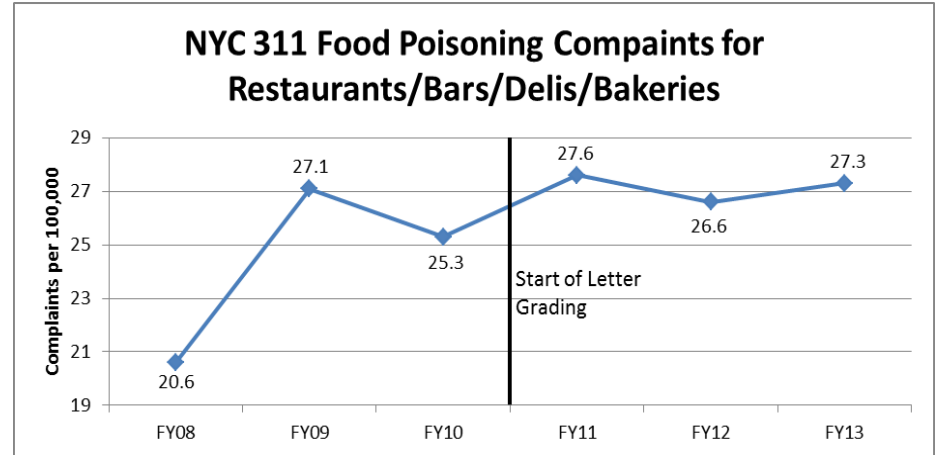
Proposed Int. No. 1141-A would build upon the information currently available through the City’s Open Data program to require DOHMH to make public additional data on each restaurant inspection, including: the specific type of inspection conducted (initial, compliance, pre-permit, re-inspection, etc.), each violation cited and corresponding points issued, the total score awarded, the date of adjudication, if any, related to violations issued, and the amount of any fine assessed.

Proposed Int. No. 1146-A

Proposed Int. No. 1146-A would require DOHMH to establish a program where all restaurants would be able to request an optional, ungraded consultative inspection for educational purposes only. Under this program, consultative inspections would not result in fines or violations, although DOHMH would retain its right to require a restaurant to immediately remedy a public health hazard. Inspectors would review the results of the consultative inspection and advise the owner or operator of any potential violations and how to remedy such violations. A special feature of the program would allow new restaurants to request a consultative inspection to be conducted in advance of their (first) initial inspection. DOHMH would establish the fees for consultative inspections through rulemaking – for

established restaurants, a rate to cover the cost of the inspection; for new restaurants, a nominal fee to limit abuse of the service.

Appendix 1



Urban Salmonella Rates Per 100,000

Jurisdiction	2008	2009	2010	2011	Change in 2011 versus 2010
Phoenix	14.3	12.0	11.9	7.0	-41%
San Diego	14.9	14.5	19.3	12.3	-36%
San Francisco	14.8	17.8	20.7	15.4	-26%
Duval County (Jacksonville)	61.8	53.3	56.0	41.8	-25%
Philadelphia	27.3	25.6	25.9	19.6	-24%
Boston	26.3	23.4	24.0	18.3	-24%
Los Angeles County	16.9	12.2	11.7	9.2	-21%
Dallas	14.6	10.8	14.7	12.3	-16%
San Jose	17.0	16.8	17.8	14.9	-16%
New York City	15.2	15.0	15.7	13.8	-12%
Houston	19.3	11.8	14.4	13.7	-5%
Franklin County (Columbus)	12.7	12.9	10.1	9.8	-3%
Bexar County (San Antonio)	16.5	12.4	15.4	15.0	-3%
Travis County (Austin)	24.4	19.4	25.1	25.8	3%
Chicago	10.2	10.1	10.8	13.6	26%

	2008	2009	2010	2011	2012	Change in 2011 from 2010	Change in 2012 from 2010
New York City	15.2	15	15.7	13.8	14.2	-12%	-10%
NYS excluding NYC	13.4	12.3	13.0	12.7	12.4	-3%	-5%
Connecticut	14.1	12.2	13.8	13.1	12.4	-5%	-10%
New Jersey	14.9	13	13.7	13.9	N/A	1%	N/A

¹ Food service establishment is defined as a “place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.” 24 R.C.N.Y. Health Code § 81.03(o). Retail food establishments where food is sold and intended to be consumed off-premises, such as grocery stores, are regulated by the New York State Department of Agriculture and Markets. NYS Ag & M, Art. 28.

² 24 R.C.N.Y. Health Code § 81.05(a).

³ 24 R.C.N.Y. Health Code § 81.05(c).

⁴ 24 R.C.N.Y. Health Code § 23.01.

⁵ NYC DOHMH, “Self Inspection Worksheet for Food Service Establishments,” available at: <http://www.nyc.gov/html/doh/downloads/pdf/rii/self-inspection-worksheet.pdf>.

⁶ Notice of Adoption of Amendments to Article 81 of the New York City Health Code, available at: <http://www.nyc.gov/html/doh/downloads/pdf/notice/2010/Article-81.pdf>.

⁷ *Id.*

⁸ 24 R.C.N.Y. Health Code § 23.03(a).

⁹ 24 R.C.N.Y. Health Code § 23.02.

¹⁰ 24 R.C.N.Y. Health Code § 23.03(b).

¹¹ 24 R.C.N.Y. Health Code § 23.07(a).

¹² 24 R.C.N.Y. Health Code § 23.07(f).

¹³ 24 R.C.N.Y. Health Code § 23.03(a).

¹⁴ “Restaurants that Achieve A Grades at the Time of Inspection Are No Longer Subject to Fines for Sanitary Violations” NYC DOHMH, available at <http://www.nyc.gov/html/doh/downloads/pdf/rii/restaurant-grading-penalty-relief-faq.pdf>.

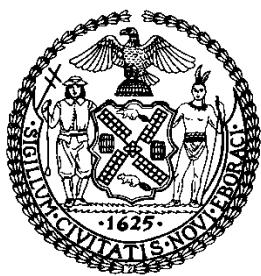
¹⁵ 24 R.C.N.Y. Health Code § 23.03(a).

¹⁶ 24 R.C.N.Y. Health Code § 23.07(b).

¹⁷ 24 R.C.N.Y. Health Code § 23.03(b).

¹⁸ *Supra* note 14.
¹⁹ 24 R.C.N.Y. Health Code § 23.07(c).
²⁰ 24 R.C.N.Y. Health Code § 23.03(c).
²¹ 24 R.C.N.Y. Health Code § 23.07(c).
²² 24 R.C.N.Y. Health Code § 23.07(c).
²³ 24 R.C.N.Y. Health Code § 23.04(a)(1).
²⁴ 24 R.C.N.Y. Health Code § 23.04(a)(2).
²⁵ 24 R.C.N.Y. Health Code § 23.04(a)(3).
²⁶ 24 R.C.N.Y. Health Code § 23.01.
²⁷ 24 R.C.N.Y. Health Code § 23.04(b).
²⁸ See, e.g., Transcript, *Oversight: Grade Pending: Examining the Department of Health's Restaurant Inspection Program*, Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, March 7, 2012, at 9, 15, 17, and 21.
²⁹ See, e.g., DOHMH, "Restaurant Grading in New York City at 18 Months," <http://www.nyc.gov/html/doh/downloads/pdf/rii/restaurant-grading-18-month-report.pdf>.
³⁰ See, e.g., Michael Grynbaum and Kate Taylor, "Bloomberg Defends Grading System Derided by Restaurateurs," NY Times, March 6, 2012, available at <http://www.nytimes.com/2012/03/07/nyregion/restaurant-grading-system-under-fire-gets-mayors-backing.html> ("He denounced critics as "people that complain because they don't want to keep their restaurants clean." "They think it's O.K. to have mice and roaches and dirt and not have people wash their hands before they come back from the bathroom," the mayor said, his voice rising. "That's just simply unacceptable, and their complaints are going to fall on deaf ears, I can tell you that. We're not going to change."")
³¹ See Briefing Paper, *Oversight: Grade Pending: Examining the Department of Health's Restaurant Inspection Program*, Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, March 7, 2012, at 12-20.
³² See, e.g., Transcript, *Oversight: Grade Pending: Examining the Department of Health's Restaurant Inspection Program*, Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, March 7, 2012, Testimony of Herb Wettenson at 198-199; Jeffrey Chodorow at 243-246; Gary O'Neill at 265-269; Maria Cruz at 328-329; and Stephen Maly at 318-320.
³³ *Id.*
³⁴ See generally, Briefing Paper and Transcript, *Oversight: Grade Pending: Examining the Department of Health's Restaurant Inspection Program*, Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, March 7, 2012.
³⁵ See Briefing Paper, *Oversight: Grade Pending: Examining the Department of Health's Restaurant Inspection Program*, Committees on Governmental Operations, Health, Oversight & Investigations, and Small Business, March 7, 2012, at 39-53.
³⁶ Press Release, "Speaker Quinn Announces Agreement to Reduce Restaurant Fines by Ten Million Dollars Per Year," New York City Council Press Release 150-2013, August 18, 2013, available at <http://council.nyc.gov/html/pr/081813restaurants.shtml>.
³⁷ *Id.*
³⁸ For example, in its 18 month letter grading report, DOHMH suggested that letter grading might have been responsible for reducing food borne illness at restaurants. DOHMH reached this conclusion by showing that salmonella rates in New York City had fallen by a larger percentage since the introduction of letter grading than in surrounding states, including Connecticut, New Jersey, and the rest of New York State. However, such an analysis isn't necessarily an apples-to-apples comparison, since New York City is a highly dense urban area while the surrounding states are mostly suburban and rural, and thus the frequency with which people eat out, and what they eat when they do, is likely to vary widely between the two. An analysis of how letter grading has impacted food borne illnesses might also have included 311 complaints about food borne illness at restaurants as well as a salmonella comparison with other large urban areas, both of which show a more mixed result. See Appendix 1.

(The following is the text of the Fiscal Impact Statement for Int. No. 1129-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1129-A
 COMMITTEE:
 Health

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to creating a food service establishment inspection ombuds office within the New York City Department of Health and Mental Hygiene

SPONSOR(S): Council Members Arroyo, Barron, Brewer, Chin, Comrie, Eugene, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Mendez, Palma, Rose, Vallone, Vann, Rodriguez, and Van Bramer

SUMMARY OF LEGISLATION: The Department of Health and Mental Hygiene shall establish an office to field complaints, compliments, and comments about individual restaurant inspection issues and the program in general.

In addition, the office shall be required to:

- investigate all inspection-related complaints, with the ability to identify egregious inspection errors that should be rectified by the department in lieu of submission to the administrative tribunal;
- issue guidance letters on matters pertaining to restaurant inspections, including but not limited to appropriate inspection methods and food handling techniques, either upon request or on the office's own initiative;

- compile and analyze the type and number of violations issued by each inspector and would monitor such inspection results for trends and inconsistencies;
- make recommendations to the DOHMH Commissioner regarding needed improvements to the restaurant inspection process; and
- submit an annual report to the Mayor, the Speaker and the DOHMH Commissioner summarizing its activities for the year.

EFFECTIVE DATE: Ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The Department of Health and Mental Hygiene can use existing resources to comply with this local law resulting in minimal to no impact on expenditures from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director
 Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro.1129 on August 22nd, 2013 and referred to the Committee on Health. A hearing was held on August 23, 2013 and the bill was laid over by the Health Committee on August 23, 2013. Intro. 1129 has been amended, and the amended version, Proposed Int. 1129-A, will be considered by the Health Committee on October 7th, 2013.

DATE SUBMITTED TO COUNCIL: October 9th, 2013

(For text of Int Nos. 1132-A, 1134-A, 1141-A, and 1146-A and their Fiscal Impact Statements please see, respectively, the Reports of the Committee on Health for Int Nos. 1132-A, 1134-A, 1141-A, and 1146-A printed in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 1129-A, 1132-A, 1134-A 1141-A and 1146-A.

(The following is the text of Int. No. 1129-A:)

Int. No. 1129-A

By Council Members Arroyo, Barron, Chin, Comrie, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Mendez, Palma, Rose, Vallone, Jr., Vann, Wills, Rodriguez, Eugene, Van Bramer, Brewer, Gennaro, Lander, Levin, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to creating a food service establishment inspection ombuds office within the New York city department of health and mental hygiene.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1505 to read as follows:

§ 17-1505. a. Food service establishment inspections ombuds office; office established. There is hereby established within the food safety program of the

department a food service establishment inspections ombuds office.

b. Food service establishment inspections ombuds office; duties and responsibilities. The food service establishment inspections ombuds office shall have, but not be limited by, the following duties and responsibilities:

1. establishing a system to receive questions, comments, complaints, and compliments with respect to any food service establishment inspection, including but not limited to, the establishment, operation, and dissemination of a central telephone hotline and website to receive such questions, comments, complaints, and compliments;

2. investigating complaints received pursuant to paragraph one of this subdivision and taking any action it deems appropriate regarding such complaints, including but not limited to, withdrawing violations that concern the physical layout and/or major fixtures within a food service establishment where the department finds that such physical layout or fixture existed at the time of a prior inspection but was not the subject of a violation and the condition has not been altered since the time of such prior inspection, and identifying egregious inspection errors that ought to be rectified by the department in lieu of submission to the administrative tribunal;

3. issuing guidance letters providing informal advisory opinions on matters pertaining to food service establishment inspections, including but not limited to appropriate inspection methods and food handling techniques, either upon request or the department's own initiative. Any such guidance letter issued by the ombuds office shall be posted on the department's website upon issuance and, to the greatest extent practicable, distributed to all food service establishment operators;

4. monitoring inspection results for trends and inconsistencies, including but not limited to, via the compilation and analysis on a quarterly basis of the type and number of violations issued by each inspector; and

5. making recommendations to the commissioner regarding improvements to the food service establishment inspection process.

c. Food service establishment inspections ombuds office; annual report. No later than July 1, 2014, and every July 1 thereafter, the ombuds office shall submit to the commissioner an annual report regarding its activities during the previous twelve months. The ombuds office shall forward a copy of such report to the mayor and the speaker of the council. Such report shall include, but not be limited to:

1. the number, nature, and resolution of questions, comments, complaints, and compliments received by the ombuds office;

2. the number and nature of guidance letter requested;

3. a copy of each guidance letter issued;

4. an analysis of trends and inconsistencies across inspection results; and

5. recommendations for improvements to the food service establishment inspection process in accordance with paragraph five of subdivision b of this section.

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

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, October 7, 2013.

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

Report for Int. No. 1132-A

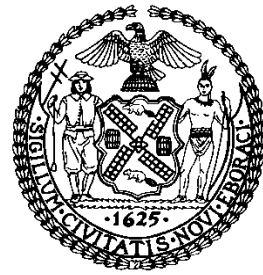
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop and disseminate a food service establishment inspection code of conduct

The Committee on Health, to which the annexed amended proposed local law was referred on August 22, 2013 (Minutes, page 3304), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Health for Int No. 1129-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1132-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1132-A

COMMITTEE:
Health

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to requiring the Department of Health and Mental Hygiene to develop and disseminate a food service establishment inspection code of conduct.

SPONSOR(S): Council Members Gentile, Arroyo, Barron, Chin, Fidler, Greenfield, James, Koo, Palma, Rose, Vallone, Rodriguez, Eugene, Van Bramer and Brewer

SUMMARY OF LEGISLATION: The Department of Health and Mental Hygiene shall create an inspection code of conduct pamphlet that inspectors would distribute to all restaurant owners/operators immediately prior to the beginning of an initial inspection, informing them of their rights regarding restaurant inspections.

The code of conduct would inform owners and operators that inspectors must:

- behave in a professional manner and identify themselves in a manner that does not unduly interfere with patrons;
- be able to communicate with the restaurant owner or operator or use language assistance services;
- fairly and impartially apply DOHMH laws and rules and have an understanding of all relevant laws and regulations;
- provide information on how to file a complaint about an inspector and how to contest a violation at the tribunal;
- be able to answer reasonable questions about the inspection; and
- upon finding a violation, explain to the owner/operator how to correct such violation.

EFFECTIVE DATE: Ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The Department of Health and Mental Hygiene can use existing resources to comply with this local law resulting in minimal to no impact on expenditures from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro.1132 on August 22th, 2013 and referred to the Committee on Health. A hearing was held on August 23, 2013 and the bill was laid over by the Health Committee on August 23, 2013. Intro. 1132 has been amended, and the amended version, Proposed Int. 1132-A, will be considered by the Health Committee on October 7th, 2013.

DATE SUBMITTED TO COUNCIL: October 9th, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1132-A:)

Int. No. 1132-A

By Council Members Gentile, Arroyo, Barron, Chin, Fidler, Greenfield, James, Koo, Palma, Rose, Vallone, Jr., Rodriguez, Eugene, Van Bramer, Brewer, Lappin, Vann, Jackson, Gennaro, Lander, Levin, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop and disseminate a food service establishment inspection code of conduct.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 15 to read as follows:

CHAPTER 15

FOOD SERVICE ESTABLISHMENTS

§ 17-1501 Definitions. As used in this Chapter the following terms shall have the following meanings:

a. "Consultative inspection" means an educational sanitary inspection of a food service establishment that shall not result in fines or a grade.

b. "Covered languages" means Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.

c. "Critical violations" shall have the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

d. "Food service establishment" means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.

e. "Food service establishment inspector" means any individual employed by the department who as part of his or her duties conducts inspections of food service establishments pursuant to subdivision a of section 81.51 of the health code of the city of New York.

f. "General violations" shall have the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

g. "Imminent health hazard or public health hazard" shall have the meaning it is given in section 81.03 of the health code of the city of New York.

h. "Initial inspection" means the first sanitary inspection within an inspection cycle.

i. "Inspection cycle" means a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.

j. "Notice of violation" means a written notice issued by a food service establishment inspector alleging that there was a violation of law or regulation at the food service establishment on the day of the food service establishment inspection.

k. "Sanitary inspection" means any on-site review by the department of a food service establishment's physical facilities, food handling operations, equipment, sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.

§ 17-1502 Food Service Establishment Inspection Code of Conduct. a. The commissioner shall develop a code of conduct pertaining to sanitary inspections. The inspection code of conduct shall inform owners and operators of food service establishments of their rights as they relate to sanitary inspections.

b. The inspection code of conduct shall be in the form of a written document, drafted in plain language. The department shall distribute the inspection code of conduct to all food service establishment inspectors and food service establishments. Food service establishment inspectors shall also distribute the inspection code of conduct to food service establishment owners or operators prior to the beginning of an initial inspection. The department shall make the inspection code of conduct available on the department's website in the covered languages.

c. The code of conduct shall include, but not be limited to, the following requirements:

(1) the food service establishment inspector shall behave in a professional and courteous manner;

(2) upon arriving at the food service establishment to perform a sanitary inspection, the food service establishment inspector shall immediately identify himself or herself to the staff of the food service establishment, and note the type of

inspection, in a manner that does not unreasonably interfere with the dining experience of patrons;

(3) the food service establishment inspector shall be as unobtrusive as possible during the inspection while conducting the inspection;

(4) the food service establishment inspector shall return any equipment he or she moved back to its original location, and reassemble any equipment he or she disassembled, during the course of the inspection;

(5) the food service establishment inspector shall have a sound knowledge of all relevant health code provisions and any other applicable laws and regulations.

(6) the food service establishment inspector shall meaningfully communicate with the food service establishment owner or operator, and if necessary, utilize language assistance services to facilitate meaningful communication;

(7) the food service establishment inspector shall answer reasonable questions relating to the inspection;

(8) the food service establishment inspector shall enforce agency rules in a fair and impartial manner;

(9) the food service establishment inspector shall, upon finding a violation, explain to the food service establishment owner or operator how to remedy such violation.

(10) the food service establishment inspector must provide information informing the food service establishment owner or operator how such owner or operator may contest a notice of violation before the relevant local tribunal; and

(11) the food service establishment inspector shall provide information on how the food service establishment owner or operator may file a comment, compliment, or complaint about an inspector.

d. The commissioner shall regularly, but no less frequently than every two years, review and update the inspection code of conduct, as necessary.

e. Nothing in this section or in the inspection code of conduct shall be construed to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

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

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, October 7, 2013.

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

Report for Int. No. 1134-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law in relation to the creation of a Food Service Establishment Advisory Board.

The Committee on Health, to which the annexed amended proposed local law was referred on August 22, 2013 (Minutes, page 3314), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Health for Int No. 1129-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1134-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1134-A
COMMITTEES: Health

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to the creation of a Food Service Establishment Advisory Board.

SPONSOR(S): Council Members Koo, Arroyo, Gentile, Gonzalez, Greenfield, Koslowitz, Palma, Rose, Vacca, Vallone, Rodriguez, Eugene, Van Bramer and Bramer.

SUMMARY OF LEGISLATION: The Department of Health and Mental Hygiene shall create an advisory board to advise to DOHMH on the effect of the inspection program on restaurants, food safety and public health.

The Board would be comprised of ten mayoral appointees and nine Council appointees, with the DOHMH Commissioner to serve ex officio. The Board would meet quarterly, and the agenda for its first four meetings would include the following topics: appropriate point values for violations; inspector training curriculum; the relationship between DOHMH and restaurants; and the impact of letter grading on health and safety, including a discussion of any changes in food-borne illness rates.

Finally, the Board would be required to submit an annual report to the Mayor and the Council on the impact of letter grading on health and safety, including food-borne illness rates, and the Board's specific recommendations for improvements to the inspection process.

EFFECTIVE DATE: Ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

EXPENDITURES: The Department of Health and Mental Hygiene can use existing resources to comply with this local law resulting in minimal to no impact on expenditures from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crielhien R. Francisco, Legislative Financial Analyst

Intro 1134-A

Page 1

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro.1134 on August 22nd, 2013 and referred to the Committee on Health. A hearing was held on August 23, 2013 and the bill was laid over by the Health Committee on August 23, 2013. Intro. 1134 has been amended, and the amended version, Proposed Int. 1134-A, will be considered by the Health Committee on October 7th, 2013.

DATE SUBMITTED TO COUNCIL: October 9th, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1134-A:)

Int. No. 1134-A

By Council Members Koo, Arroyo, Gentile, Gonzalez, Greenfield, Koslowitz, Palma, Rose, Vacca, Vallone, Jr., Rodriguez, Eugene, Van Bramer, Brewer, Lappin, Vann, Jackson, Gennaro, Lander, Levin, Williams and Halloran.

A Local Law in relation to the creation of a Food Service Establishment Advisory Board.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1503 to read as follows:

§17-1503 Food Service Establishment Advisory Board. a. There shall be an advisory board to advise the commissioner concerning matters related to the food service establishment sanitary inspection program and its effect on the restaurant industry, food safety and public health.

b. Such advisory board shall consist of twenty members as follows:

i. Ten members shall be appointed by the mayor, provided that two such members shall represent food service industry associations, two such members shall have advanced specialized training in food safety, two such members shall have advanced specialized training in nutrition, and four such members shall operate food service establishments;

ii. Nine members shall be appointed by the speaker of the council, provided that two such members shall represent food service industry associations, two such members shall have advanced specialized training in food safety, two such members shall have advanced specialized training in nutrition, and three such members shall operate a food service establishment;

iii. The commissioner of the department of health and mental hygiene shall serve ex officio.

c. At the invitation of the department, other individuals may participate in the discussions of the board.

d. Each member, other than the member serving in an ex officio capacity, shall serve for a term of two years, to commence upon the first meeting of the advisory board. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. No member of the advisory board shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

f. Members of the advisory board shall serve without compensation and shall meet no less often than every three months.

g. The agendas for the first four meetings of the advisory board shall include, but not be limited to:

1. a review of current health code violations for which points are assigned, including those violations that do not bear directly on food safety and public health;

2. a review of the current food safety inspector training curriculum;

3. a review of the effect of letter grading on public health and food safety, including information on the top ten most commonly cited violations in the previous year and any change in the incidences of illness from food borne pathogens; and

4. a review of the relationship between the food service industry and the department.

h. On January 1, 2015, and every year thereafter on January first, the advisory board shall submit a report to the mayor, the commissioner, and the speaker of the council. Such report shall include, but not be limited to:

1. an assessment of the restaurant inspection program and its effect on the restaurant industry, public health and food safety, including information on the top ten most commonly cited violations in the previous year and any change in the incidences of illness from food borne pathogens; and

2. specific recommendations for changes and/or improvements to the restaurant inspection program and actions, if any, taken by the department in response to such recommendations.

§2. This local law shall take effect immediately, provided that section 1 of this local law shall expire, be deemed repealed, and cease to be of force and effect after January 1, 2024.

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, October 7, 2013.

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

Report for Int. No. 1141-A

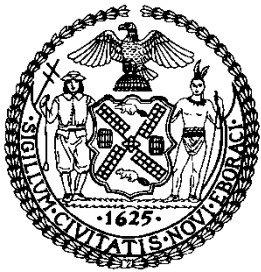
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law in relation to Food Service Establishment Sanitary Inspection Data.

The Committee on Health, to which the annexed amended proposed local law was referred on August 22, 2013 (Minutes, page 3337), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Health for Int No. 1129-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1141-A:



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT
 INTRO. NO: 1141-A
 COMMITTEE : Health

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to Food Service Establishment Sanitary Inspection Data.
SPONSOR(S): Council Members Reyna, Greenfield, Koo, Mendez, Rose, Vallone, Eugene, Van Bramer and Brewer.

SUMMARY OF LEGISLATION: The Department of Health and Mental Hygiene shall make public additional data on each restaurant inspection, including: the specific type of inspection conducted (initial, compliance, pre-permit, re-inspection, etc.), each violation cited and corresponding points issued, the total score awarded, the date of adjudication, if any, related to violations issued, and the amount of any fine assessed.

EFFECTIVE DATE: One hundred twenty days after its enactment into law.
FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The Department of Health and Mental Hygiene can use existing resources to comply with this local law resulting in minimal to no impact on expenditures from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director

Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro.1141 on August 22th, 2013 and referred to the Committee on Health. A hearing was held on August 23, 2013 and the bill was laid over by the Health Committee on August 23, 2013. Intro. 1141 has been amended, and the amended version, Proposed Int. 1141-A, will be considered by the Health Committee on October 7th, 2013.

DATE SUBMITTED TO COUNCIL: October 9th, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1141-A:)

Int. No. 1141-A

By Council Members Reyna, Greenfield, Koo, Mendez, Rose, Vallone, Jr., Eugene, Van Bramer, Brewer, Rodriguez, Lappin, Vann, Jackson, Gennaro, Lander, Levin, Williams and Halloran.

A Local Law in relation to Food Service Establishment Sanitary Inspection Data.

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

CHAPTER 7. DEPARTMENT OF HEALTH AND MENTAL HYGIENE

§ 23-701. Restaurant Inspection Data . For so long as the department operates a letter grading system for sanitary inspection results, as provided in sections 23-03, 23-04 of the rules of the city of New York, and 81.51 of the New York city health code, the following data for each sanitary inspection conducted at a food service establishment shall be collected and reported in accordance with section 23-505 of this code and any rules promulgated thereunder:

- a. the inspection type as defined in section 23-01 of the rules of the city of New York;
- b. each violation cited and the number of points allocated per violation;
- c. total score awarded upon inspection, or, if such inspection result is contested in an administrative tribunal, after adjudication;
- d. the date of any such adjudication; and
- e. if monetary penalties are assessed, the amount of such penalty.

§2. This local law shall take effect one hundred twenty days after enactment into law except that the commissioner shall take such actions as are necessary for its implementation prior to such effective date.

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, October 7, 2013.

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

Report for Int. No. 1146-A

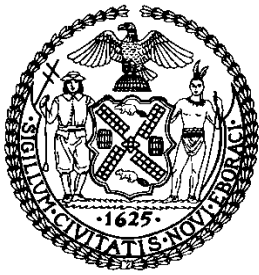
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.

The Committee on Health, to which the annexed amended proposed local law was referred on August 22, 2013 (Minutes, page 3345), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Health for Int No. 1129-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1146-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR**

FISCAL IMPACT STATEMENT

INTRO. NO: 1146-A

**COMMITTEE:
Health**

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.

SPONSOR(S): Council Members Van Bramer, Arroyo, Greenfield, James Koo, and Rose

SUMMARY OF LEGISLATION: The Department of Health and Mental Hygiene shall establish a program where all restaurants would be able to request an optional, ungraded consultative inspection for educational purposes only. Under this program, consultative inspections would not result in fines or violations, although DOHMH would retain its right to require a restaurant to immediately remedy a public health hazard. Inspectors would review the results of the consultative inspection and advise the owner or operator of any potential violations and how to remedy such violations. A special feature of the program would allow new restaurants to request a consultative inspection to be conducted in advance of their (first) initial inspection. DOHMH would establish the fees for consultative inspections through rulemaking – for established restaurants, a rate to cover the cost of the inspection; for new restaurants, a nominal fee to limit abuse of the service.

EFFECTIVE DATE: One hundred eighty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: While revenue will be generated as a result of the consultative sessions offered to restaurants, this amount is not expected to be significant.

IMPACT ON EXPENDITURES: The Department of Health and Mental Hygiene can use existing resources to comply with this local law resulting in minimal to no impact on expenditures from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro.1146 on August 22nd, 2013 and referred to the Committee on Health. A hearing was held on August 23, 2013 and the bill was laid over by the Health Committee on August 23, 2013. Intro. 1146 has been amended, and the amended version, Proposed Int. 1146-A, will be considered by the Health Committee on October 7th, 2013.

DATE SUBMITTED TO COUNCIL: October 9th, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1146-A:)

Int. No. 1146-A

By Council Members Van Bramer, Arroyo, Greenfield, James, Koo, Rose, Vallone, Jr., Wills, Rodriguez, Eugene, Brewer, Vann, Chin, Garodnick, Gennaro, Jackson, Lander, Levin, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by section 17-1504 to read as follows:

§ 17-1504 *Food Service Establishment Consultative Inspection Program.* a. The department shall implement a consultative inspection program for food service establishments.

b. Such consultative inspections shall be optional, and performed for educational and informational purposes only. A consultative inspection shall not result in a notice of violation being issued for general violations, critical violations, imminent health hazards or public health hazards. A consultative inspection shall not impact a food service establishment's inspection cycle.

c. Upon completion of a consultative inspection, the inspector shall review the results with the owner or operator of the food service establishment, and advise the owner or operator of potential violations and how to remedy such violations.

d. Nothing in this section shall prohibit the department from taking appropriate action if a food service establishment fails to remedy a public health hazard at the time of the consultative inspection.

e. The department may charge a fee which shall be set by rule promulgated by the commissioner.

f. The department may schedule the consultative inspection based on factors, set by rule promulgated by the commissioner, including but not limited to demand, prioritization according to inspection history, and the inspection cycle of the food service establishment.

g. Within the consultative inspection program for food service establishments, the department shall develop a system for newly licensed food service establishments whereby such establishments may schedule the consultative inspection prior to their first initial inspections for a nominal fee which shall be set by rule promulgated by the commissioner.

§2. This local law shall take effect one hundred eighty 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.

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, October 7, 2013.

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. 876

Report of the Committee on Land Use in favor of approving Application No. N 130220 ZRQ submitted by Queens Development Group, LLC and the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution relating to Article XII, Chapter 4 (Special Willets Point District), Section 124-60 (Special Permit to Modify Use and Bulk Regulations) to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special District, in Community District 7, Borough of Queens, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3358), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

N 130220 ZRQ

City Planning Commission decision approving an application submitted by the Queens Development Group, LLC and the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution relating to Article XII Chapter 4 to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special Willets Point District.

INTENT

To amend the text of the Zoning Resolution, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** *None*

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

Res. No. 1960

Resolution approving the decision of the City Planning Commission on Application No. N 130220 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article XII Chapter 4 to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special Willets Point District, Borough of Queens (L.U. No. 876).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Queens Development Group, LLC and the New York City Economic Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article XII Chapter 4 to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special Willets Point District (Application No. N 130220 ZRQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130223 ZSQ (L.U. No. 878), special permit, pursuant to the amended Section 124-60, to permit use

modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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 September 3, 2013;

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 Supplemental Environmental Impact Statement ("FSEIS") for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS 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, N 130220 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

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

* * *

**124-60
SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS**

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;

(d) #bulk# modifications shall permit adequate access of light and air to surrounding streets; and

(e) #use# or #bulk# modification shall relate harmoniously to the character of the surrounding area.

Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) above are met to the maximum extent possible, taking into account the nature of such #use#.

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

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 877

Report of the Committee on Land Use in favor of approving Application No. C 130222 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3359), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 130222 ZSQ

City Planning Commission decision approving an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue (Block 1823, Lots 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, & 55; Block 1825, Lots 26, 28, 30, 37, 46, 48, 53, p/o 21 & p/o 55; Block 1826, Lots 1, 5, 14, 18, 20, 31, & 35; Block 1827, Lot 1; Block 1833, Lots 103, 111, 117, 120, 141, 151, 155, 158 & 172; p/o bed of proposed to be demapped 37th Avenue; p/o bed of proposed to be demapped 38th Avenue; bed of proposed to be demapped 39th Avenue; p/o bed of proposed to be demapped Willets Point Boulevard; and optional property to include Block 1823, Lots 1, 3, 5, 7, 12, 14, 58, 59, & 60; and p/o bed of proposed to be demapped 36th Avenue), in a C4-4 District, within the Special Willets Point District.

INTENT

This special permit, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes

transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1961

Resolution approving the decision of the City Planning Commission on ULURP No. C 130222 ZSQ (L.U. No. 877), for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue (Block 1823, Lots 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, and 55; Block 1825, Lots 26, 28, 30, 37, 46, 48, 53, p/o 21 and p/o 55; Block 1826, Lots 1, 5, 14, 18, 20, 31, and 35; Block 1827, Lot 1; Block 1833, Lots 103, 111, 117, 120, 141, 151, 155, 158 and 172; p/o bed of proposed to be demapped 37th Avenue; p/o bed of proposed to be demapped 38th Avenue; bed of proposed to be demapped 39th Avenue; p/o bed of proposed to be demapped Willets Point Boulevard; and optional property to include Block 1823, Lots 1, 3, 5, 7, 12, 14, 58, 59, and 60; and p/o bed of proposed to be demapped 36th Avenue), in a C4-4 District, within the Special Willets Point District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Queens Development Group, LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue (Block 1823, Lots 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, and 55; Block 1825, Lots 26, 28, 30, 37, 46, 48, 53, p/o 21 and p/o 55; Block 1826, Lots 1, 5, 14, 18, 20, 31, and 35; Block 1827, Lot 1; Block 1833, Lots 103, 111, 117, 120, 141, 151, 155, 158 and 172; p/o bed of proposed to be demapped 37th Avenue; p/o bed of proposed to be demapped 38th Avenue; bed of proposed to be demapped 39th Avenue; p/o bed of proposed to be demapped Willets Point Boulevard; and optional property to include Block 1823, Lots 1, 3, 5, 7, 12, 14, 58, 59, and 60; and p/o bed of proposed to be demapped 36th Avenue), in a C4-4 District, within the Special Willets Point District, (ULURP No. C 130222 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130223 ZSQ (L.U. No. 878), special permit, pursuant to the amended Section 124-

60, to permit use modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 124-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement (“FSEIS”) for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS 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 130222 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- 1. The property that is the subject of this application (C 130222 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by S9, an affiliate of Perkins Eastman Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised	Date
Z2.0	Zoning Lot 1 – Zoning Analysis	03/04/13	
Z3.0	Zoning Lot 1 – Assemblage Option 1	03/04/13	
Z3.1	Zoning Lot 1 – Assemblage Option 1	03/04/13	
Z3.2	Zoning Lot 1 – Assemblage Option 2	03/04/13	
Z3.3	Zoning Lot 1 – Assemblage Option 2	03/04/13	
Z4.0	Zoning Lot 1 – Illustrative Interim Recreational Use Site Plan	03/04/13	
Z4.1	Zoning Lot 1 – Illustrative Interim Recreational Use Site Plan	03/04/13	

- 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- (3) 3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. The development shall include those mitigative measures listed in the Final Supplemental Environmental Impact Statement (CEQR No. 07DEM014Q) issued on August 9, 2013 and identified as practicable.
- (4) 5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
- 7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
- 8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 878

Report of the Committee on Land Use in favor of approving Application No. C 130223 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3359), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 130223 ZSQ

City Planning Commission decision approving an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue), in a C4-4 District, within the Special Willets Point District.

INTENT

This special permit, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1962

Resolution approving the decision of the City Planning Commission on ULURP No. C 130223 ZSQ (L.U. No. 878), for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue), in a C4-4 District, within the Special Willets Point District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Queens Development Group, LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue), in a C4-4 District, within the Special

Willets Point District, (ULURP No. C 130223 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 124-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement ("FSEIS") for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

(1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.

(4) The Decision together with the FSEIS 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 130223 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

(5) 5. The property that is the subject of this application (C 130223 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by S9, an affiliate of Perkins Eastman Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>	<u>Date</u>
Z5.0	Zoning Lot 2 – Zoning Analysis & Site Plan	03/04/13	

(6)

6. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

(7)

7. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

8.

The development shall include those mitigative measures listed in the Final Supplemental Impact Statement (CEQR No. 07DEM014Q) issued on August 9, 2013 and identified as practicable.

(8)

9. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

10. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

11. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

12. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 879

Report of the Committee on Land Use in favor of approving Application No. C 130224 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify the applicable use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3360), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 130224 ZSQ

City Planning Commission decision approving an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify the applicable use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue (Block 1822, Lot 17), in a C4-4 District, within the Special Willets Point District.

INTENT

This special permit, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1963

Resolution approving the decision of the City Planning Commission on ULURP No. C 130224 ZSQ (L.U. No. 879), for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue (Block 1822, Lot 17), in a C4-4 District, within the Special Willets Point District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Queens Development Group, LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue (Block 1822, Lot 17), in a C4-4 District, within the Special Willets Point District, (ULURP No. C 130224 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130223 ZSQ (L.U. No. 878), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 124-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement (“FSEIS”) for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS 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 130224 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- 1. The property that is the subject of this application (C 130224 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by S9, an affiliate of Perkins Eastman Architects, filed with this application and incorporated in this resolution:

(9)	Drawing No.	Title	Last Date Revised
	Z6.0	Zoning Lot 3 – Zoning Analysis	03/04/13
	Z7.0	Zoning Lot 3 – Site Plan	03/04/13
	Z8.0	Zoning Lot 3 – Illustrative Interim Recreational Use Site Plan	03/04/13
- (10) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- (11) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. The development shall include those mitigative measures listed in the Final Supplemental Impact Statement (CEQR No. 07DEM014Q) issued on August 9, 2013 and identified as practicable.
- (12) In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the

lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 880

Report of the Committee on Land Use in favor of approving Application No. C 130225 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3360), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 130225 ZSQ

City Planning Commission decision approving an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue (Block 1821, Lots 9 and 18), in a C4-4 District, within the Special Willets Point District.

INTENT

This special permit, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1964

Resolution approving the decision of the City Planning Commission on ULURP No. C 130225 ZSQ (L.U. No. 880), for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue (Block 1821, Lots 9 and 18), in a C4-4 District, within the Special Willets Point District, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Queens Development Group, LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue (Block 1821, Lots 9 and 18), in a C4-4 District, within the Special Willets Point District, (ULURP No. C 130225 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130223 ZSQ (L.U. No. 878), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 124-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement ("FSEIS") for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS 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 130225 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130225 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by S9, an affiliate of Perkins Eastman Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z9.0	Zoning Lot 4 – Zoning Analysis	03/04/13
Z10.0	Zoning Lot 4 – Site Plan	03/04/13
Z11.0	Zoning Lot 4 – Illustrative Interim Recreational Use Site Plan	03/04/13

- (13)
 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- (14)
 3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
 4. The development shall include those mitigative measures listed in the Final Supplemental Impact Statement (CEQR No. 07DEM014Q) issued on August 9, 2013 and identified as practicable.
- (15)
 5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
 7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of

the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 881

Report of the Committee on Land Use in favor of approving Application No. M 080221(A) MMQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation regarding an amendment to a previously approved application (C 080221 MMQ) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President, Borough of Queens, Community District 7, Council District 21.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3360), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

M 080221(A) MMQ

City Planning Commission decision approving an application submitted by New York City Economic Development Corporation for a modification of the resolution adopted by the City Planning Commission on September 24, 2008 (Calendar No. 12) approving an application (C 080221 MMQ) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President.

INTENT

This modified mapping action, which along with the related actions, would facilitate an initial phase of development within the Special Willets Point District that includes transitional uses not otherwise allowed, but necessary for achieving future development.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: Nineteen

Witnesses Against: Thirty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1965

Resolution approving the decision of the City Planning Commission on ULURP No. M 080221 (A) ZMQ, for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President, Borough of Queens (L.U. No. 881).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by the New York City Economic Development Corporation, for an amendment to the City Map involving, *inter alia*, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President, Community District 7, (ULURP No. M 080221 (A) MMQ), Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130223 ZSQ (L.U. No. 878), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District;

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

WHEREAS, the City Council previously adopted the original City Map amendment C 080221 MMQ on September 13, 2008 (Resolution No. 1687; L.U. No. 779); and

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

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 Supplemental Environmental Impact Statement ("FSEIS") for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

Having considered the FSEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSEIS 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 that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 080221 (A) MMQ, incorporated by reference herein, the Council approves the Decision, for amendment of the City Map as set forth in Map Nos. 5000A, 5000B, 5001 and 5002 dated March 13, 2013, providing for the discontinuance and closing of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue and more particularly described as follows:

**STREETS TO BE DISCONTINUED AND CLOSED
AS SHOWN ON ALTERATION MAP NO. 5000A
REVISED SEPTEMBER 17, 2008 and March 13, 2013**

PARCEL 1

Beginning at a point on the southwesterly line of 127th Street, said point being distant 200.00 feet from the corner formed by the intersection of the southeasterly line of 35th Avenue and the southwesterly line of 127th Street, as said streets are shown on the Alteration Map No. 5000A revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence southeasterly along the southwesterly line of 127th Street, for 60.00 feet to the former southeasterly line of 36th Avenue, discontinued and closed;
- No. 2 Thence southwesterly along the former southeasterly line of 36th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 505.00 feet to the southwesterly terminus line of 36th Avenue;
- No. 3 Thence northwesterly along the southwesterly terminus line of 36th Avenue, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 36th Avenue, discontinued and closed;
- No. 4 Thence northeasterly along the former northwesterly line of 36th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 505.00 feet to the southwesterly line of 127th Street, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 30,300.00 square feet, more or less.

PARCEL 2

Beginning at a point on the southwesterly line of 127th Street, said point being distant 460.00 feet from the corner formed by the intersection of the southeasterly line of 35th Avenue and the southwesterly line of 127th Street, as said streets are shown on Alteration Map No. 5000A revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence southeasterly along the southwesterly line of 127th Street, for 60.00 feet to the former southeasterly line of 37th Avenue, discontinued and closed;
- No. 2 Thence southwesterly along the former southeasterly line of 37th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 645.00 feet to the northeasterly line of 126th Street;

- No. 3 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 37th Avenue, discontinued and closed;
- No. 4 Thence northeasterly along the former northwesterly line of 37th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 645.00 feet to the southwesterly line of 127th Street, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 38,700.00 square feet, more or less.

PARCEL 3

Beginning at a point on the westerly line of Willets Point Boulevard, said point being distant 132.15 feet from the corner formed by the intersection of the westerly line of Willets Point Boulevard and the southwesterly line of 127th Street, as said streets are shown on Alteration Map No. 5000A revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence easterly along the southerly terminus line of Willets Point Boulevard, for 80.00 feet to the easterly line of Willets Point Boulevard;
- No. 2 Thence southerly along the former easterly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 910.00 feet to the northwesterly line of Roosevelt Avenue;
- No. 3 Thence southwesterly along the northwesterly line of Roosevelt Avenue, forming an interior angle of 131 degrees 21 minutes 42 seconds with the last mentioned course, for 16.39 feet to the northeasterly line of 126th Street;
- No. 4 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 102.45 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;
- No. 5 Thence northerly along the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 138 degrees 38 minutes 18 seconds with the last mentioned course, for 843.93 feet to the southerly terminus line of Willets Point Boulevard, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 70,997 square feet, more or less.

PARCEL 4

Beginning at a point on the northeasterly line of 126th Street, said point being distant 510.00 feet from the corner formed by the intersection of the southeasterly line of 36th Avenue and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5000A revised September 17, 2008, and March 13, 2013;

- No. 1 Running thence northeasterly along the former northwesterly line of 38th Avenue, discontinued and closed, for 455.67 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;
- No. 2 Thence southerly along the prolongation of the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 48 degrees 38 minutes 18 seconds with the last mentioned course, for 79.94 feet to the southeasterly line of 38th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the southeasterly line of 38th Avenue, discontinued and closed, forming an interior angle of 131 degrees 21 minutes 42 seconds with the last mentioned course, for 402.84 feet to the northeasterly line of 126th Street;
- No. 4 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 38th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 25,755 square feet, more or less.

PARCEL 5

Beginning at a point on the northeasterly line of 126th Street, said point being distant 250 feet from the corner formed by the intersection of the northwesterly line of Roosevelt Avenue and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5000A revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence northeasterly along the former southeasterly line of 39th Avenue, discontinued and closed, for 129.91 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;
- No. 2 Thence northerly along the prolongation of the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 131 degrees 21 minutes 42 seconds with the last mentioned course, for 79.94 feet to the former northwesterly line or 39th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the former northwesterly line of 39th Avenue, discontinued and closed, forming an interior angle of 48 degrees 38 minutes 18 seconds with the last mentioned course, for 182.73 feet to the northeasterly line of 126th Street;
- No. 4 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former southeasterly line of 39th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 9,379 square feet, more or less.

STREETS TO BE DISCONTINUED AND CLOSED
AS SHOWN ON ALTERATION MAP NO. 5000B
REVISED SEPTEMBER 17, 2008 and March 13, 2013

Beginning at a point on the northeasterly line of 126th Street, said point being distant 200 feet from the corner formed by the southeasterly line of 35th Avenue and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5000B revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence southeasterly along the northeasterly line of 126th Street, for 60.00 feet to the former southeasterly line of 36th Avenue, discontinued and closed;
- No. 2 Thence northeasterly along the former southeasterly line of 36th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 140.00 feet to the former northeasterly terminus line of 36th Avenue, discontinued and closed;
- No. 3 Thence northwesterly along the former northeasterly terminus line of 36th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 36th Avenue, discontinued and closed;
- No. 4 Thence southwesterly along the former northwesterly line of 36th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 140.00 feet to the northeasterly line of 126th Street, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 8,400 square feet, more or less.

STREETS TO BE DISCONTINUED AND CLOSED
AS SHOWN ON ALTERATION MAP NO. 50001
REVISED SEPTEMBER 17, 2008 and March 13, 2013

PARCEL 1

Beginning at a point on the southeasterly line of Northern Boulevard, said point being distant 205.94 feet from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 127th Street, as said streets are shown on Alteration Map No 5001 revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence northeasterly along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the right, the radius of which is

1751.800 feet, for 60.01 feet to the former northeasterly line of 127th Place, discontinued and closed;

- No. 2 Thence southeasterly along the former northeasterly line of 127th Place, discontinued and closed, forming an interior angle of 90 degrees 12 minutes 34 seconds with the tangent of the last mentioned course, for 460.12 feet to the northwesterly line of 34th Avenue;
- No. 3 Thence southwesterly along the northwesterly line of 34th Avenue, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former southwesterly line of 127th Place, discontinued and closed;
- No. 4 Thence northwesterly along the former southwesterly line of 127th Place, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 459.31 feet to the southwesterly line of Northern Boulevard, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 27,593 square feet, more or less.

PARCEL 2

Beginning at a point on the northeasterly line of 127th Street, said point being distant 200.00 feet from the corner formed by the intersection of the southeasterly line of 34th Avenue and the northeasterly line of 127th Street, as said streets are shown on Alteration Map No. 5001 revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence northeasterly along the former northwesterly line of 35th Avenue, discontinued and closed, for 471.43 feet to the westerly line of Willets Point Boulevard;
- No. 2 Thence southerly along the westerly line of Willets Point Boulevard, forming an interior angle of 48 degrees 38 minutes 18 seconds with the last mentioned course, for 79.94 feet to the former southeasterly line of 35th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the former southeasterly line of 35th Avenue, discontinued and closed, forming an interior angle of 131 degrees 21 minutes 42 seconds with the last mentioned course, for 418.60 feet to the northeasterly line of 127th Street;
- No. 4 Thence northwesterly along the northeasterly line of 127th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northeasterly line of 35th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 26,701 square feet, more or less.

PARCEL 3

Beginning at a point on the southwesterly line of 127th Street, said point being distant 200 feet from the corner formed by the intersection of the southeasterly line of 34th Avenue and the southwesterly line of 127th Street, as said streets are shown on Alteration Map No. 5001 revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence southeasterly along the southwesterly line of 127th Street, for 60.00 feet to the former southeasterly line of 35th Avenue, discontinued and closed;
- No. 2 Thence southwesterly along the former southeasterly line of 35th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 645.00 feet to the northeasterly line of 126th Street;
- No. 3 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 second with the last mentioned course, for 60.00 feet to the former northwesterly line of 35th Avenue, discontinued and closed;
- No. 4 Thence northeasterly along the former northwesterly line of 35th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 645.00 feet to the southwesterly line of 127th Street, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 38,700 square feet, more or less.

PARCEL 4

Beginning at a point on the northeasterly line of 127th Street, said point being distant 200 feet from the corner formed by the intersection of the southwesterly line of Willets Point Boulevard and the northeasterly line of 127th Street, as said streets are shown on Alteration Map No. 5001 revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence northeasterly along the former northeasterly line of 36th Avenue, discontinued and closed, for 189.69 feet to the westerly line of Willets Point Boulevard;
- No. 2 Thence northerly along the westerly line of Willets Point Boulevard, forming an interior angle of 131 degrees 21 minutes 42 seconds with the last mentioned course, for 79.94 feet to the former northwesterly line of 36th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the former northwesterly line of 36th Avenue, discontinued and closed, forming an interior angle of 48 degrees 38 minutes 18 seconds with the last mentioned course, for 242.51 feet to the northeasterly line of 127th Street;
- No. 4 Thence southeasterly along the northeasterly line of 127th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northeasterly line of 36th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 12,966 square feet, more or less.

PARCEL 5

Beginning at a point on the southeasterly line of Northern Boulevard, said point being distant 211.66 feet from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the southwesterly line of 127th Street, as said streets are shown on Alteration Map No. 5001 revised September 17, 2008 and March 13, 2013;

- No. 1. Running thence southeasterly along the former northeasterly line of 126th Place, discontinued and closed, for 376.89 feet to the northwesterly line of 34th Avenue;
- No. 2 Thence southwesterly along the northwesterly line of 34th Avenue, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former southwesterly line of 126th Place, discontinued and closed;
- No. 3 Thence northwesterly along the former southwesterly line of 126th Place, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 357.07 feet to the southeasterly line of Northern Boulevard;
- No. 4 Thence northeasterly along the southeasterly line of Northern Boulevard, forming an interior angle 108 degrees 23 minutes 00 seconds with the last mentioned course, for 43.32 feet to a point;
- No. 5 Thence continuing northeasterly along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the right, the radius of which is 1751.800 feet, tangent with the last mentioned course, for 19.85 feet to the former northeasterly line of 126th Place, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 22,021 square feet, more or less.

STREETS TO BE DISCONTINUED AND CLOSED
AS SHOWN ON ALTERATION MAP NO. 50002
REVISED SEPTEMBER 17, 2008 and March 13, 2013

PARCEL 1

Beginning at a point on the northeasterly line of 126th Street, said point being distant 230.78 feet from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5002 revised September 17, 2008 and March 13, 2013;

- No. 1 Running thence northeasterly along the former northwesterly line of 34th Avenue, discontinued and closed, for 645.00 feet to the former southwesterly line of 127th Street, discontinued and closed;
- No. 2 Thence southeasterly along the prolongation of the former southwesterly line of 127th Street, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the southeasterly line of 34th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the former southeasterly line of 34th Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 645.00 feet to the northeasterly line of 126th Street;
- No. 4 Thence northwesterly along the northeasterly line of 126th Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 34th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 38,700 square feet, more or less.

PARCEL 2

Beginning at a point on the northeasterly line of 127th Street, said point being the following three courses and distances from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5002 revised September 17, 2008 and March 13, 2013:

- 1) 443.76 feet northeasterly along the southeasterly line of Northern Boulevard;
- 2) 302.52 feet continuing northeasterly along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the right, the radius of which is 1751.800 feet, tangent to the last mentioned course;
- 3) 440.94 feet southeasterly along the former northeasterly line of 127th Street discontinued and closed;

- No. 1 Thence northeasterly along the former northwesterly line of 34th Avenue, discontinued and closed, for 695.53 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;
- No. 2 Thence southerly along the prolongation of the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 51 degrees 19 minutes 43 seconds with the last mentioned course, for 76.85 feet to the former southeasterly line of 34th Avenue, discontinued and closed;
- No. 3 Thence southwesterly along the former southeasterly line of 34th Avenue, discontinued and closed, forming an interior angle of 128 degrees 40 minutes 17 seconds with the last mentioned course, for 647.51 feet to the former northeasterly line of 127th Street, discontinued and closed;
- No. 4 Thence northwesterly along the prolongation of the former northeasterly line of 127th Street, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 34th Avenue, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 40,291 square feet, more or less.

PARCEL 3

Beginning at a point of compound curvature on the southeasterly line of Northern Boulevard, said point being the following two courses and distances from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 126th Street, as said streets are shown on Alteration Map No. 5002, revised September 17, 2008 and March 13, 2013:

- 1) 443.76 feet northeasterly along the southeasterly line of Northern Boulevard;
- 2) 852.00 feet continuing northeasterly along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the right, the radius of which is 1751.800 feet, tangent to the last mentioned course;

- No. 1 Running thence northeasterly, easterly, southeasterly along the former westerly line of Willets Point Boulevard, discontinued and closed, on the arc

of a circle, curving to the right, the radius of which is 253.000 feet, for 356.91 feet to a point of compound curvature;

- No. 2 Thence southeasterly, southerly along the former westerly line of Willets Point Boulevard, discontinued and closed, on the arc of a circle, curving to the right, the radius of which is 309.535 feet, tangent to the last mentioned course, for 199.11 feet to a point on the former northwesterly line of 34th Avenue, discontinued and closed;
- No. 3 Thence southerly along the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 181 degrees 30 minutes 36.1 seconds with the tangent of the last mentioned course, for 76.85 feet to a point;
- No. 4 Thence continuing southerly along the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 182 degrees 41 minutes 25 seconds with the last mentioned course, for 959.29 feet to the former northwesterly line of Willets Point Boulevard, discontinued and closed;
- No. 5 Thence southwesterly along the former northwesterly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 228 degrees 38 minutes 18 seconds with the last mentioned course, for 13.60 feet to a point on the former northeasterly line of 127th Street, discontinued and closed;
- No. 6 Thence southeasterly along the prolongation of the former northeasterly line of 127th Street, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 15.45 feet to a point;
- No. 7 Thence southerly along the prolongation of the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 221 degrees 21 minutes 42 seconds with the last mentioned course, for 238.08 feet to the former southerly terminus line of Willets Point Boulevard, discontinued and closed;
- No. 8 Thence easterly along the former southerly terminus line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 80.00 feet to the former easterly line of Willets Point Boulevard, discontinued and closed;
- No. 9 Thence northerly along the former easterly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 1335.65 feet to a point of curvature;
- No. 10 Thence northerly, northeasterly, along the former easterly line of Willets Point Boulevard, discontinued and closed, along the arc of a circle, curving to the right, the radius of which is 300.000 feet, tangent to the last mentioned course, for 329.58 feet to the westerly line of the Van Wyck Expressway Extension;
- No. 11 Thence northwesterly, westerly along the westerly line of the Van Wyck Expressway Extension, on the arc of a circle, curving to the left, the radius of which is 291.306 feet, the tangent of which forms an interior angle of 75 degrees 35 minutes 30.8 seconds with the tangent of the last mentioned course, for 347.87 feet to a point of compound curvature;
- No. 12 Thence westerly, southwesterly, along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the left, the radius of which is 1751.800 feet, for 366.90 feet to a point of compound curvature, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 203,076 square feet, more or less.

PARCEL 4

Beginning at a point on the southeasterly line of Northern Boulevard, said point being the following two courses and distances from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 126th Street, as said streets are shown on Alteration

Map No. 5002, revised September 17, 2008 and March 13, 2013:

- 1) 443.76 feet northeasterly along the southeasterly line of Northern Boulevard to a point of tangency;

- 2) 302.52 feet northeasterly, along the southeasterly line of Northern Boulevard, on the arc of a circle, curving to the right, the radius of which is 1751.800 feet, tangent to the last mentioned course;

- No. 1 Thence southeasterly along the former northeasterly line of 127th Street, discontinued and closed, for 1236.39 feet to a point;
- No. 2 Thence southerly along the prolongation of the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 138 degrees 38 minutes 18 seconds with the last mentioned course, for 105.93 feet to the former southwesterly line of 127th Street, discontinued and closed;
- No. 3 Thence northwesterly along the former southwesterly line of 127th Street, discontinued and closed, forming an interior angle of 41 degrees 21 minutes 42 seconds with the last mentioned course, for 1303.99 feet to the southeasterly line of Northern Boulevard;
- No. 4 Thence northeasterly along the southeasterly line of Northern Boulevard, along the arc of a circle, curving to the right, the tangent of which forms an interior angle of 100 degrees 48 minutes 41 seconds with the last mentioned course, the radius of which is 1751.800 feet, for 71.01 to the former northeasterly line of 127th Street, discontinued and closed, the point or place of beginning.

Said street land to be discontinued and closed contains an area of 88,927 square feet, more or less; and be it further

RESOLVED that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. 5000A, 5000B, 5001 and 5002 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 885

Report of the Committee on Land Use in favor of approving Application No. C 130214 ZMM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a, to rezone from an M3-2 District to a C1-9 District and an M1-4 District, certain property in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3362), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

C 130214 ZMM

City Planning Commission decision approving an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a.

INTENT

This zoning map amendment in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen **Witnesses Against:** Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio
Against: *None* **Abstain:** *None* **Recused:** *Lappin*

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: *None* **Abstain:** *None* **Recused:** *Lappin*

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

Res. No. 1966

Resolution approving the decision of the City Planning Commission on ULURP No. C 130214 ZMM, a Zoning Map amendment (L.U. No. 885).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, which along with its related actions, would facilitate a proposed general large-scale development on property generally bounded by East 74th Street, Franklin D. Roosevelt Drive, East 73rd Street, and a line approximately 320 feet west of Franklin D. Roosevelt Drive within Community District 8, (ULURP No. C 130214 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130215 ZMM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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 September 16, 2013;

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 Supplemental Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to 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 130214 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. 9a:

1. changing from an M3-2 District to a C1-9 District property bounded by East 74th Street, Franklin D. Roosevelt Drive, East 73rd Street, and a line perpendicular to the northerly street line of East 73rd Street distant 315 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive; and
2. changing from an M3-2 District to an M1-4 District property bounded by East 74th Street, a line perpendicular to the northerly street line of East 73rd Street distant 315 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive, East 73rd Street, and a line perpendicular to the northerly street line of East 73rd Street distant 320 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive;

as shown on a diagram (for illustrative purposes only) dated March 18, 2013, Community District 8, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 886

Report of the Committee on Land Use in favor of approving Application No. N 130215 ZRM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a

Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3362), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

N 130215 ZRM

City Planning Commission decision approving an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) 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 VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement.

INTENT

This text amendment in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen **Witnesses Against:** Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio
Against: *None* **Abstain:** *None* **Recused:** Lappin

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio
Against: *None* **Abstain:** *None* **Recused:** Lappin

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

Res. No. 1967

Resolution approving the decision of the City Planning Commission on Application No. N 130215 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, Borough of Manhattan (L.U. No. 886).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, (Application No. N 130215 ZRM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-

4 districts; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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 September 16, 2013;

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 Supplemental Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to 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 130215 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 underlined is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

74-74

General Large Scale Development

* * *

74-743

Special provisions for bulk modifications

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District or within a one mile radius of the

proposed #development# is provided in accordance with the provisions of this Section.

(i) A request for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating that such #public park# improvement provides an appropriate amenity for the surrounding area and that, absent funding to be provided by the applicant such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement.

(b) In order to grant a special permit pursuant to this Section for any #large scale general development#, the Commission shall find that:

~~(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.~~

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

1. the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

2. such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

Grant of a floor area bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large scale development#

unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner.

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 887

Report of the Committee on Land Use in favor of approving Application No. C 130216 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Zoning Resolution: (i) Section 74-743(a)(1) to allow location of buildings without regard to rear yard requirements of Section 33-283, and to modify side yard requirements of Section 33-25 and height and set back requirements of Section 33-432; and (ii) Section 74-743(a)(11) to allow floor area bonus for improvements to a public park, in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3363), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

C 130216 ZSM

City Planning Commission decision approving an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution to modify:

1. Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and
2. Section 74-743(a)(11)* to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park;

in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District**.

*Note: A zoning text amendment is proposed to modify Section 74-743 of the Zoning Resolution under a concurrent related application N 130215 ZRM.

**Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

INTENT

This action in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio
Against: *None* **Abstain:** *None* **Recused:** Lappin

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio
Against: *None* **Abstain:** *None* **Recused:** Lappin

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

Res. No. 1968

Resolution approving the decision of the City Planning Commission on ULURP No. C 130216 ZSM (L.U. No. 887), for the grant of a special permit pursuant to Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and Section 74-743(a)(11) to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to:

1. Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and
2. Section 74-743(a)(11) to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park;

in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, (ULURP No. C 130216 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; N 130215 ZRM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 16, 2013;

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 Supplemental Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to 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 130216 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- 1) The property that is the subject of this application (C 130216 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman and Ennead Architects, LLP filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-02	Zoning Calculations	March 12, 2013
Z-03	Zoning Lot Context Site Plan	March 12, 2013
Z-04	Project Site Plan	March 12, 2013
Z-06	Plan Setbacks	March 12, 2013
Z-07	Section 1 East – West	March 12, 2013
Z-08	Section 2 East – West	March 12, 2013
Z-09	CUNY Sections North – South	March 12, 2013
Z-10	MSKCC Sections North – South	March 12, 2013

- 2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) Development pursuant to this resolution shall be allowed only after the Declaration of Large Scale Development, attached as Exhibit A hereto, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, New York County.

- 5) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 6) Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.
- 7) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 888

Report of the Committee on Land Use in favor of approving Application No. C 130217 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 74-744(c) to modify the sign requirements of Section 32-64 (Surface Area Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3363), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

C 130217 ZSM

City Planning Commission decision approving an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District*.

*Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

INTENT

This zoning map amendment in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None **Recused:** Lappin

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None **Abstain:** None **Recused:** Lappin

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

Res. No. 1969

Resolution approving the decision of the City Planning Commission on ULURP No. C 130217 ZSM (L.U. No. 888), for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution of the City of New York to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution of the City of New York to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, (ULURP No. C 130217 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; N 130215 ZRM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 16, 2013;

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 Supplemental Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to 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 130217 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- 1) The property that is the subject of this application (C 130217 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman and

Ennead Architects, LLP filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-02 2013	Zoning Calculations	March 12,
Z-11 2013	Signage: Key Plan, Calculations East Elevation	March 12,
Z-12 2013	Signage: North & West Elevation	March 12,
Z-13 2013	Signage: South Elevation	March 12,

- 2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 5) Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of

the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

- 6) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 889

Report of the Committee on Land Use in favor of approving Application No. C 130218 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 13-561 to allow an enclosed attended accessory parking garage with a maximum of 248 spaces on portions of the ground floor, cell and sub-cellar of a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3364), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8 C 130218 ZSM

City Planning Commission decision approving an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 248 spaces on portions of the ground floor, cellar and sub-cellar of a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), in a C1-9 District*.

*Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

INTENT

This zoning map amendment in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

Recused: Lappin

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None **Abstain:** None **Recused:** Lappin

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

Res. No. 1970

Resolution approving the decision of the City Planning Commission on ULURP No. C 130218 ZSM (L.U. No. 889), for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 248 spaces on portions of the ground floor, cellar and sub-cellar of a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), in a C1-9 District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 248 spaces on portions of the ground floor, cellar and sub-cellar of a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), in a C1-9 District, (ULURP No. C 130218 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; N 130215 ZRM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 13-561 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 16, 2013;

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 Supplemental Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to 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 130218 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

- 1) The property that is the subject of this application (C 130218 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman and Ennead Architects, LLP filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last</u>	<u>Date</u>
Z-29	Special Permit Parking Plan Ground Floor Level	March	12, 2013
Z-30	Special Permit Parking Plan Cellar (S1) Level	March	12, 2013
Z-31	Special Permit Parking Plan Sub-Cellar (S2) Level	March	12, 2013

- 2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 5) Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.
- 6) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 890

Report of the Committee on Land Use in favor of approving Application No. C 130219 PPM submitted by the NYC Department of Citywide Administrative Services pursuant to Sections 197-c of the New York City Charter for the disposition of one (1) city-owned property located at 524-540 East 74th Street, aka 525-545 East 73rd Street (Block 1485, Lot 15), Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3364), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

C 130219 PPM

City Planning Commission decision approving an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 524-540 East 74th Street (Block 1485, Lot 15), pursuant to zoning.

INTENT

This text amendment in conjunction with the other related actions would facilitate a proposed general large-scale development within Community District 8.

PUBLIC HEARING

DATE: September 16, 2013

Witnesses in Favor: Seventeen **Witnesses Against:** Sixteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 2, 2013 and recessed to October 3, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Wills, Ignizio
Against: None **Abstain:** None **Recused:** Lappin

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio
Against: None **Abstain:** None **Recused:** Lappin

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

Res. No. 1971

Resolution approving the decision of the City Planning Commission on ULURP No. C 130219 PPM, for the disposition of one (1) city-owned property located at 524-540 East 74th Street (Block 1485, Lot 15), pursuant to zoning, Borough of Manhattan (L.U. No. 890).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 228, 2013 its decision dated August 21, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter New York City Department of Citywide Administrative Services (DCAS), for the disposition of one (1) city-owned property located at 524-540 East 74th Street (Block

1485, Lot 15), pursuant to zoning, (Application No. C 130219 PPM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; C 130215 ZMM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; and C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces;

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 September 16, 2013;

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 Supplemental Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 Proposed Action adopted herein 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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130219 PPM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 891

Report of the Committee on Land Use in favor of disapproving Application No. C 110154 ZSX submitted by Liska NY, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 to permit the allowable community facility floor area ratio of Section 24-11 to apply to an 8-story non-profit institution with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard, in

an R7-1 District, Borough of Bronx, Community District 2, Council District 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3364), respectfully

REPORTS:

SUBJECT

BRONX CB - 2

C 110154 ZSX

City Planning Commission decision approving an application submitted by Liska NY, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an 8-story non-profit institution with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard (Block 2720, Lot 28), in an R7-1 District.

INTENT

To facilitate the legalization of a non-profit institution with sleeping accommodations in Bronx Community District 2.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: One

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee disapprove the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

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

Res. No. 1972

Resolution disapproving the decision of the City Planning Commission on ULURP No. C 110154 ZSX (L.U. No. 891), for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution of the City New York to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an 8-story non-profit institution with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard (Block 2720, Lot 28), in an R7-1 District, Borough of the Bronx.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Liska NY, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution of the City New York to modify the requirements of

Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an 8-story non-profit institution with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard (Block 2720, Lot 28), in an R7-1 District, to facilitate the legalization of a non-profit institution with sleeping accommodations (ULURP No. C 110154 ZSX), Community District 2, Borough of the Bronx (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-902 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 3, 2013;

WHEREAS, the Council has considered the land use and environmental 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 (CEQR No. 11DCP055X) issued March 18, 2013 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Application and the Decision, as set forth City Planning Commission report C 110154 ZSX, which is incorporated by reference herein, and the record established before the Council, the Council disapproves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

Coupled to be Disapproved.

Report for L.U. No. 892

Report of the Committee on Land Use in favor of approving Application No. C 120326 MMK an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of: Campus Road; Avenue H; and Amersfort Place; and authorizing acquisition or disposition of real property related thereto, Borough of Brooklyn, Community District 14, Council District 45.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3365), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 14

C 120326 MMK

City Planning Commission decision approving an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Campus Road south of Avenue H;
- the elimination, discontinuance and closing of a portion of Avenue H between Campus Road and Nostrand Avenue;
- the discontinuance and closing of Amersfort Place between Avenue H and Nostrand Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2732 and N-2733 dated May 7, 2013 and signed by the Borough President.

INTENT

This amendment to the City Map along with the related zoning map amendment would facilitate the development of a new 237,705 square foot academic building for CUNY Brooklyn College in Community District 14.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None **Abstain:** None

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

Res. No. 1973

Resolution approving the decision of the City Planning Commission on ULURP No. C 120326 MMK, an amendment to the City Map (L.U. No. 892).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by the Dormitory Authority of the State of New York, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Campus Road south of Avenue H;
- the elimination, discontinuance and closing of a portion of Avenue H between Campus Road and Nostrand Avenue;
- the discontinuance and closing of Amersfort Place between Avenue H and Nostrand Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2732 and N-2733 dated May 7, 2013 and signed by the Borough President (ULURP No. C 120326 MMK), Community District 14, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 130306 ZMK (L.U. No. 893), a proposed amendment to the Zoning Map, Section No. 23a, changing from an C8-2 District to an R6 District and establishing within the proposed R6 District a C2-4 District;

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 3, 2013;

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 including the negative declaration (CEQR No. 13DAS002K) issued March 11, 2013 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 199 of the City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120326 MMK, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

DISCONTINUING AND CLOSING CAMPUS ROAD SOUTH OF AVENUE H

Starting at a Point of Beginning located distant 459.34 feet southeasterly along the southwesterly street line of Campus Road, which is a point of curvature, from its intersection with the southerly street line of Campus Road, as those streets were hereinbefore laid out on the City Map;

1. Running thence southerly, along the former northwesterly street line of Campus Road, discontinued and closed, along a curve to the right with a radius of 80.00 feet and a central angle of 86 degrees 27 minutes 01 second, 120.71 feet to a point of tangency;
2. Running thence southwesterly, along the former northwesterly street line of Campus Road, discontinued and closed, 136.81 feet to its terminus;
3. Running thence southeasterly, along the former southwesterly terminus line of Campus Road, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 60.00 feet to the former southeasterly street line of Campus Road;
4. Running thence northeasterly, along the former southeasterly street line of Campus Road, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 211.49 feet to its intersection with the former southerly street line of Avenue H;
5. Running thence northerly, along a line perpendicular with the former southerly street line of Avenue H, said course forming a deflection angle to the left with the last mentioned course of 41 degrees 26 minutes 22 seconds, 15.00 feet to the newly established southerly street line of Campus Road (formerly Avenue H);
6. Running thence westerly, along the newly established southerly street line of Campus Road (formerly Avenue H), said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 19.53 feet to an angle point in the newly established southerly street line of Campus Road;
7. Running thence northwesterly, along the newly established southwesterly street line of Campus Road, said course forming a deflection angle to the right with the last mentioned course of 44 degrees 59 minutes 21 seconds, 110.69 feet to the point or place of beginning.

The area described above consists of 13,981.44 square feet, more or less.

DISCONTINUING AND CLOSING A PORTION OF AVENUE H BETWEEN CAMPUS ROAD AND NOSTRAND AVENUE

Starting at a Point of Beginning located at the intersection of the southerly street line of the former Avenue H and the westerly street line of Nostrand Avenue, as those streets were hereinbefore laid out on the City Map;

1. Running thence northerly, along the newly established westerly street line of Nostrand Avenue, 15.05 feet to its intersection with the newly established southerly street line of Campus Road (formerly Avenue H);
2. Running thence westerly, along the newly established southerly street line of Campus Road (formerly Avenue H), said course

forming a deflection angle to the left with the last mentioned course of 94 degrees 29 minutes 59 seconds, 62.64 feet to a point;

3. Running thence southerly, along a line perpendicular with the newly established southerly street line of Campus Road (formerly Avenue H), said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 15.00 feet to the former southerly street line of Avenue H;
4. Running thence easterly, along the former southerly street line of Avenue H, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 61.46 feet to the point or place of beginning.

The area described above consists of 930.69 square feet.

DISCONTINUING AND CLOSING AMERSFORT PLACE BETWEEN AVENUE H AND NOSTRAND AVENUE

Starting at a Point of Beginning located at the intersection of the southerly street line of the former Avenue H and the westerly street line of Nostrand Avenue, as those streets were hereinbefore laid out on the City Map;

1. Running thence southerly, along the westerly street line of Nostrand Avenue, 29.48 feet to a point;
2. Running thence northwesterly, along the former southwesterly line of Amersfort Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 128 degrees 34 minutes 51 seconds, 43.03 feet to the former southerly street line of Avenue H;
3. Running thence easterly, along the former southerly street line of Avenue H, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 136 degrees 55 minutes 11 seconds, 33.74 feet to the point or place of beginning.

The area described above consists of 495.79 square feet.

All such approvals being subject to the following conditions:

a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2732 and N-2733 dated May 7, 2013, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and

b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition "a" above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the "Mapping Agreement"). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 893

Report of the Committee on Land Use in favor of approving Application No. C 130306 ZMK submitted by the Dormitory Authority State of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a: changing a portion of a C8-2 District to an R6 District; and establishing within a proposed R6 District a C2-4 District, Borough of Brooklyn, Community District 14, Council District 45.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3365), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 14

C 130306 ZMK

City Planning Commission decision approving an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a:

1. changing from a C8-2 District to an R6 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road* and its southwesterly prolongation; and
2. establishing within a proposed R6 District a C2-4 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road* and its southwesterly prolongation;

as shown on a diagram (for illustrative purposes only) dated May 20, 2013.

*Note: Campus Road is proposed to be demapped under a concurrent related application (C 120326 MMK) for a change in the City Map.

INTENT

To amendment to the Zoning Map which along with the related City Map amendment would facilitate the development of a new 237,705 square foot academic building for CUNY Brooklyn College in Community District 14.

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

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

Res. No. 1974

Resolution approving the decision of the City Planning Commission on ULURP No. C 130306 ZMK, a Zoning Map amendment (L.U. No. 893).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by the Dormitory Authority of the State of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, to change a C8-2 district to an R6/C2-4 district to facilitate the development of a new 235,705 square foot building which consists of approximately 140,000 square feet of academic space, 72,500 square feet of dormitory space with 242 beds and 20,549 square feet of ground-floor retail space for the City University of New York's Brooklyn College, Community District 14 (ULURP No. C 130306 ZMK), Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Application C 120326 MMK (L.U. No. 892), an amendment to the City Map involving the elimination, discontinuance and closing of Campus Road south of Avenue H, the narrowing of Avenue H between Campus Road and Nostrand Avenue and the adjustment of grades necessitated;

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 September 3, 2013;

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 (CEQR No. 13DAS002K) issued March 11, 2013 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 130306 ZMK, 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. 23a:

- changing from a C8-2 District to an R6 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road and its southwesterly prolongation; and
- establishing within a proposed R6 District a C2-4 District property bounded by the westerly centerline prolongation of Avenue H, Nostrand Avenue, the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division), the northerly centerline prolongation of East 29th Street, and the centerline of former Campus Road and its southwesterly prolongation;

as shown on a diagram (for illustrative purposes only) dated May 20, 2013, and subject to the conditions of CEQR Declaration E-298, Community District 14, Borough of Brooklyn.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 902

Report of the Committee on Land Use in favor of approving Application No. N 130263 ZRM submitted by Carnegie Park Land Holding LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, Article VII, Chapter 8, to amend the ownership provisions of ZR Section 78-06 to allow application to modify a Large Scale Residential Development's authorizations and special permits granted in an expired urban renewal area in connection with a proposed 36-story mixed-use development located at 205 East 92nd Street, Borough of Manhattan, Community District 8, Council District 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 12, 2013 (Minutes, page 3465), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

N 130263 ZRM

City Planning Commission decision approving an application submitted by Carnegie Park Land Holding LLC 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 VII, Chapter 8 to amend the ownership provisions of ZR Sec. 78-06 to allow application for modification of a Residential Large Scale authorizations and special permits granted in connection within an urban renewal area that has expired.

INTENT

To amend the ownership provisions of Section 78-06 of the Zoning Resolution of the City of New York to facilitate the development of a 36-story mixed-use building located at 205 East 92nd Street in Manhattan Community District 8.

PUBLIC HEARING

DATE: September 30, 2013

Witnesses in Favor: Seven

Witnesses Against: Fifteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1975

Resolution approving the decision of the City Planning Commission on Application No. N 130263 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8, to amend the ownership provisions of ZR Section 78-06 to allow application for modification of a Residential Large Scale authorizations and special permits granted in connection within an urban renewal area that has expired in Community District 8, Borough of Manhattan (L.U. No. 902).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 23, 2013 its decision dated August 21, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Carnegie Park Land Holding LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8, to amend the ownership provisions of ZR Section 78-06 to allow application for modification of a Residential Large Scale authorizations and special permits granted in connection within an urban renewal area that has expired, (Application No. N 130263 ZRM), Community District 8, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 30, 2013;

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 (CEQR No. 13DCP121M) issued on August 21, 2013 (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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 130263 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 old, to be deleted;
Matter in # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Chapter 8
Special Regulations Applying to Large-Scale Residential Developments

* * *

78-06
Ownership

* * *

(b) Notwithstanding the provisions on paragraphs (a) of this Section, the following actions shall be permitted:

* * *

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed below, may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Ruppert Brewery Urban Renewal Area – Community District #8 Manhattan

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 903

Report of the Committee on Land Use in favor of approving Application No. C 130191 ZSQ submitted by G&M Realty, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, and to modify street wall requirements of Section 117-531 and the setback requirements of Section 117-532 in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue, in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District in the Borough of Queens, Community District 2, Council District 26. 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 a 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 12, 2013 (Minutes, page 3466), respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

C 130191 ZSQ

City Planning Commission decision approving an application submitted by G&M Realty, L.P. pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, p/o Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C).

INTENT

To increase the allowed floor area ratio (FAR) up to a maximum of 8.0 and to modify street wall location and required setback provisions to facilitate the development of a mixed-use building on Block 86/72, a full-block site bounded by Jackson Avenue, Crane and Davis Streets, and the Sunnyside Yards in Hunter's Point, Queens

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Seven

Witnesses Against: Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams
Against: *None* **Abstain:** *None*

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

Res. No. 1976

Resolution approving the decision of the City Planning Commission on ULURP No. C 130191 ZSQ (L.U. No. 903), for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution of the City of New York to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, part of Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 23, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by G&M Realty, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit Section 117-56 of the Zoning Resolution of the City of New York to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86/Lots 1, 6, 7, 8, 22, and Block 72, part of Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), (ULURP No. C 130191 ZSQ), Community District 2, Borough of Queens (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 117-56 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the revised conditional negative declaration (CEQR No. 13DCP094Q) issued August 21, 2013 (the "Revised Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Conditional Negative Declaration and subject to the following conditions:

The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project to inform them of the need to implement the traffic signal adjustments at one intersection as specified in the Conditional Negative Declaration.

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 130191 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130191 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by HTO Architect, PLLC and MPFP LLC/ M.

Paul Friedberg & Partners, filed with this application and incorporated in this resolution:

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Date</u>	<u>Revised</u>
Z-2.0	Site Key Plan	02/08/2013	
Z-2.1	Site Plan	02/08/2013	
Z-2.2	Site Plan	02/08/2013	
Z-3.0	Zoning Analysis	07/15/2013	
Z-4.0	Zoning Analysis	07/15/2013	
Z-5.0	Base Plane Calculations	02/08/2013	
Z-6.0	Public Access Diagram	02/08/2013	
Z-7.0	Proposed Waivers	02/08/2013	
Z-7.1	Proposed Detailed Waivers Areas	02/08/2013	
Z-9.0	Ground Floor Garage Plan	07/15/2013	
Z-10.0	Cellar Floor Garage Plan	02/08/2013	
Z-11.0	2 nd Floor Garage Plan	07/15/2013	
Z-12.0	Proposed Sections	02/08/2013	
Z-13.0	Proposed Sections	02/08/2013	
Z-14.0	Proposed Sections	02/08/2013	
Z-15.0	Proposed Sections	02/08/2013	
Z-16.0	Proposed Waiver Sections	02/08/2013	
Z-16.1	Proposed Waiver Sections	02/08/2013	
Z-16.2	Proposed Waiver Sections	02/08/2013	
L-100	Site Key Plan	07/17/2013	
L-101	Key & Dimension Plan	07/17/2013	
L-102	Key & Dimension Plan	07/17/2013	
L-103	Paving Plan	07/17/2013	
L-104	Paving Plan	07/17/2013	
L-105	Planting Plan	07/17/2013	
L-106	Planting Plan	07/17/2013	
L-107	Lighting Plan	07/17/2013	
L-108	Lighting Plan	07/17/2013	
L-300	Bench Details	02/27/2013	
L-301	Seating & Paving Details	04/08/2013	
L-400	Furniture Details	02/08/2013	
L-401	Material Details	04/08/2013	

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.

5. Upon the failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any agency of government, or any private person or entity. Any such failure as stated above, or any

alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

(16) 7. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 904

Report of the Committee on Land Use in favor of approving Application No. N 090485 ZRQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing; Article VI, Chapter 2 relating to waterfront areas; Article VI, Chapter III relating to FRESH food stores; and Article VII, Chapter 4 relating to large scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 12, 2013 (Minutes, page 3466), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

N 090485 ZRQ

City Planning Commission decision approving an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development.

INTENT

The zoning text amendment, along with the other related actions, would facilitate a proposed mixed use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1977

Resolution approving the decision of the City Planning Commission on Application No. N 090485 ZRQ, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development in the Borough of Queens, Community District 1 (L.U. No. 904).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Halletts A Development Company, LLC, New York City Housing Authority (NYCHA), for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development which would allow the Inclusionary Housing Program to be used in proposed R7-3 districts, to allow the FRESH food program to be used in Halletts Point and to create special regulations applicable to the waterfront area in order to facilitate a Large Scale General Development consisting of 2.7 million-square-feet located at Halletts Point, in the Borough of Queens, Community District 1 (Application No. N 090485 ZRQ), Borough of Queens (the "Application");

WHEREAS, the application is related to Applications C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development; N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

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 2, 2013;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the “Technical Memorandum”);

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memorandum 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, N 090485 ZRQ and the Technical Memorandum, 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
 * indicates asterisk to be deleted; ¹ superscript number to be added

23-90

INCLUSIONARY HOUSING

* * *

23-931

Lower income housing plans approved prior to July 29, 2009

Any #lower income housing plan#, as defined by Section 23-93 prior to July 29, 2009, that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, paragraphs (b) and (c) of Sections 23-954 23-955 (Additional requirements for compensated developments) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after July 29, 2009.

* * *

23-952

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be

increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 * ¹	2.20	2.42
R6 ** ² R6A R7-2 * ¹	2.70	3.60
R7A R7-2 ** ²	3.45	4.60
<u>R7-3</u>	<u>3.75</u>	<u>5.0</u>
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

23-954

Additional requirements Height and setback for compensated developments in Inclusionary Housing designated areas

(a) ~~Height and setback in #Inclusionary Housing designated areas#~~

(1) ~~In #Inclusionary Housing designated areas#, except within the districts as listed in paragraphs (a)(1)(i), (ii) and (iii) of this Section, the #compensated development# must shall comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable, except that:~~

(i) ~~#Special Mixed Use Districts#;~~ (Note: moved to (a), (b) and (c))

(ii) ~~R10 Districts without a letter suffix; and~~

(iii) ~~#large scale general developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration.~~

(2) ~~a) in #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# must shall comply with the height and setback regulations of~~

Section 23-633, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program-;

(b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and

(c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

23-955
Additional requirements for compensated developments

(b)(a) #Compensated development# building permits

(1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.

(2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(e b) #Compensated development# certificates of occupancy

(1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:

(i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or

(ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or

permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

* * *

Article VI

Chapter 2
SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA

* * *

62-132
Applicability of Article VII, Chapters 4, 8 & 9

* * *

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section

23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

* * *

**62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

* * *

**62-322
Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS
OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio# ^{#1}	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00 ^{#2}	70

¹ In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas), or Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn), inclusive

^{#2} In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

* * *

**62-352
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

* * *

(c) Permits and certificates of occupancy

The requirements of paragraphs ~~(b) and (e)~~ (a) and (b) of Section 23-954-5 (Additional requirements for compensated developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, 62-352, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, 62-352, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

* * *

**62-40
SPECIAL PARKING AND LOADING REGULATIONS**

* * *

**62-45
Supplementary Regulations for All Parking Facilities**

* * *

**62-454
Off-street parking in large-scale general developments in Community District 1 in Queens**

For #large-scale general developments# approved by the City Planning Commission within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

* * *

**ARTICLE VI
Chapter 3
SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES**

* * *

**63-02
Applicability**

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:

- (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
- (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
- (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
- (4) in the Borough of Queens, the #Special Downtown Jamaica District#, ~~and~~ portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B.

(b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:

- #Special Madison Avenue Preservation District#;
- #Special Manhattanville Mixed Use District#;
- #Special Park Improvement District#; and
- #Special Hunts Point District#.

* * *

**63-25
Required Accessory Off-street Parking Spaces in Certain Districts**

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
 - (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix ~~BC~~ of this Chapter;
 - (2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix ~~BC~~;

- (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix ~~BC~~ and
- (4) in the Borough of Queens, the #Special Downtown Jamaica District#.

* * *

**Appendix A
FRESH Food Store Designated Areas: Excluded Portions**

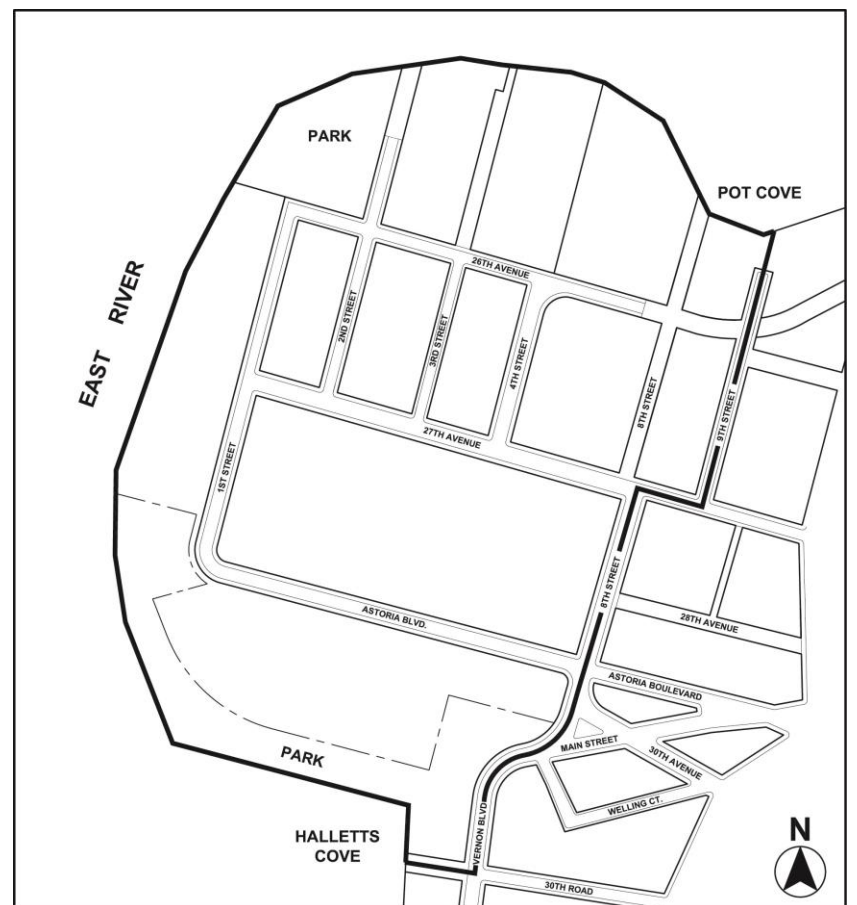
The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) ~~of this Chapter~~. Excluded portions of community districts are shown on the following maps:

* * *

**Appendix B
FRESH Food Store Designated Areas: Included Portions**

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens



(12/9/09)

Appendix ~~BC~~ Required Off-Street Accessory Parking Exceptions

* * *

**74-74
Large Scale General Development**

* * *

74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
- (b) owned by the Federal government and is within Brooklyn Community District 2; or
- (c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or
- d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:
 - (i) tracts of land in State or City ownership; or
 - (ii) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line.

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning Commission may permit:
 - (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; ~~or~~
 - (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk; or
 - (11) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing

#buildings#, provided that upon approval of a #large scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

- (i) such parcel shall be made part of such #zoning lot# upon approval of such #large scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and
- (ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; ~~and~~
- (9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; ~~and~~
- (10) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (11) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large scale general development#.

In addition, within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

* * *

(Note: Cross References in Special Districts)

(Special Harlem River Waterfront District)

87-21

Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 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~~ Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

(Special Hudson Yards)

93-233

Floor area increase for affordable housing in Subdistrict F

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:

- (a) at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #lower income households#, as defined in Section 23-911 (General definitions);
(b) such #building# shall comply with the provisions of:
(1) Section 23-954-5 (Additional requirements for compensated developments), paragraphs (b a) and (e b);
(2) Section 23-96 (Requirements for Generating Sites), paragraphs (b) through (i); and;
(3) Section 23-961 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and
(c) the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

* * *

(Special Clinton District)

96-81

R10 Districts

R10 Districts in Excluded Areas 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 provisions of ~~paragraph (a)~~ of Section 23-954 (Additional requirements Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply.

* * *

(Special Tribeca District)

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

- (d) Area A4, A5, A6 and A7

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

* * *

- (4) 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, except

that the height and setback regulations of ~~paragraph (a)~~ of Section 23-954 (Additional requirements Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(Special Downtown Jamaica District)

115-211

Special Inclusionary Housing regulations

- (d) Height and setback

The height and setback regulations of ~~paragraph (a)~~ of Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-23, inclusive, of this Chapter shall apply.

* * *

(Southern Hunters Point District)

125-22

Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

* * *

- (b) #Floor area# increase for Inclusionary Housing

* * *

- (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

- (i) the height and setback regulations of ~~paragraph (a)~~ of Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and

* * *

(Special Coney Island District)

131-321

Special floor area regulations for residential uses

* * *

- (d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of ~~paragraph (a)~~ of Section 23-954 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

APPENDIX F

Inclusionary Housing Designated Areas

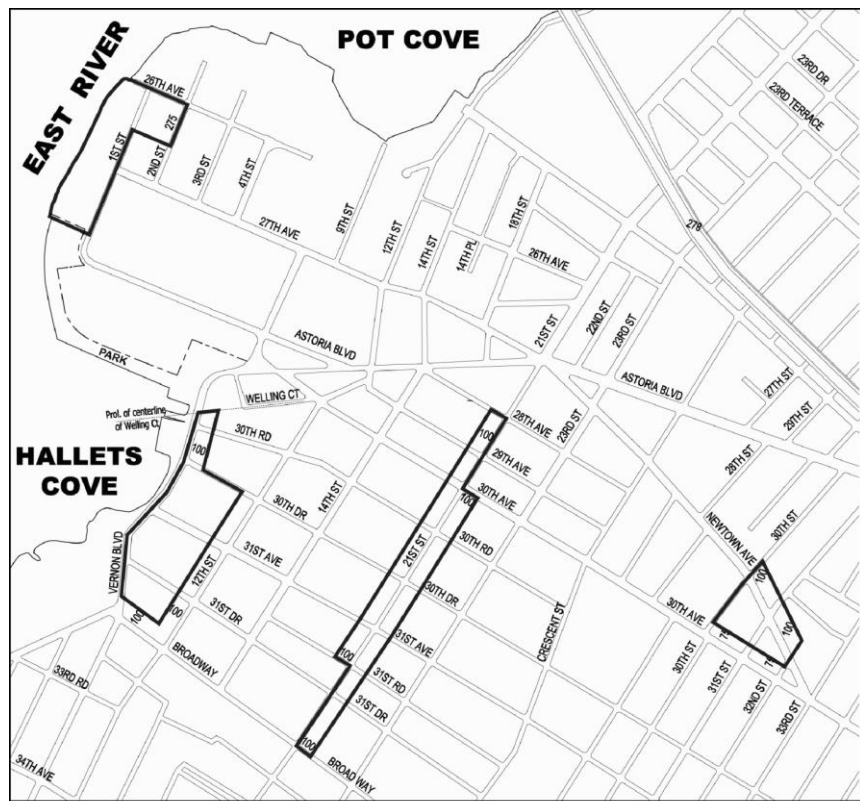
* * *

Queens

Queens Community District 1

In the R7A and R7-3 Districts within the areas shown on the following Map 1:

Map 1 – (replaces previous map)



Community District 1, Queens

* * *

(End Text)

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 905

Report of the Committee on Land Use in favor of approving Application No. C 090484 ZMQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority, pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to a M1-1 District and changing from M1-1 to R6 and R7-3 Districts; and establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a proposed former portion of park, within the Halletts Point

Peninsula in the Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 12, 2013 (Minutes, page 3467), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 090484 ZMQ

City Planning Commission decision approving an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a:

INTENT

The amendment to the Zoning Map, along with the other related actions, would facilitate a proposed mixed use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1978

Resolution approving the decision of the City Planning Commission on ULURP No. C 090484 ZMQ, a Zoning Map amendment (L.U. No. 905).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, LLC and New York City Housing Authority, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9a, to change an M1-1 district to R7-3/C1-4 and to map C1-4 commercial overlays in existing R6 districts in addition to mapping R6 on public parkland to facilitate a mixed-use large-scale general development located at Halletts Point in Queens Community District 1, (ULURP No. C 090484 ZMQ), Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2

(SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development; N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

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 2, 2013;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the “Technical Memorandum”);

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memorandum 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 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 090484 ZMQ and the Technical Memorandum, 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. 9a:

1. changing from an R6 District to an M1-1 District property bounded by the U.S. Pierhead and Bulkhead Line, 2nd Street, 26th Avenue, and the easterly boundary line of a Park (Astoria Athletic Field) and its southerly prolongation;
2. changing from an R6 District to an R7-3 District property bounded by the southerly boundary line of a Park (Astoria Athletic Field), the southerly prolongation of the easterly boundary line of a Park (Astoria Athletic Field), 26th Avenue and its westerly centerline prolongation, and the U.S. Pierhead and Bulkhead Line;
3. changing from an M1-1 District to an R7-3 District property bounded by 26th Avenue and its westerly centerline prolongation, 2nd Street, a line 275 feet southerly of 26th Avenue, 1st Street, the northerly boundary line of a

Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;

4. establishing within a former Park an R6 District property bounded by the westerly street line of 1st Street, the southerly street line of Astoria Boulevard, the northeasterly prolongation of a southeasterly boundary line of a Park, the easterly boundary line of a Park, and the easterly prolongation of a northerly boundary line of a Park;
5. establishing within an R6 District a C1-4 District bounded by:
 - a. 27th Avenue, 8th Street, a line 150 feet southerly of 27th Avenue, and 1st Street; and
 - b. Astoria Boulevard, the terminus of the Astoria Boulevard (westerly portion), the easterly prolongation of the southerly street line of Astoria Boulevard (westerly portion), the terminus of the of Astoria Boulevard (easterly portion), Astoria Boulevard, Vernon Boulevard, a line 150 feet southerly of Astoria Boulevard (easterly portion) and its westerly prolongation, a line 150 feet southerly of Astoria Boulevard (westerly portion) and its easterly prolongation, and the southerly centerline prolongation of 1st Street (straight line portion); and
6. establishing within a proposed R7-3 District a C1-4 District bounded by the southerly boundary line of a Park, the northerly centerline prolongation of 1st Street, 26th Avenue, 2nd Street, a line 275 feet southerly of 26th Avenue, 1st Street, the northerly boundary line of a Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-309, Community District 1, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 906

Report of the Committee on Land Use in favor of approving Application No. C 130244 ZSQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 and to modify the distance between buildings requirements of Section 23-711, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. 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 a 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 12, 2013 (Minutes, page 3467), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 130244 ZSQ

City Planning Commission decision approving an application submitted by Halletts A Development Company LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms), and to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with a proposed mixed use development on property

generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard, & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula.

INTENT

This special permit action, along with the other related actions, would facilitate a proposed mixed-use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1979

Resolution approving the decision of the City Planning Commission on ULURP No. C 130244 ZSQ (L.U. No. 906), for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms), and to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard, & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, LLC and the New York City Housing Authority, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms), and to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between

buildings), in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard, & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, (ULURP No. C 130244 ZSQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development; N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-836 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memorandum 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 130244 ZSQ, and incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130244 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by STUDIO V Architecture, PLLC and James Corner Field Operations, filed with this application and incorporated in this resolution:

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last</u>	<u>Revised</u>
		<u>Date</u>	
Z-102.00	Zoning Calculations	08/13/2013	
Z-103.00	Buildings 1 thru 5 Adjusted Base Plane Calculations	08/13/2013	
Z-103.01	Buildings 6 thru 8 Adjusted Base Plane Calculations	08/13/2013	
Z-104.00	Existing NYHCA Astoria Houses Site Plan W/ Area Calcs.	08/13/2013	
Z-105.00	Development Overall Site Plan	08/13/2013	
Z-200.00	Buildings 1 thru 6 Waiver Plan (Area P1)	08/13/2013	
Z-201.00	Building 7 Waiver Plan (Area P2)	08/13/2013	
Z-202.00	Building 8 Waiver Plan (Area P3)	08/13/2013	
Z-210.00	Building 1 Height & Setback Diagrams	08/13/2013	
Z-211.00	Building 2 Height & Setback Diagrams	08/13/2013	
Z-212.00	Building 3 Height & Setback Diagrams	08/13/2013	
Z-213.00	Building 4 Height & Setback Diagrams	08/13/2013	
Z-214.00	Building 5 Height & Setback Diagrams	08/13/2013	
Z-215.00	Buildings 6 thru 8 Height & Setback Diagrams	08/13/2013	
Z-216.00	School Height & Setback Diagrams	08/13/2013	
G-171.00	Survey – Match Line 1	08/13/2013	
G-172.00	Survey – Match Line 2	08/13/2013	
L-013.00	WPAA Diagram	08/13/2013	
L-138.00	East PAA Lighting	08/13/2013	
L-139.00	East PAA Photometrics	08/13/2013	
L-141.00	Special PAA Details – PAA Sign and Parks Seating Steps	08/13/2013	
L-190.00	Zoning Calculations 01	08/13/2013	
L-191.00	Zoning Calculations 02	08/13/2013	
L-192.00	Zoning Calculations 03	08/13/2013	
L-231.00	WPAA Layout Plan	08/13/2013	
L-232.00	WPAA Layout Roof Plan	08/13/2013	
L-241.00	Material Plan	08/13/2013	
L-251.00	Seating Plan	08/13/2013	

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last</u>	<u>Revised</u>
		<u>Date</u>	
L-261.00	Furnishing and Signage Plan	08/13/2013	
L-271.00	Planting Plan (Trees)	08/13/2013	
L-272.00	Planting Plan (Shrubs + Grass + Perennials)	08/13/2013	
L-281.00	Lighting Plan South	08/13/2013	
L-282.00	Lighting Plan North	08/13/2013	
L-283.00	Lighting Plan Photometrics South	08/13/2013	
L-284.00	Lighting Plan Photometrics North	08/13/2013	
L-291.00	Grading Plan	08/13/2013	
L-310.00	Site Details – Paving	08/13/2013	
L-320.00	Site Details – Wood Deck 1	08/13/2013	
L-321.00	Site Details – Wood Deck 2	08/13/2013	
L-330.00	Site Details – Railing	08/13/2013	
L-331.00	Site Details Railing and Stairs	08/13/2013	
L-332.00	Site Details – Fence	08/13/2013	
L-340.00	Site Details – Furnishing	08/13/2013	
L-341.00	Site Details – Furnishing	08/13/2013	
L-342.00	Site Details – Furnishing	08/13/2013	
L-343.00	Site Details – Furnishing	08/13/2013	
L-344.00	Site Details – Furnishing	08/13/2013	
L-346.00	Site Details – Furnishing	08/13/2013	
L-347.00	Site Details – Furnishing	08/13/2013	
L-350.00	Site Details Lighting (Fixtures)	08/13/2013	
L-360.00	Site Details – Planting	08/13/2013	
L-370.00	Site Details – Signage	08/13/2013	
L-401.00	Site Section 1	08/13/2013	
L-402.00	Site Section 2	08/13/2013	
L-403.00	Site Section 3	08/13/2013	
L-404.00	Site Section 4	08/13/2013	
L-406.00	Site Section 6	08/13/2013	

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration referred to and attached as Exhibit A to the City Planning Commission reports C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ, as same may be modified with any necessary administrative or technical changes or changes necessary to implement execution by NYCHA, all as acceptable to counsel to the Department of City Planning, is executed by Halletts A Development Corporation and NYCHA or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution

whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agents failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 907

Report of the Committee on Land Use in favor of approving Application No. C 090486 ZSQ submitted by Halletts A Development Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) of the Zoning Resolution to permit transfer of floor area and modification of lot coverage and bulk regulations, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. 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 a 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 12, 2013 (Minutes, page 3468), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 090486 ZSQ

City Planning Commission decision approving an application submitted by Halletts A Development Company, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a) (1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a) (2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and
3. Section 74-743(a)(11) - to allow the distribution of floor area from a zoning lot containing existing public housing buildings;

in connection with a proposed mixed-use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100 & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula.

INTENT

This special permit action, along with the other related actions, would facilitate a proposed mixed-use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron

Abstain: None

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

Res. No. 1980

Resolution approving the decision of the City Planning Commission on ULURP No. C 090486 ZSQ (L.U. No. 907), for the grant of a special permit pursuant to Section 74-743(a) (1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines; Section 74-743(a) (2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and Section 74-743(a)(11) - to allow the distribution of floor area from a zoning lot containing existing public housing buildings; in connection with a proposed mixed-use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100 & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, Borough of Queens.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following sections of the Zoning Resolution of the City of New York:

1. Section 74-743(a) (1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a) (2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of

walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and

3. Section 74-743(a)(11) - to allow the distribution of floor area from a zoning lot containing existing public housing buildings;

in connection with a proposed mixed-use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100 & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, (ULURP No. C 090486 ZSQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memorandum 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 090486 ZSQ, and incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 090486 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by STUDIO V Architects PLLC and James Corner Field Operations, filed with this application and incorporated in this resolution:

(17)

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last Date</u>	<u>Revised</u>
Z-102.00	Zoning Calculations	08/13/2013	
Z-103.00	Buildings 1 thru 5 Adjusted Base Plane Calculations	08/13/2013	
Z-103.01	Buildings 6 thru 8 Adjusted Base Plane Calculations	08/13/2013	
Z-104.00	Existing NYHCA Astoria Houses Site Plan W/ Area Calcs.	08/13/2013	
Z-105.00	Development Overall Site Plan	08/13/2013	
Z-200.00	Buildings 1 thru 6 Waiver Plan (Area P1)	08/13/2013	
Z-201.00	Building 7 Waiver Plan (Area P2)	08/13/2013	
Z-202.00	Building 8 Waiver Plan (Area P3)	08/13/2013	
Z-210.00	Building 1 Height & Setback Diagrams	08/13/2013	
Z-211.00	Building 2 Height & Setback Diagrams	08/13/2013	
Z-212.00	Building 3 Height & Setback Diagrams	08/13/2013	
Z-213.00	Building 4 Height & Setback Diagrams	08/13/2013	
Z-214.00	Building 5 Height & Setback Diagrams	08/13/2013	
Z-215.00	Buildings 6 thru 8 Height & Setback Diagrams	08/13/2013	
Z-216.00	School Height & Setback Diagrams	08/13/2013	
G-171.00	Survey – Match Line 1	08/13/2013	
G-172.00	Survey – Match Line 2	08/13/2013	
L-013.00	WPAA Diagram	08/13/2013	
L-138.00	East PAA Lighting	08/13/2013	
L-139.00	East PAA Photometrics	08/13/2013	
L-141.00	Special PAA Details – PAA Sign and Parks Seating Steps	08/13/2013	
L-190.00	Zoning Calculations 01	08/13/2013	
L-191.00	Zoning Calculations 02	08/13/2013	
L-192.00	Zoning Calculations 03	08/13/2013	
L-231.00	WPAA Layout Plan	08/13/2013	
L-232.00	WPAA Layout Roof Plan	08/13/2013	
L-241.00	Material Plan	08/13/2013	
L-251.00	Seating Plan	08/13/2013	

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last</u>	<u>Revised</u>
		<u>Date</u>	
L-261.00	Furnishing and Signage Plan	08/13/2013	
L-271.00	Planting Plan (Trees)	08/13/2013	
L-272.00	Planting Plan (Shrubs + Grass + Perennials)	08/13/2013	
L-281.00	Lighting Plan South	08/13/2013	
L-282.00	Lighting Plan North	08/13/2013	
L-283.00	Lighting Plan Photometrics South	08/13/2013	
L-284.00	Lighting Plan Photometrics North	08/13/2013	
L-291.00	Grading Plan	08/13/2013	
L-310.00	Site Details – Paving	08/13/2013	
L-320.00	Site Details – Wood Deck 1	08/13/2013	
L-321.00	Site Details – Wood Deck 2	08/13/2013	
L-330.00	Site Details – Railing	08/13/2013	
L-331.00	Site Details Railing and Stairs	08/13/2013	
L-332.00	Site Details – Fence	08/13/2013	
L-340.00	Site Details – Furnishing	08/13/2013	
L-341.00	Site Details – Furnishing	08/13/2013	
L-342.00	Site Details – Furnishing	08/13/2013	
L-343.00	Site Details – Furnishing	08/13/2013	
L-344.00	Site Details – Furnishing	08/13/2013	
L-346.00	Site Details – Furnishing	08/13/2013	
L-347.00	Site Details – Furnishing	08/13/2013	
L-350.00	Site Details Lighting (Fixtures)	08/13/2013	
L-360.00	Site Details – Planting	08/13/2013	
L-370.00	Site Details – Signage	08/13/2013	
L-401.00	Site Section 1	08/13/2013	
L-402.00	Site Section 2	08/13/2013	
L-403.00	Site Section 3	08/13/2013	
L-404.00	Site Section 4	08/13/2013	
L-406.00	Site Section 6	08/13/2013	
L-601.00	Phase 1 Site Plan	08/13/2013	
L-602.00	Phase 2 Site Plan	08/13/2013	
L-603.00	Phase 3 Site Plan	08/13/2013	
L-604.00	Phase 4 Site Plan	08/13/2013	
L-605.00	Phase 5 Site Plan	08/13/2013	
L-606.00	Phase 6 Site Plan	08/13/2013	
L-607.00	Phase 7 Site Plan – Full Build	08/13/2013	

(18)

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with

this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- Development pursuant to this resolution shall be allowed only after the Restrictive Declaration referred to and attached as Exhibit A to the City Planning Commission reports C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ, as same may be modified with any necessary administrative or technical changes or changes necessary to implement execution by NYCHA, all as acceptable to counsel to the Department of City Planning, is executed by Halletts A Development Corporation and NYCHA or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
- Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
- Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agents failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 908

Report of the Committee on Land Use in favor of approving Application No. N 090487 ZAQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 for waterfront public access areas and visual corridors, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 12, 2013 (Minutes, page 3468), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

N 090487 ZAQ

City Planning Commission decision approving an application submitted by Halletts A Development Company, LLC and New York City Housing Authority for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND

WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula.

INTENT

This zoning authorization, along with the other related actions, would facilitate a proposed mixed-use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four **Witnesses Against:** None

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1981

Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, Borough of Queens (Non-ULURP No. N 090487 ZAQ; L.U. No. 908).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, LLC and New York City Housing Authority for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue, 27th Avenue, Astoria

Boulevard & Park), in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula, Community District 1, Borough of Queens (Non-ULURP No. N 090487 ZAQ) (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development; C 130068 MMQ (L.U. No. 909), an amendment to the City Map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the "Technical Memorandum");

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

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memorandum 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 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 090487 ZAQ and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (N 090487 ZAQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the

following plans, prepared by James Corner Field Operations, filed with this application and incorporated in this resolution:

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
G-171.00	Survey – Match Line 1	08/13/2013
G-172.00	Survey – Match Line 2	08/13/2013
L-013.00	WPAA Diagram	08/13/2013
L-138.00	East PAA Lighting	08/13/2013
L-139.00	East PAA Photometrics	08/13/2013
L-141.00	Special PAA Details – PAA Sign and Parks Seating Steps	08/13/2013
L-190.00	Zoning Calculations 01	08/13/2013
L-191.00	Zoning Calculations 02	08/13/2013
L-192.00	Zoning Calculations 03	08/13/2013
L-231.00	WPAA Layout Plan	08/13/2013
L-232.00	WPAA Layout Roof Plan	08/13/2013
L-241.00	Material Plan	08/13/2013
L-251.00	Seating Plan	08/13/2013
L-261.00	Furnishing and Signage Plan	08/13/2013
L-271.00	Planting Plan (Trees)	08/13/2013
L-272.00	Planting Plan (Shrubs + Grass + Perennials)	08/13/2013
L-281.00	Lighting Plan South	08/13/2013
L-282.00	Lighting Plan North	08/13/2013
L-283.00	Lighting Plan Photometrics South	08/13/2013
L-284.00	Lighting Plan Photometrics North	08/13/2013
L-291.00	Grading Plan	08/13/2013
L-310.00	Site Details – Paving	08/13/2013
L-320.00	Site Details – Wood Deck 1	08/13/2013
L-321.00	Site Details – Wood Deck 2	08/13/2013
L-330.00	Site Details – Railing	08/13/2013
L-331.00	Site Details Railing and Stairs	08/13/2013
L-332.00	Site Details – Fence	08/13/2013
L-340.00	Site Details – Furnishing	08/13/2013
L-341.00	Site Details – Furnishing	08/13/2013
L-342.00	Site Details – Furnishing	08/13/2013
L-343.00	Site Details – Furnishing	08/13/2013
L-344.00	Site Details – Furnishing	08/13/2013
L-346.00	Site Details – Furnishing	08/13/2013
L-347.00	Site Details – Furnishing	08/13/2013
L-350.00	Site Details Lighting (Fixtures)	08/13/2013
L-360.00	Site Details – Planting	08/13/2013
L-370.00	Site Details – Signage	08/13/2013
L-401.00	Site Section 1	08/13/2013
L-402.00	Site Section 2	08/13/2013
L-403.00	Site Section 3	08/13/2013
L-404.00	Site Section 4	08/13/2013
L-406.00	Site Section 6	08/13/2013

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
- Development pursuant to this resolution shall be allowed only after the Restrictive Declaration referred to and attached as Exhibit A to the City Planning Commission reports C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ, as same may be modified with any necessary administrative or technical changes or changes necessary to implement execution by NYCHA, all as acceptable to counsel to the Department of City Planning, is executed by Halletts A Development Corporation and NYCHA or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.
- Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.
- Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this authorization.
- Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report on the related application for a special permit (C 130244 ZSQ), with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Queens County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 909

Report of the Committee on Land Use in favor of approving Application no. C 130068 MMQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority, and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard and a Park, the delineation of a street easement and the establishment of a Park, including authorization for any disposition or acquisition of real property related thereto, in the Borough of Queens, Community District 1, Council District 22. 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 a 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 12, 2013 (Minutes, page 3468), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 130068 MMQ

City Planning Commission decision approving an application submitted by Halletts A Development Company, LLC, New York City Housing Authority (NYCHA), and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street;
- the establishment of a park between 2nd Street, 26th Avenue and the U.S. Pierhead and Bulkhead Line;
- the elimination of a portion of park west of 1st Street and south of 27th Avenue;
- the elimination, discontinuance and closing of 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line;
- the delineation of a street easement; and
- the adjustment of grades and block dimensions necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5019 dated February 5, 2013.

INTENT

This amendment to the City Map, along with the other related actions, would facilitate a proposed mixed-use development within and adjacent to the Astoria Houses Campus located on the Halletts Point peninsula in the Astoria neighborhood of Queens.

PUBLIC HEARING

DATE: October 2, 2013

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 9, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Wills, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 9, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Mendez, Koo, Levin, Weprin, Wills, Ignizio, Williams

Against: Barron **Abstain:** None

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

Res. No. 1982

Resolution approving the decision of the City Planning Commission on ULURP No. C 130068 MMQ, an amendment to the City Map (L.U. No. 909).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 26, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Halletts A Development Company, LLC, New York City Housing Authority (NYCHA), and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and

Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street;
- the establishment of a park between 2nd Street, 26th Avenue and the U.S. Pierhead and Bulkhead Line;
- the elimination of a portion of park west of 1st Street and south of 27th Avenue;
- the elimination, discontinuance and closing of 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line;
- the delineation of a street easement; and
- the adjustment of grades and block dimensions necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5019 dated February 5, 2013 and signed by the Borough President, (ULURP No. C 130068 MMQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 090485 ZRQ (L.U. No. 904), an amendment to the Zoning Resolution modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large-scale general development; C 090484 ZMQ (L.U. No. 905), an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park; C 130244 ZSQ (L.U. No. 906), a special permit pursuant to Section 62-836 to modify various bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development; C 090486 ZSQ (L.U. No. 907), a special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development; and N 090487 ZAQ (L.U. No. 908), an authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development;

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 2, 2013;

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 August 9, 2013 (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum dated August 19, 2013 (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and 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 with the modifications set forth and analyzed in the Technical Memorandum, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, and attached to the related City Planning Commission reports for special permits (C 130244 ZSQ and C 090486 ZSQ), those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130068 MMQ, incorporated by reference herein, the Council approves the Decision for the amendment to the City Map as set forth in Map No. 5019 dated February 5, 2013 providing for the discontinuance and closing of portions of two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street; and for portions of 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line, said streets to be discontinued and closed being more particularly described as follows:

DISCONTINUANCE AND CLOSING OF PORTIONS OF TWO CUL-DE-SACS IN ASTORIA BOULEVARD BETWEEN 1ST AND 8TH STREET

A portion of Astoria Boulevard, Commencing at a point on the southerly street line of Astoria Boulevard, as that street was hereinbefore laid out on the City Map; said point being distant 260.26 feet westerly from the corner formed by the intersection of the northerly line of 26th Avenue and the westerly line of 2nd Street; thence, 1145.69 feet southerly to a point of curvature on the westerly line of 1st Street; thence running southeasterly 172.18 feet on the arc of a circle curving to the right, with a radius of 110.00 feet and a central angle of 89 degrees-41 minutes and 07.1 seconds to a point of tangency on the southerly line of Astoria Boulevard; thence easterly 110.00 feet along said southerly line of Astoria Boulevard to a point of curvature, said point being the Point of Beginning;

- 1) Running thence southeasterly 25.67 feet along the arc of a circle curving to the right with a radius of 35.000 feet and a central angle of 42 degrees-01 minutes and 02.4 seconds to a point of tangency on the southwesterly line of Astoria Boulevard, discontinued and closed;
- 2) Running thence 51.24 feet along said southwesterly line of Astoria Boulevard, discontinued and closed, to a point of curvature;
- 3) Running thence southeasterly and northeasterly 144.77 feet along the arc of a circle curving to the left with a radius of 65.000 feet and a central angle of 127 degrees-36 minutes and 20.2 seconds to a point on the easterly line of Astoria Boulevard;
- 4) Running thence southwesterly 169.81 feet, to the point or place of beginning.

The area described above consists of an area of approximately 6,400.3 square feet; and

An additional portion of Astoria Boulevard, Commencing at a point on the southerly street line of Astoria Boulevard, as that street was hereinbefore laid out on the City Map; said point being distant 424.31 feet westerly from the corner formed by the northerly line of Astoria Boulevard and the westerly line of 8th Street, thence southerly 65.00 feet along the westerly line of Astoria Boulevard to a point of tangency; thence southeasterly 5.00 feet, along the arc of a circle, curving to the right, having a radius of 65.000 feet and a central angle of 4 degrees-24 minutes - 42.2 seconds to a Point of Beginning;

- 1) Running thence southeasterly 148.15 feet along the arc of a circle curving to the right with a radius of 65.000 feet and a central angle of 131 degrees-35 minutes and 17.8 seconds to a point of tangency on the southeasterly line of Astoria Boulevard, discontinued and closed;
- 2) Running thence 43.43 feet northeasterly along said line of Astoria Boulevard, discontinued and closed, to a point of curvature;
- 3) Running thence northeasterly 27.49 feet along the arc of a circle curving to the right with a radius of 35.000 feet and a central angle of 45 degrees-00 minutes and 00 seconds to a point on the southerly line of Astoria Boulevard;
- 4) Running thence southwesterly 166.23 feet, to the point or place of beginning.

The area described above consists of an area of approximately 6,344.2 square feet.

DISCONTINUANCE AND CLOSING OF A PORTION OF 26TH AVENUE BETWEEN 1ST STREET AND THE U.S. PIERHEAD AND BULKHEAD LINE

Starting at a Point of Beginning on the northerly street line of 26th Avenue, as that street was hereinbefore laid out on the City Map; Said point being distant 260.26 feet westerly from the corner formed by the intersection of the northerly line of 26th Avenue and the westerly line of 2nd Street;

- 1) Running thence southerly 60.02 feet to the corner formed by the southerly line of 26th Avenue, discontinued and closed, and the westerly line of 1st Street;
- 2) Running thence westerly along the former southerly line of 26th Avenue, discontinued and closed, which forms an interior angle of 88 degrees-35 minutes with the last mentioned course for 190.00 feet to a point;
- 3) Running thence northeasterly along the arc of a circle curving to the right, having a radius of 6046.57 feet, a central angle of zero degrees- 35 minutes and 12 seconds, 61.92 feet to a point on the former northerly line of 26th Avenue, discontinued and closed. The radius of said circle forms a deflection angle to the right of 13 degrees-58 minutes and 47.2 seconds with the westerly extension of the southerly line of 26th Avenue, discontinued and closed;
- 4) Running thence easterly along the northerly line of 26th Avenue, discontinued and closed, for 173.17 feet to the point or place of beginning.

The area described above consists of an area of approximately 10, 898.5 square feet.

DISCONTINUANCE AND CLOSING OF A PORTION OF 27TH AVENUE BETWEEN 1ST STREET AND THE U.S. PIERHEAD AND BULKHEAD LINE

Starting at a Point of Beginning on the westerly street line of 1st Street, as that street was hereinbefore laid out on the City Map; Said point being distant 260.26 feet westerly from the corner formed by the intersection of the northerly line of 26th Avenue and the westerly line of 2nd Street; thence, 576.58 feet southerly to a corner formed by the westerly line of 1st Street and the northerly line of 27th Avenue, discontinued and closed;

- 1) Running thence southerly 60.02 feet to the corner formed by the southerly line of 27th Avenue, discontinued and closed, and the westerly line of 1st Street;
- 2) Running thence westerly along the former southerly line of 27th Avenue, discontinued and closed, which forms an interior angle of 88 degrees-35 minutes with the last mentioned course for 275.94 feet to a point;
- 3) Running thence northeasterly along the former westerly line of 27th Avenue, discontinued and closed, which forms an interior angle of 86 degrees-45 minutes and 53.5 seconds with the last mentioned course, for 60.10 feet to a point;
- 4) Running thence easterly along the former northerly line of 27th Avenue, discontinued and closed, which forms an interior angle of 93 degrees-14 minutes and 06.5 seconds with the last mentioned course, for 271.06 feet to the point or place of beginning.

The area described above consists of an area of approximately 16,410.1 square feet; and be it further

RESOLVED that all such approvals being subject to the following conditions:

- c. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 5019 dated February 5, 2013, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- d. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition "a" above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the "Mapping Agreement"). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 919

Report of the Committee on Land Use in favor of approving Application No. 20145061 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of Urban Development Action Area Projects and related tax exemptions for properties located at 178 Rockaway Avenue (Block 1567, Lot 31); 275 Menahan Street (Block 3309, Lot 32); 663 Willoughby Avenue (Block 1761, Lot 70); 76 Grove Street (Block 3322, Lot 10); 717 Flushing Avenue (Block 2276, Lot 3); 160 Glenmore Avenue (Block 3709, Lot 115); and 877 Dumont Avenue (Block 4061, Lot 1), in the Borough of Brooklyn, Community Boards 1, 3, 4, 5, and 16, Council Districts 33, 34, 36, 37, 41, and 42. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 12, 2013 (Minutes, page 3472), 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, and related tax exemptions, 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>
178 Rockaway Avenue	1567/31	20145061 HAK	919	Multifamily Preservation Loan
275 Menahan Street	3309/32			
663 Willoughby Ave	1761/70			
76 Grove Street	3322/10			
717 Flushing Avenue	2276/3			
160 Glenmore Avenue	3709/115			
877 Dumont Avenue Brooklyn	4061/1			
384 Grand Concourse	2341/55	20145082 HAX	943	Multifamily Preservation Loan
1038 Rogers Place	2700/09			
1129 Morris Avenue	2449/23			
1202 Clay Avenue Bronx	2426/59			

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are 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. No. 919; and pursuant to Section 696 of the General Municipal Law for L.U. No. 943.

PUBLIC HEARING

Date: October 2, 2013

Witnesses In Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

Date: October 2, 2013

The Subcommittee recommends that the Committee approve the proposals and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Levin, Gonzalez, Koo
Against: None **Abstain:** None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolutions.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, , Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio
Against: None **Abstain:** None

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

Res. No. 1983

Resolution approving an Urban Development Action Area Project located at 178 Rockaway Avenue (Block 1567, Lot 31), 275 Menahan Street (Block 3309, Lot 32), 663 Willoughby Avenue (Block 1761, Lot 70), 76 Grove Street (Block 3322, Lot 10), 717 Flushing Avenue (Block 2276, Lot 3), 160 Glenmore Avenue (Block 3709, Lot 115), and 877 Dumont Avenue (Block 4061, Lot 1), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 919; 20145061 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 27, 2013 its request dated August 26, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 178 Rockaway Avenue (Block 1567, Lot 31), 275 Menahan Street (Block 3309, Lot 32), 663 Willoughby Avenue (Block 1761, Lot 70), 76 Grove Street (Block 3322, Lot 10), 717 Flushing Avenue (Block 2276, Lot 3), 160 Glenmore Avenue (Block 3709, Lot 115), and 877 Dumont Avenue (Block 4061, Lot 1), Community Districts 1, 3, 4, 5, and 16, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 577 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, and 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 2, 2013;

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 pursuant to Section 693 of the General Municipal Law.

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

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

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

The Council approves an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon 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 between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 921

Report of the Committee on Land Use in favor of approving Application No. N 130331(A) ZRY submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for amendments to the Zoning Resolution, pertaining to enabling flood resilient construction within flood zones located throughout New York City.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2013 (Minutes, page 3752), respectfully

REPORTS:

SUBJECT

CITYWIDE

N 130331(A) ZRY

City Planning Commission decision approving an application by the New York City 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, pertaining to enabling flood resilient construction within flood zones.

INTENT

To amend the Zoning Resolution to facilitate recovery from Hurricane Sandy, promote rebuilding and increase the City's resilience to climate-related events, including dry flood proofing in commercial corridors of lower-density districts, broadening the applicability of streetscape standards, applying relaxed parking location rules to more types of elevated single and two-family residences, and additional flexibility for mechanical systems in low density districts and for the reconstruction of single- and two-family residences.

PUBLIC HEARING

DATE: September 30, 2013

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

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

Res. No. 1984

Resolution approving the decision of the City Planning Commission on Application No. N 130331 (A) ZRY, for an amendment of the Zoning Resolution of the City of New York, pertaining to enabling flood resilient construction within flood zones (L.U. No. 921).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2013 its decision dated September 11, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, pertaining to enabling flood resilient construction within flood zones (Application No. N 130331 (A) ZRY), Citywide, (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 September 30, 2013;

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 that the text amendment is an emergency action of limited and temporary nature and accordingly is a Type II action per NYCRR Part 617.5(c)(33), (CEQR No. 13DCP135Y);

RESOLVED:

The Council finds that the action is a Type II action pursuant to NYCRR Part 617.5(33) and Revised Type II Action was issued July 19, 2013.

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 130331 (A) ZRY, 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
GENERAL PROVISIONS**

* * *

**Chapter 1
Title, Establishment of Controls, and Interpretation of Regulations**

* * *

**11-339
Post-Hurricane Sandy construction**

The provisions of this Section shall apply within the #flood zone#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in flood maps shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment).

(a) Applications for approval of construction documents approved pursuant to Executive Order 230

If an application for approval of construction documents has been approved on or before (date of adoption) pursuant to Executive Order No. 230 (Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards), dated January 31, 2013, and its successors, including Executive Order No. (number) in effect on (date of adoption), relating to Hurricane Sandy as defined in Section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until a date six years after (date of adoption). After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply.

(b) Construction approved pursuant to previous versions of #flood maps#

If, within one year prior to a change in the #flood maps# affecting a property, the Department of Buildings issued an approval of construction documents or issued a building permit for construction on that property pursuant to the previous #flood maps#, the provisions of Article VI, Chapter 4 shall be deemed modified so as to substitute the previous #flood maps# for the current #flood maps#, and such construction may continue pursuant to such prior #flood maps# until (six years after date of adoption). After this date, the vesting provisions of Section 11-30 shall apply.

(c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in the Flood Hazard Area), adopted on (date of adoption). If an application for approval of construction documents has been approved on or before the expiration of the Flood Resilience Zoning Text Amendment, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of such Flood Resilience Zoning Text Amendment. After such date, the vesting provisions of Section 11-30 shall apply.

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Base plane

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, ~~where the #base flood elevation# is higher than grade, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4.~~ For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

* * *

Flood maps

"Flood maps" shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA) after October 28, 2012, until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York superseding the Flood Insurance Rate Maps in effect on October 28, 2012, "Flood maps" shall be such new adopted final Flood Insurance Rate Maps.

Flood zone

The "flood zone" is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 4
Bulk Regulations for Community Facilities in Residence Districts

24-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01
Applicability of this Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 5
Accessory Off-Street Parking and Loading Regulations

25-029
Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations
32-00
GENERAL PROVISIONS

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01
Applicability of this Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

34-00
APPLICABILITY AND DEFINITIONS

34-01
Applicability of this Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

Chapter 6
Accessory Off-Street Parking and Loading Regulations

36-028
Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

**42-00
GENERAL PROVISIONS**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 3
Bulk Regulations**

**43-00
APPLICABILITY AND GENERAL PROVISIONS**

**43-01
Applicability of this Chapter**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**Chapter 4
Accessory Off-Street Parking and Loading Regulations**

**44-02
Applicability**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2
Non-Conforming Uses**

**52-02
Applicability of Article V, Chapter 2**

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

**Chapter 4
Non-Complying Buildings**

**54-02
Applicability of Article V, Chapter 4**

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2
Special Regulations Applying in the Waterfront Area**

**62-13
Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Stapleton Waterfront District#.

The provisions of this Chapter shall not apply in the #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

**62-341
Developments on land and platforms**

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(3) Measurement of height

The height of all #buildings# or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42, and, where applicable, Sections 64-331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

* * *

[ALL TEXT IN THIS CHAPTER IS NEW]

Chapter 4

Special Regulations Applying in Flood Hazard Areas

64-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to encourage flood resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and
- (d) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

64-10

GENERAL PROVISIONS

The provisions of this Chapter shall be in effect until one year after the adoption by the City of New York of new Flood Insurance Rate Maps superseding the Flood Insurance Rate Maps in effect on October 28, 2012.

64-11

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Basement

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a "basement" is a #story# (or portion of a #story#) partly below #flood-resistant construction elevation#, with at least one-half of its height (measured from floor to ceiling) above #flood-resistant construction elevation#.

Cellar

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a #cellar# is a space wholly or partly below the #flood-resistant construction elevation#, with more than one-half its height (measured from floor to ceiling) below the #flood-resistant construction elevation#.

Flood-resistant construction elevation

The "flood-resistant construction elevation" is the greater of:

- (a) the "design flood elevation" determined pursuant to Appendix G of the New York City Building Code for a building's structural occupancy category; or
- (b) the base flood elevation indicated on the #flood maps#, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

Flood-resistant construction standards

"Flood-resistant construction standards" shall:

- (a) comply with the standards of Appendix G of the Building Code for "Post-FIRM Construction," whether construction voluntarily complies with standards for "Post-FIRM Construction" or is required to comply; and
- (b) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the #flood maps# or the Flood Insurance Rate Maps in effect on October 28, 2012.

Lowest occupiable floor

The "lowest occupiable floor" shall be the finished floor level of the lowest floor that is not used solely for parking, storage, building access or crawl space, where any space below such #lowest occupiable floor# is wet flood-proofed in accordance with #flood resistant construction standards# and used only for parking, storage or building access, or otherwise is not occupiable space.

Hurricane Sandy

A severe storm on October 28, 2012, causing heavy flooding, power outages, property damage, and disruption of public transportation and other vital services.

Predominant or predominantly

"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or of the area of the #zoning lot#, as applicable.

64-12

Applicability

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings#, or portions thereof, shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

Section 64-50 SPECIAL PARKING REGULATIONS

Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Requirements for Parking Areas Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within such #flood zone#.

64-13**Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

64-131**Measurement of height**

All measurements of height above #curb level#, #base plane#, #base flood elevation#, grade, or other similar ground related datum, shall be from the #flood-resistant construction elevation#. This provision shall not apply to #buildings# that are #accessory# to #single-# or #two-family residences#, or to fences, #signs# not affixed to #buildings#, or other structures that are not #buildings#.

In R3, R4A and R4-1 Districts within #lower density growth management areas#, the maximum perimeter wall height shall be 21 feet above the #flood-resistant construction elevation# or 26 feet above grade, whichever is more.

Where different #flood-resistant construction elevations# apply to different portions of a #building#, the highest of such #flood-resistant construction elevations# may apply to the entire #building#.

For #buildings# located partially within and partially outside of the #flood zone#, all measurements of height shall be in accordance with only one of the following provisions:

- (a) the #flood-resistant construction elevation# shall apply to the entire #building#;
- (b) the height of the portion of the #building# within the #flood zone# shall be measured from the #flood-resistant construction elevation#, and the height of the portion of the #building# outside of the #flood zone# shall be measured from an elevation determined in accordance with the underlying applicable regulations; or
- (c) the elevation of each such portion of the #building# from where height is measured shall be multiplied by the percentage of the total #lot coverage# of the #building# to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire #building# is measured.

64-20**SPECIAL USE REGULATIONS****64-21****Ground Floor Use**

- (a) In all districts, where compliance with the elevation and wet flood-proofing requirements of Appendix G of New York City Building Code would result in a #lowest occupiable floor# that is above a level required by the Zoning Resolution without the relief provided by this Section, such requirements shall be modified so that the level of such ground floor shall be the lowest level permitted for #uses# other than parking, storage and building access as if it were "Post-FIRM Construction," as defined by Appendix G of Building Code, using elevation and wet flood-proofing techniques.
- (b) In C1, C2 and C4 Districts in the Borough of Staten Island, where #flood-resistant construction elevation# is more than 10 feet above #curb level#, the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall be modified to allow enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, on the ground floor within 30 feet of the #street wall# of the #building#, provided that the standards of Section 64-641 (Design requirements) are met.

64-22**Transparency Requirements**

In all districts, as an alternative to #street wall# transparency regulations, the following optional provisions may apply, except where #buildings# are governed by the provisions of Section 64-64 (Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts).

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between the level of the first finished floor above #curb level# and a height 12 feet above such level.

64-30**SPECIAL BULK REGULATIONS****64-31****Special Floor Area Regulations****64-311****Entryways in single- and two-family residences**

For #single-# and #two-family residences# with enclosed entryways below #flood-resistant construction elevation#, up to 10 square feet of such entryway may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area of ramps, stairs, lifts and elevators between grade and the first finished floor, plus an initial entry area of no more than 12 square feet.

64-312**Entryways in all other buildings**

For all #buildings# other than #single-# and #two-family residences#, with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

64-313**Mechanical systems in low density districts**

Floor space used for #accessory# mechanical equipment in R1-2A, R2A, R2X, R3, R4, or R5 Districts may be excluded from the definition of #floor area# without the limitations provided in the definition of #floor area#, paragraphs (m) and (8) in Section 12-10 (DEFINITIONS).

64-32**Special Yard Regulations**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

64-321**Level of required yards**

Underlying #yard# regulations shall be modified to allow #yards# to be higher than #curb level# but in no event higher than #flood-resistant construction elevation#. In addition, the following regulations shall apply:

- (a) In Residence Districts and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
- (1) Final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
 - (2) Retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches; and

- (3) In Residence Districts, portions of fences greater than four feet above #curb level# shall be required to be no more than 50 percent opaque; and
- (b) In C7 and C8 Districts and in Manufacturing Districts, #yards# shall be permitted to a maximum grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (Special Provisions Applying along District Boundaries) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces sub-grade on all sides in manner inconsistent with Appendix G of the Building Code.

64-322

Permitted obstructions in required yards, courts and open space

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#. Balconies for such #residences# may exceed the width and depth standards of 23-13 (Balconies) where such balconies are located directly above a porch.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) enclosed within a #building# or portion thereof, or within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
 - (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or
 - (5) in Commercial or Manufacturing Districts, limited to a height of 23 feet above #flood-resistant construction elevation#;

#Accessory# mechanical equipment located in #rear yards# or #rear yard equivalents# and meeting the standards of this Section shall be a permitted obstruction in any #open space# required on the #zoning lot#, provided that the total area occupied by a #building# used for both enclosed parking and such mechanical equipment does not exceed 20 percent of the total required #open space# on the #zoning lot#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard# or #rear yard equivalent#.

64-323

Flood panels in required yards and open space

Temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and rear yard equivalents#, #courts#, #open space#, #waterfront yards# as defined in Article VI, Chapter 2, #public plazas# and all other publicly accessible open areas during such storm event and for a reasonable period prior to and after such storm event, as determined by the Department of Buildings.

64-33

Special Height and Setback Regulations

64-331

Permitted obstructions for multi-family buildings in R3-2 and R4 Districts

R3-2 R4

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In the districts indicated, for all #buildings# or portions thereof subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, shall be considered permitted obstructions to height and setback regulations, provided that:

- (a) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#;
- (b) all mechanical equipment shall be screened on all sides;
- (c) the #lot coverage# of all such obstructions and screening does not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and
- (d) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

64-332

Permitted obstructions for buildings in medium and high density districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in all #commercial# and #manufacturing districts#, for all #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, from a maximum #lot coverage# of 20 percent of the #lot coverage# of the #building# to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

64-333

Street wall location in certain districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In all districts, where underlying #street wall# location regulations require the ground floor of a #street wall# to extend along the entire #street frontage# of a #zoning lot# and be located on the #street line#, such regulations are modified as follows:

- (a) Recesses, not to exceed five feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#; and
- (b) Up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#.

64-334

Alternative height measurement for single- and two-family residences

R1 R2 R3 R4 R5

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for #single-# and #two-family residences# where #flood-resistant construction elevation# is between six and nine feet above #curb level#, #building# height may be measured from a reference plane nine feet above #curb level#, provided that at least two mitigating elements are provided from the list in Section 64-61 (Design Requirements for Single- and Two-Family Residences).

64-335**Alternative height measurement for other buildings in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

64-336**Alternative height measurement in Commercial and Manufacturing Districts**

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

(b) In the districts indicated, as an alternative to Section 64-131, for all #buildings# other than #residential buildings# and #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#, where #street walls# are within 50 feet of a #street line# and #flood-resistant construction elevation# is between five and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall be met.

64-40**SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012**

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

64-41**Special Floor Area Regulations for Buildings Existing on October 28, 2012****64-411****Floors below the flood-resistant construction elevation**

(a) Dry flood-proofing

In C1 and C2 Districts mapped within R1 through R6 districts, and in C3, C4-1, C4-2 and C4-3 Districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the New York City Building Code, and that the number of #dwelling units# or #rooming units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

- (1) such floor space exempted from the definition of #floor area# shall not exceed 10,000 square feet;
- (2) such floor space exempted from the definition of #floor area# shall be used for a #community facility use# or #commercial use# permitted by the underlying zoning district;

(3) no floor space shall be exempted if parking spaces within such #building# are located within 30 feet of the #street wall#; and

(4) the #building# shall contain no more #dwelling units# or #rooming units# than existed on October 28, 2012.

(b) Wet flood-proofing

This paragraph shall not apply to #buildings# containing non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for wet flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been wet flood-proofed and must comply with the provisions of Appendix G of the Building Code.

The #floor area# which has been flood-proofed pursuant to the provisions of this Section need not be rebuilt prior to sign-off by the Department of Buildings or issuance of a certificate of occupancy for such alteration to the flood-proofed floor space in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the flood-proofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# in a manner complying with #flood-resistant construction standards#.

64-412**Lowest story of a residential building**

In all districts, where the #floor area# of a #single-# or #two-family residence# existing on October 28, 2012, did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

64-42**Yards, Courts and Open Space for Buildings Existing on October 28, 2012****64-421****Permitted obstructions**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

(a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:

- (1) located above #flood-resistant construction elevation#; and
- (2) located at least five feet from any #lot line#; and
- (3) screened on all sides by walls consisting of at least 50 percent opaque materials; and
- (4) in compliance with the standards of either paragraph (a)(5) or (a)(6) of this Section ; and
- (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or
- (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:

- (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or
 - (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.
- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
 - (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) limited to a height established in Section 64-322 (Permitted Obstructions in Required Yards, Courts and Open Space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
 - (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the New York City Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

64-422**Front yard planting requirement**

R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

64-43**Special Height and Setback Regulations for Buildings Existing on October 28, 2012****64-431****For existing single- and two-family residences**

#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, #single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in doing so, may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other #complying structures# on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation pursuant to this Section shall be considered legal #non-complying buildings#.

64-432**Permitted obstructions for certain existing buildings**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #Commercial# and #Manufacturing Districts#, for all existing #buildings#, the regulations for permitted obstructions to height and setback regulations shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (a) where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#; and
- (b) where the maximum #building# height is 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#.

64-44**Special Minimum Distance Regulations for Buildings Existing on October 28, 2012**

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

64-50**SPECIAL PARKING REGULATIONS**

Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without requiring a #building# to comply with #flood-resistant construction standards# provided in paragraph (a) of Section 64-12 (Applicability).

Section 64-53 (Surfacing) shall apply to all #zoning lots# within the #flood zone#.

The underlying parking location, curb cut spacing, permitted obstruction and surfacing regulations are modified in accordance with the provisions of this Section.

64-51**For Residential Buildings with Below-Grade Parking**

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the New York City Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing, or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

In the event there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that existing #buildings# will remain, the Commissioner of Buildings may waive such spaces.

64-52**For Elevated Buildings**

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #single-# or #two-family residences# with a #flood-resistant

construction elevation# at least nine feet above #curb level#, and to other #single-# or #two-family residences# utilizing the provisions of Section 64-344 (Alternative height measurement for single- and two-family residences). For such #residences#, where at least two #accessory# off-street parking spaces are provided beneath the #lowest occupiable floor#, such spaces shall be allowed without regard to the underlying parking location, curb cut spacing or permitted obstruction regulations. However, no modification of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed.

64-53
Surfacing

R1 R2 R3 R4 R5

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-# or #two-family residence# on a #zoning lot#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, and public sidewalks shall be constructed to Department of Transportation standards.

64-60
DESIGN REQUIREMENTS

The following Sections shall apply to all #developments# and to all horizontal #enlargements# with new #street walls# or alterations increasing the height of #street walls#, or as otherwise referenced within this Chapter:

Section 64-61	Design Requirements for Single- and Two-family Residences
Section 64-62	Design Requirements for Other Buildings in Residence Districts
Section 64-63	Design Requirements for Residential Buildings in Commercial Districts
Section 64-64	Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts

Section 64-65 (Design Requirements for Parking Areas Within or Below Buildings) shall apply to any #zoning lot# occupied by a #building#, other than a #single-# or #two-family residence# constructed after (date of amendment). Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of Section 64-65.

64-61
Design Requirements for Single- and Two-family Residences

R1 R2 R3 R4 R5 R6

In R1, R2, R3, R4 and R5 Districts, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

(a) Porch

Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the #lowest occupiable floor # and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements shall have a minimum width or depth of at least three inches, and such roof shall have a depth of at least five feet measured perpendicular to the #street wall# and extend along at least 70 percent of the width of the #street wall#. A balcony directly above a porch and a trellis or arbor with structural members spaced no further than 30 inches on center that cover such porch may be considered a porch roof for the purposes of this Section.

(b) Stair direction change

Where provided as a mitigating element, stairs shall be constructed between grade and the #lowest occupiable floor# or porch, as applicable, which shall change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.

(c) Raised front yard

Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451 (Planting requirement).

(d) Trees or shrubs at least three feet high

Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds shall be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area shall be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas shall be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the length of the #street wall#.

However, no mitigation shall be required where more than 50 percent of the #street wall# of a #building# is within three feet of the #street line#.

64-62
Design Requirements for Other Buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all #buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, the provisions of this Section, inclusive, shall apply.

64-621
Planting requirement

Where the level of the #lowest occupiable floor# is five or more feet above #curb level#, the area between the #street line# and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground. Such planting shall consist of trees or shrubs within six feet of the #street wall# that attain a height of at least three feet. Such planting shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. Any such planted area shall have a depth of at least three feet. Where ramps or stairs are located parallel to a #street wall# and within six feet of such #street wall#, minimum planting beds shall be provided between such ramps or stairs and the #street line#.

However, where #street wall# location rules would require a #street wall# to be located such that planting beds would be less than three feet in width, the provisions of this Section shall not apply.

64-622
Lobby or non-residential use

Where the #flood-resistant construction elevation# is ten or more feet above #curb level#, a lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk or other publicly accessible open area, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. For #zoning lots# with less than 25 feet of frontage along a #street#, a five-foot wide service corridor may be exempted from the requirements of this Section. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height ten feet above the level of the first finished floor above #curb level#.

Any permitted #non-residential use#, other than #accessory# off-street parking or storage, may be substituted for lobby area required pursuant to this Section, provided that the required width, depth, and transparency shall apply to such #use#.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

64-63

Design Requirements for Residential Buildings in Commercial Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

64-64

Design Requirements for Non-residential and Mixed Buildings in Commercial and Manufacturing Districts

64-641

Transparency requirements

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, the provisions of this Section shall apply to all #buildings#, other than:

- (a) #residential buildings#; and
- (b) In C8 and Manufacturing Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

Where #street walls# are within 50 feet of the #street line#, and where #flood-resistant construction elevation# is ten feet or more above #curb level#, a portion of the #street wall# with a minimum of 20 feet in width shall provide transparent glazing materials occupying a minimum of 50 percent of the surface area of such #street wall# portion, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such transparent portion of the #street wall# shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

64-642

Transparency requirements for buildings utilizing alternative height measurement

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-346 (Alternative height measurement in Commercial and Manufacturing Districts), paragraph (b), #street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Furthermore, such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least 4 feet, as measured perpendicular to the #street wall#.

64-65

Screening Requirements for Parking Within or Below Buildings

The provisions of this Section shall apply to all #buildings#, other than:

- (a) #single# or #two-family residences#; and

- (b) In C8 and Manufacturing Districts, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

#Buildings# in existence prior to (date of amendment) shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

Where the #flood-resistant construction elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be screened from the #street line# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

In case of a conflict between the provisions of this Section and the provisions of another Chapter, the more restrictive provisions shall apply.

64-70

SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

64-71

Non-Conforming Uses

64-711

Reconstruction of buildings damaged more than 50 percent

Section 52-53 (Buildings or Other Structures in All Districts) shall be modified to allow the reconstruction of a #non-conforming use# where a #building# containing such #use# is damaged to the extent of 50 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

However, this provision shall not apply to #non-conforming residences# in C8 Districts or #Manufacturing Districts#, or to #non-conforming manufacturing uses# located in #Residence Districts# or #Commercial Districts# other than C8 Districts.

64-712

Single- and two-family buildings

For #non-conforming single-# and #two-family residences#, except #non-conforming residences# in C8 Districts or #Manufacturing Districts#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the zoning resolution.

64-72

Non-Complying Buildings

64-721

Reconstruction of buildings damaged more than 75 percent

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is damaged to the extent of 75 percent or more due to the effects of Hurricane Sandy, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new Flood Insurance Rate Maps that superseded the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

64-722**Single- and two-family residences in required front yards**

The provisions of Article V, Chapter 4, shall be modified in order to accommodate stair access in a #front yard#. #Single-# and #two-family residences# with #non-complying front yards# existing on October 28, 2012, may be relocated or reconstructed in a location further from the #front lot line# on the same #zoning lot#, and thereby create or increase an encroachment in a #side yard#, #rear yard# or #rear yard equivalent#, provided that:

- (a) any encroachment or further encroachment into a required #side# or #rear yard# or #rear yard equivalent# at the rear of the original #building# location is limited to a depth equal to the reduction of encroachment of the #building#, excluding stairs in the #front yard#;
- (b) a distance of at least eight feet shall be maintained between the rear wall of the #building# and all other #residences# on the same or adjoining #zoning lots#; and
- (c) at least four feet of a #rear yard# shall be free of any encroachment, measured perpendicular to the #rear lot line#, or in a #rear yard equivalent#, at least eight feet shall be free of encroachment.

64-723**Non-complying single- and two-family residences**

- (a) The provisions of Article V, Chapter 4 shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#.

Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, the provisions of Article V, Chapter 4, shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#.

Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4, shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

- (b) For #non-complying single-# and #two-family residences#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

64-724**Special provisions for other buildings within flood zones**

#Non-complying buildings# may be elevated or reconstructed to an increased height, which at all points does not exceed the difference between #flood-resistant construction elevation# and the applicable datum from which height is measured pursuant to the underlying regulations. Such elevation or reconstruction may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

64-80**MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS**

The following regulations shall apply in #flood zones# and shall modify regulations set forth in Article VI, Chapter 2 (Special Regulations Applying in Waterfront Areas).

64-81**Modification of Waterfront Public Access and Visual Corridor Regulations for Substantially Damaged Buildings**

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 shall not apply to the reconstruction of #buildings# that sustained substantial damage, as defined in Appendix G of the New York City Building Code, due to the

effects of #Hurricane Sandy#, provided that:

- (a) such #buildings# had no more than 20,000 square feet of #floor area# prior to October 28, 2012;
- (b) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012;
- (c) if such #building# is repositioned on the #zoning lot#, such repositioning does not newly encroach, or further encroach into a required #yard#, #rear yard equivalent#, #visual corridor# or existing #public access area#, as defined in Article VI, Chapter 2; and
- (d) the reconstruction does not result in a change of #use# from that existing on October 28, 2012.

The provisions of this Section shall apply to #buildings# that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

64-82**Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor**

The provisions of paragraphs (a) and (b) of this Section shall apply to all #zoning lots#, without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

Within the area that has a one percent chance of flooding in a given year, as determined by FEMA in #Flood Maps# or by earlier adopted Flood Insurance Rate Maps, certain provisions regarding #waterfront yards# and visual corridors#, as defined in Section 62-11 (Definitions), and ground floor #uses#, are modified as follows:

- (a) #Waterfront yards#

Section 62-332 (Rear yards and waterfront yards) shall be modified to allow the level of a #waterfront yard# to be raised above the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, provided that:

- (1) where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement;
- (2) for #zoning lots# without a #shore public walkway#, as defined in Section 62-11 (Definitions), the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent; and
- (3) for #zoning lots# with a #shore public walkway#, as defined in Section 62-11 (Definitions), the maximum grade shall be determined by the maximum permitted grade of the circulation path and the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS).

(b) Visual corridors

Section 62-512 (Dimensions of visual corridors) shall be modified as follows:

The lowest level of a visual corridor shall be determined by establishing a plane connecting the two points along the street lines from which the visual corridor emanates at an elevation three feet above curb level with the two points where the prolonged street lines intersect the shoreline, stabilized natural shore, bulkhead, upland edge of a waterfront yard raised pursuant to the provisions of paragraph (a) of this Section, or the base plane of a pier or platform, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. Visual corridors that are not prolongations of mapped streets shall be determined by establishing a plane connecting an elevation three feet above curb level at the two points along the lot line from which the visual corridor emanates with the two points of intersection at the shoreline, stabilized natural shore, bulkhead, upland edge of a waterfront yard raised pursuant to the provisions of paragraph (a) of this Section, or the base plane of a pier or platform, whichever intersection occurs first.

(c) Ground floor uses

Section 62-341 (Developments on land and platforms), paragraph (c)(6), shall be modified as follows:

“Ground floor level” shall mean the lowest level permitted for habitable use as if it were “Post-FIRM Construction” as defined by Appendix G of the New York City Building Code, using elevation and wet flood-proofing techniques, provided that where such lowest permitted level would be less than five feet above the finished level of the adjacent sidewalk, such level need not be lower than five feet above the finished level of the adjacent sidewalk.

**64-90
SPECIAL APPROVALS****64-91
Modification of Certain Certification Requirements in the Special South Richmond Development District**

The provisions of this Section shall apply without requiring a building to comply with flood-resistant construction standards as established in paragraph (a) of Section 64-12 (Applicability).

In the Special South Richmond Development District, Sections 107-22 (Designated Open Space), inclusive, and 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of buildings that were damaged due to the effects of Hurricane Sandy, provided that:

- (a) the dimensions of the building footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the zoning lot.

In addition, the provisions of Section 107-22, inclusive, shall not apply to a site alteration that is not a development or enlargement where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a building.

These provisions shall not affect the terms of a certification previously made by the City Planning Commission. The provisions of this Section shall apply to buildings that are the subject of an Application for Approval of Construction Documents that has been approved by the Department of Buildings no later than one year after the adoption of new Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment) shall apply as if the change in flood map were a change in provisions of the zoning resolution.

**64-92
Special Permit for Modification of Certain Zoning Regulations**

In order to allow for the alteration of existing buildings in compliance with flood resistant construction standards and for developments and enlargements in compliance with flood-resistant construction standards, the Board of Standards

and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the bulk regulations of Sections 64-30 (SPECIAL BULK REGULATIONS), 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable bulk regulations of the Zoning Resolution, except floor area ratio regulations, provided the following findings are made:

- (a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards;
- (b) that any modification of bulk regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from flood-resistant construction elevation, whichever is less; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood’s potential development in accordance with flood-resistant construction standards.

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

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS****Chapter 7
Special Harlem River Waterfront District**

**87-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the Special Harlem River Waterfront District, the regulations of the Special Harlem River Waterfront District shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in flood zones, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 8
Special Hudson Square District**

**88-02
General Provisions**

In harmony with the general purposes and intent of this Resolution and the general purposes of the Special Hudson Square District, the provisions of this Chapter shall apply within the Special Hudson Square District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in flood zones, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Lower Manhattan District**

**91-01
General Provisions**

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 3
Special Hudson Yards District**

**93-02
General Provisions**

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 4
Special Sheepshead Bay District**

**94-02
General Provisions**

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 6
Special Clinton District**

**96-02
General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 8
Special West Chelsea District**

**98-02
General Provisions**

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Manhattanville Mixed Use District**

**104-02
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**104-30
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter. However, in #flood zones#, the level of the #base plane# shall be the #floodresistant construction elevation#.

* * *

Chapter 6
Special Coney Island Mixed Use District

* * *

106-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

Chapter 7
Special South Richmond Development District

* * *

107-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

Chapter 8
Special Hunts Point District

* * *

108-01
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Tribeca Mixed Use District

* * *

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.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

Chapter 3
Special Ocean Parkway District

113-01
General Provisions

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

Chapter 6
Special Stapleton Waterfront District

* * *

116-02
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

116-221
Special floor area regulations for mixed buildings

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

**Chapter 7
Special Long Island City Mixed Use District**

**117-02
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use District**

**123-10
GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 4
Special Willets Point District**

**124-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 5
Special Southern Hunters Point District**

**125-01
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this

Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 6
Special College Point District**

**126-01
General Provisions**

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Chapter 8
Special St. George District**

**128-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**Article XIII
Special Purpose Districts**

**Chapter 1
Special Coney Island District**

**131-01
General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**~~131-324
Special floor area ratio regulations for entrances to stories above the base flood elevation~~**

~~Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.~~

131-325-324

Lot coverage

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 934

Report of the Committee on Land Use in favor of approving Application No. C 130273 ZMX 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. 3c, to facilitate the East Fordham Road rezoning, affecting all or part of a 12-block area in the Belmont neighborhood of the Borough of the Bronx, Community District 6, Council Districts 11 and 15.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2013 (Minutes, page 3757), respectfully

REPORTS:

SUBJECT

BRONX CB - 6

C 130273 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 No. 3c.

INTENT

To rezone a 12-block area in the Belmont neighborhood, which in conjunction with the related text amendment action, would facilitate the East Fordham Road Rezoning and apply the Inclusionary Housing Program to the proposed C4-5D district, in Community District 6, Borough of the Bronx.

PUBLIC HEARING

DATE: September 30, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

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

Res. No. 1985

Resolution approving the decision of the City Planning Commission on ULURP No. C 130273 ZMX, a Zoning Map amendment (L.U. No. 934).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2013 its decision dated September 11, 2013 (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 facilitate the East Fordham Road Rezoning project, a 12-block area in the Belmont neighborhood of the Bronx, Community District 6, (ULURP No. C 130273 ZMX), Borough of the Bronx (the "Application");

WHEREAS, the application is related to Application C 130274 ZRX (L.U. No. 935), a zoning text amendment to apply the Inclusionary Housing program to the proposed C4-5D 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 September 30, 2013;

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 August 30, 2013 (CEQR No. 13DCP107X);

RESOLVED:

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

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

Pursuant to 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 130273 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. 3c:

1. eliminating from within an existing R6 District a C2-3 District bounded by Belmont Avenue, the northeasterly terminus of Belmont Avenue and its southeasterly prolongation, Crotona Avenue, and East Fordham Road;
2. eliminating from within an existing R6 District a C2-4 District bounded by Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road, Belmont Avenue, and East Fordham Road;
3. changing from an R6 District to an R6B District property bounded by:

- a. Bathgate Avenue, East 191st Street, the northeasterly street line prolongation of a line 100 southeasterly of Hoffman Street, a line 160 feet northeasterly of East 191st Street, a line 175 feet northwesterly of Hughes Avenue, East 191st Street, Hughes Avenue, and a line 100 feet northeasterly of East Fordham Road; and
 - b. Hughes Avenue, the northeasterly terminus of Hughes Avenue and its southeasterly prolongation, Belmont Avenue, and a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road;
4. changing from an R6 District to a C4-5D District property bounded by:
- a. Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Belmont Avenue and the northeasterly street line of East Fordham Road, Belmont Avenue, the northeasterly terminus of Belmont Avenue and its southeasterly prolongation, Crotona Avenue, and East Fordham Road;
 - b. a line 100 feet southwesterly of East Fordham Road, Belmont Avenue, a 315 feet northeasterly of East 189th Street, Hughes Avenue, and a line 295 feet northeasterly of East 189th Street; and
 - c. a line 100 feet southwesterly of East Fordham Road, a line 110 feet southeasterly of Cambreleng Avenue, a line 365 feet northeasterly of East 189th Street, and Belmont Avenue;
5. changing from a C8-1 District to an R6 District property bounded by:
- a. Arthur Avenue, a line 295 feet northeasterly of East 189th Street, and a line 100 feet southwesterly of East Fordham Road; and
 - b. a line 110 feet southeasterly of Cambreleng Avenue, a line 365 feet northeasterly of 189th Street, a line 160 feet southeasterly of Cambreleng Avenue, and the northeasterly centerline prolongation of East 189th Street;
6. changing from a C8-1 District to a C4-5D District property bounded by a line 100 feet northeasterly of East Fordham Road, Hughes Avenue, East Fordham Road, Southern Boulevard, a line passing through two points: the first on the westerly street line of Southern Boulevard distant 140 feet northerly (as measured along the street line) from its point of intersection of the northeasterly street line of former East 189th Street and the second on a line 100 feet southeasterly of Crotona Avenue distant 230 feet northeasterly (as measured along this line) from its intersection with the northeasterly street line of former East 189th Street, a line 100 feet southeasterly of Crotona Avenue, a line 100 feet northeasterly of former East 189th Street, Crotona Avenue, East 189th Street, a line 160 feet southeasterly of Cambreleng Avenue, a line 365 feet northeasterly of East 189th Street, a line 110 feet southeasterly of Cambreleng Avenue, a line 100 feet southwesterly of East Fordham Road, a line 295 feet northeasterly of East 189th Street, Arthur Avenue, a line 100 feet southwesterly of East Fordham Road, Bathgate Avenue, East Fordham Road, and Bathgate Avenue; and
7. establishing within existing and proposed R6 Districts a C2-4 District bounded by a line 100 feet southwesterly of East Fordham Road, Arthur Avenue, a line 295 feet northeasterly of East 189th Street, a line midway between Arthur Avenue and Hughes Avenue, East 188th Street, Arthur Avenue, a line 100 feet northeasterly of East 187th Street, and a line midway between Hoffman Street and Arthur Avenue;

as shown on a diagram (for illustrative purposes only) dated May 20, 2013 and subject to the conditions of CEQR Declaration E-304, Community District 6, Borough of the Bronx.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 935

Report of the Committee on Land Use in favor of approving Application No. N 130274 ZRX submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution, Appendix F, to apply the Inclusionary Housing Program to East Fordham Road between Bathgate Ave and Southern Blvd, in the Borough of the Bronx, Community District 6, Council Districts 11 and 15.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2013 (Minutes, page 3758), respectfully

REPORTS:

SUBJECT

BRONX CB - 6

N 130274 ZRX

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 Appendix F (Inclusionary Housing Designated Areas).

INTENT

To apply the Inclusionary Housing Program to a proposed C4-5D district in the Belmont neighborhood, which in conjunction with the related zoning map action for the East Fordham Road Rezoning in Community District 6, Borough of the Bronx.

PUBLIC HEARING

DATE: September 30, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Rivera, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: October 3, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Jackson, Vann, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: None

Abstain: None

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

Res. No. 1986

Resolution approving the decision of the City Planning Commission on Application No. N 130274 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas), Borough of the Bronx (L.U. No. 935).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2013 its decision dated September 11, 2013 (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 text of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) (Application No. N 130274 ZRX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the application is related to Application C 130273 ZMX (L.U. No. 934), an amendment to Zoning Map, Section No. 3c, affecting all or part of a 12-block area in the Belmont neighborhood of the Bronx in Community District 6;

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 September 30, 2013;

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 August 30, 2013 (CEQR No. 13DCP107X);

RESOLVED:

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

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

Pursuant to 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 130274 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 to be deleted;
 Matter with ## is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution

APPENDIX F

Inclusionary Housing Designated Areas

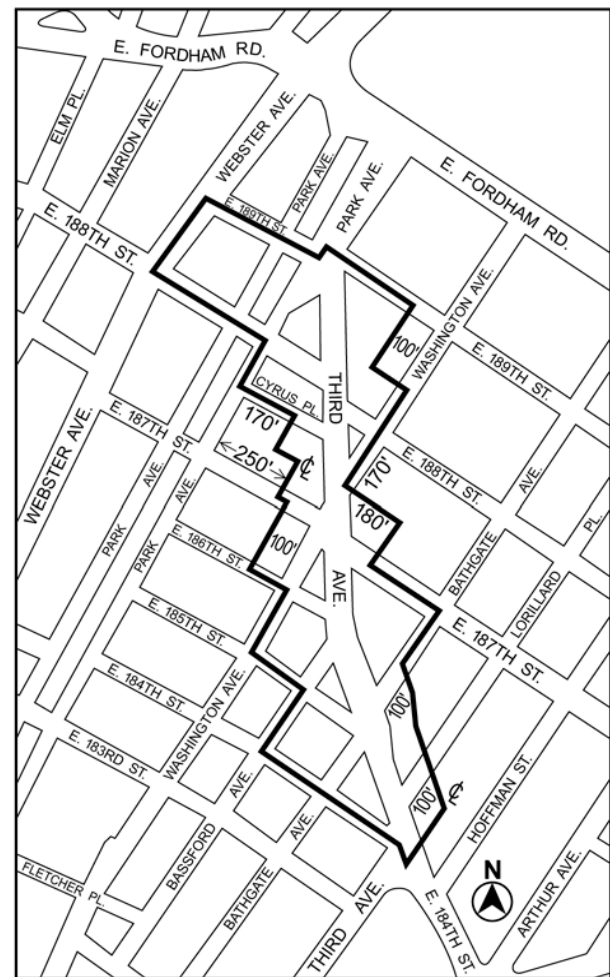
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.
 * * *

The Bronx Community District 6

In the R7A, R7D, R7X, R8A and R8X Districts within the areas shown on the following Map 1:

Map 1

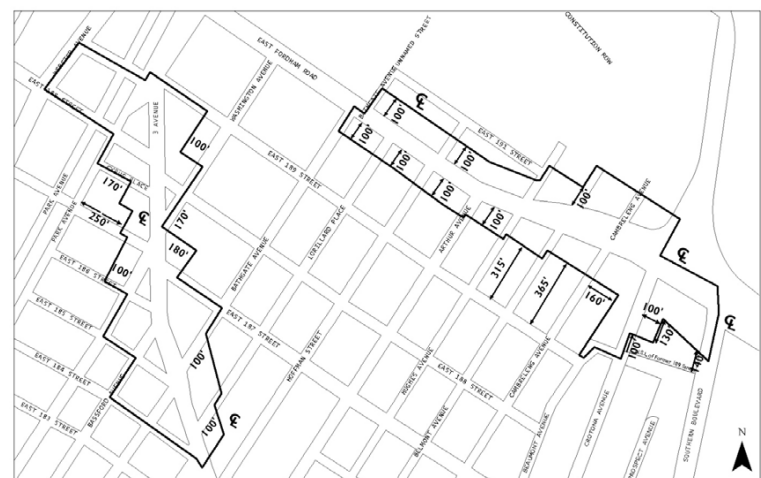
EXISTING MAP TO BE DELETED



Portion of Community District 6, The Bronx

Map 1

PROPOSED TO REPLACE EXISTING



Portion of Community District 6, The Bronx

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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. 943

Report of the Committee on Land Use in favor of approving Application No. 20145082 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for properties located at 384 Grand Concourse, 1038 Rogers Place, 1129 Morris Avenue

and 1202 Clay Avenue in the Borough of the Bronx, Community Districts 1, 2, and 4, Council Districts 16 and 17. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2013 (Minutes, page 3761), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 919 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1987

Resolution approving an Urban Development Action Area Project located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1129 Morris Avenue (Block 2449/Lot 23), and 1202 Clay Avenue (Block 2426/Lot 59), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a tax exemption pursuant to Section 696 of the General Municipal Law (L.U. No. 943; 20145082 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 12, 2013 its request dated August 26, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1129 Morris Avenue (Block 2449/Lot 23), and 1202 Clay Avenue (Block 2426/Lot 59), Community Districts 1, 2, and 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 stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and 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 2, 2013;

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 pursuant to Section 693 of the General Municipal Law.

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

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

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

The Council approves an exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, October 9, 2013.

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

Report of the Committee on Transportation

Report for Int. No. 1049-A

Report of the Committee on Transportation 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 Staten Island ferry service and to repeal subdivision c of section 19-305 of the administrative code of the city of New York, relating to Staten Island ferry service.

The Committee on Transportation, to which the annexed amended proposed local law was referred on May 22, 2013 (Minutes, page 1657), respectfully

REPORTS:

On October 7, 2013, the Committee on Transportation, chaired by Council Member James Vacca, conducted a hearing on Int. No. 1049-A, a Local Law to amend the Administrative Code of the City of New York, in relation to Staten Island Ferry service and to repeal subdivision c of section 19-305 of the administrative code of the city of New York, relating to Staten Island ferry service. This was the second hearing on this bill. The first hearing on this bill was held June 28, 2013. Amendments have been made to the bill since the first hearing.

BACKGROUND

The Department of Transportation (“DOT”) is responsible for the condition of approximately 6,000 miles of streets, highways and 790 bridges structures, six tunnels, and the Staten Island ferry.¹

Although Staten Island has the fastest growing population of any borough in New York, it has the fewest transit options in the City. According to the New York City Economic Development Corporation (NYCEDC), Staten Island’s population has grown by 24 percent over the past two decades.² Residents on Staten Island rely solely on the ferry service and Verrazano Bridge to access the other boroughs of New York City. Staten Island’s increasing population is reflected in the increased utilization of the ferry service. According to City statistics in fiscal year 2012, ridership on the Staten Island ferry reached over 22 million, an increase of over 700,000 riders from 2011.³

Since 1905, New York City has operated a ferry service to Staten Island. The ferry operates 24 hours a day, 365 days a year.⁴ According to the DOT, the ferry from St. George Terminal to Whitehall Terminal in Manhattan typically makes 109 trips on weekdays, 77 trips on Saturdays, and 68 trips on Sundays.⁵ On weekdays, approximately 65,000 people use the ferry service to and from Staten Island.⁶

In 2005, the Council passed Local Law 55 that codified the current ferry schedule.⁷ Under current law, the ferry service operates every fifteen to thirty minutes during the day, and every hour at certain times of the day, depending on whether the day is a weekday, Saturday, Sunday or legal holiday. Some advocates have argued that the Staten Island ferry should run not less often than every half hour, regardless of time of day or day of the week.

At the June 28th hearing on this bill, the Committee heard from Staten Island residents and advocates about the need for increased service on the ferry, especially during evening and overnight hours. The Committee heard about hardships that many Staten Island residents have in accessing cultural and other opportunities in Manhattan.⁸ The Committee also heard about the negative impact that limited ferry service has had on economic development in Staten Island.⁹

The bill being considered today would require that Staten Island Ferry service to and from Manhattan’s Whitehall and Staten Island’s St. George terminal run every thirty minutes from 7 p.m. until 2 a.m. on weekend nights. This change would become effective in six months unless the DOT determines that staffing levels do not permit such an increase in service. The DOT, however, would have to implement the increase within eighteen months of the bill’s enactment regardless.

The legislation would also require that Staten Island Ferry service run every thirty minutes at all times as of May 1, 2015 to and from Manhattan’s Whitehall and Staten Island’s St. George terminal, unless the DOT, in consultation with the Mayor’s Office, determines that full expansion to thirty minute service is not economically feasible. In that case, on or before April 1, 2015, a report DOT would be required to send a report to the Mayor, the City Council Speaker, and the Manhattan and Staten Island Borough Presidents explaining such economic infeasibility. The criteria for determining economic feasibility would include but not be limited to ridership numbers, recent or anticipated economic development and/or population growth that could impact ridership numbers, and plans for future expansions of service and a timetable for this expansion. If economic infeasibility is found, the DOT would have to review its determination every two years, and provide an additional report that includes the factors listed above, as well as a description of any expansion of service since the bill became took effect if economic infeasibility continues to be found.

ANALYSIS

Section one of Int. No. 1049-A describes the intent of the legislation, which is to ensure that the Staten Island ferry operates more frequently, namely that trips take place every thirty minutes at all times.

Section two of Int. No. 1049-A would amend subdivision a of section 19-305 of the Administrative Code of the City of New York to specify that on Saturdays, except on legal holidays, service to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal shall be every thirty minutes, except between the hours of 2 a.m. and 6 a.m., when service would be every hour. On Sundays, except on legal holidays, service to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal, service would be required to be every thirty minutes, except between the hours of 2 a.m. and 9 a.m., when service would be every hour.

On or before May 1, 2015, service to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal would be every thirty minutes at all times except when more frequent service was otherwise required by law, unless the Department of Transportation in consultation with the office of the Mayor determines that expansion of service is not economically feasible. In this event, the DOT would be required to provide a report to the Mayor, the City Council Speaker, and the Manhattan and Staten Island Borough Presidents describing the reasons why the expansion is not economically feasible by April 1, 2015. The report would be required to include but not be limited to the following factors: an analysis of ridership numbers, including a breakdown by time of trip, day and month of the year; a review of any recent or anticipated economic development or other economic or population changes that have affected or could affect ridership numbers; and plans for future expansion in service and a timeline for such expansion. In the event thirty minute or more frequent service at all times was found to be not economically feasible, then every two years thereafter by April 1, DOT, in consultation with the Office of the Mayor, would be required to review its prior determination and provide a report to the Mayor, the City Council Speaker, and the Manhattan and Staten Island Borough Presidents, including but not limited to the factors listed above as well as a description of any expansion of service since the enactment of the instant legislation.

Section three of Int. No. 1049-A would repeal subdivision c of section 19-305 of the Administrative Code of the City of New York, which due to the provisions of this bill would be moot.

Section four of Int. No. 1049-A would **state that the** local law take effect immediately, except that paragraphs (iii) and (iv) of subdivision a of section 19-305 of the Administrative Code of the city of New York, as amended by section two of the instant bill, would take effect one hundred eighty days after enactment of this bill, unless the DOT determines that staffing levels are not adequate to permit such increased weekend service and informs the City Council in writing of such inadequacy prior to such effective date, in which case the bill would take effect upon certification by the DOT that such staffing levels are adequate to permit such increased service, but in no event more than eighteen months following enactment of this bill.

UPDATE

On October 7, 2013, the Committee on Transportation voted 11-0 with no abstentions in favor of this bill.

¹ Preliminary Mayor’s Management Report, February 2013, at 127 (MMR Prelim 2013).

² NYC Economic Development Corporation. Downtown Staten Island, 2011. Information obtained at <http://www.nycedc.com/program/downtown-staten-island>.

³ MMR Prelim 2013, *supra* note 1 at 129.

⁴ Information obtained at <http://www.nyc.gov/html/dot/html/ferrybus/staten-island-ferry.shtml#facts>.

⁵ *Id.*

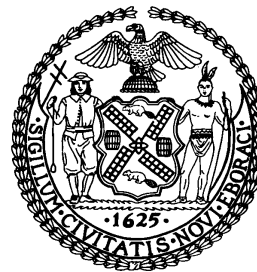
⁶ *Id.*

⁷ Transportation Committee of New York City Council, Committee Report, May 3, 2005 at 2-3.

⁸ Frank Morano, testimony to Committee of Transportation, June 28, 2013.

⁹ Linda Baran, President and CEO of Staten Island Chamber of Commerce, testimony to Committee of Transportation, June 28, 2013.

(The following is the text of the Fiscal Impact Statement for Int. No. 1049-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1049-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to Staten Island ferry service and to repeal subdivision c of section 19-305 of the administrative code of the city of New York, relating to Staten Island ferry service.

SPONSORS: Council Members Oddo, Ignizio, Rose, Chin, Recchia, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dromm, Eugene, Gentile, Gonzalez, James, Koo, Koslowitz, Mendez, Nelson, Palma, Van Bramer, Williams, Greenfield, Foster, Fidler, Vallone, Gennaro, Koppell, Halloran, Ulrich, Arroyo, Dilan, Ferreras, Jackson, King, Lander, Reyna, Richards, Rivera, Vacca, Vann and Mark-Viverito

SUMMARY OF LEGISLATION: This legislation would repeal subdivision c of section 19-305 and amend subdivision a of section 19-305 of the administrative code of the city of New York to require that on Saturdays, except on legal holidays, ferry service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every thirty minutes except between the hours of 2:00 a.m. and 6:00 a.m., in which case service shall be every hour. Also, the bill would require that on Sundays, except on legal holidays, service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every thirty minutes except between the hours of 2:00 a.m. and 9:00 a.m., in which case service shall be every hour.

Additionally, the bill would require that on or before May 1, 2015, ferry service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every thirty minutes at all times except when more frequent service is required by subdivision a of section 19-305. However, if the Department of Transportation (DOT) in consultation with the Office of the Mayor determines that it is not economically feasible to fully expand service pursuant to the requirements of this local law, the DOT in consultation with the Office of the Mayor shall provide a report to the Mayor, Speaker of the Council, and the Borough Presidents of Manhattan and Staten Island describing the reasons why fully expanding such service is not economically feasible, by April 1, 2015. The report shall include but not be limited to an analysis of ridership numbers, including a breakdown by time of trip, day and month of the year; a review of any recent or anticipated economic development or other economic or population changes that have affected or could affect ridership numbers; and plans for future expansion in service and a timeline for such expansion. Every two years after such report, no later than April 1, the DOT in consultation with the Office of the Mayor shall review such determination and provide a report to the Mayor, Speaker of the Council, and the Borough Presidents of Manhattan and Staten Island, including but not limited to the foregoing factors as well as a description of any expansion of service since the enactment of this local law.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law, except that paragraphs (iii) and (iv) of subdivision a of section 19-305 of the administrative code of the city of New York, as amended by section two of this local law, shall take effect one hundred eighty days after enactment of this local law, unless the DOT determines that staffing levels are not adequate to permit such increased weekend service and has informed the Council in writing of such inadequacy prior to such effective date, in which case this local law shall take effect upon certification by the DOT that such staffing levels are adequate to permit such increased service, but in no event more than eighteen months following enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016.

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	\$840,000	\$5,040,000	\$15,019,000
Net	\$840,000	\$5,040,000	\$15,019,000

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because this legislation would not be fully implemented until at least Fiscal 2016, it is estimated that the impact on expenditures resulting from its enactment would be approximately \$840,000 in Fiscal 2014 and \$5,040,000 in Fiscal 2015 for costs associated with increased Saturday and Sunday ferry service. Beginning in Fiscal 2016, if the bill is fully implemented to provide ferry service every thirty minutes at all times both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal, it is anticipated that the annualized cost impact on expenditures would be approximately \$15 million. However, the above estimates exclude costs for depreciation which are generally a non-cash expense and any potential increases in capital expenditures for dry docking.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division
NYC Department of Transportation

ESTIMATE PREPARED BY: Chima Obichere, Unit Head

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Tanisha Edwards, Finance Counsel

HISTORY: Introduced as Intro. 1049 by the Council on May 22, 2013 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over on June 28, 2013 by the Committee. An amended version of the legislation, Proposed Intro. 1049-A, will be considered by the Committee on Transportation on October 7, 2013 and upon successful vote, the bill would be

submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1049-A:)

Int. No. 1049-A

By Council Members Oddo, Ignizio, Rose, Chin, Recchia, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dromm, Eugene, Gentile, Gonzalez, James, Koo, Koslowitz, Mendez, Nelson, Palma, Van Bramer, Williams, Greenfield, Fidler, Vallone, Jr., Gennaro, Koppell, Halloran, Ulrich, Arroyo, Dilan, Ferreras, Jackson, King, Lander, Reyna, Richards, Rivera, Vacca, Vann, Mark-Viverito, Mealy, Garodnick, Rodriguez and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to Staten Island ferry service and to repeal subdivision c of section 19-305 of the administrative code of the city of New York, relating to Staten Island ferry service.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. It shall be the policy of the city of New York that the Staten Island Ferry operate in such a way that, absent emergencies or exigent circumstances, a ferry never departs more than thirty minutes after the departure of a previous ferry from the same terminal. The standard of "no more than thirty minutes between departures" shall exist twenty-four hours per day, seven days a week, three hundred and sixty-five days a year.

§2. Subdivision a of section 19-305 of the administrative code of the city of New York, as added by local law number 55 for the year 2005, is amended to read as follows:

§19-305[.] Staten Island Ferry service. a. Any city owned and operated ferry operating between the Whitehall terminal in the borough of Manhattan and the St. George terminal in the borough of Staten Island shall operate, at a minimum, according to the following schedule: (i) On monday through friday, except on legal holidays, a ferry shall depart from the Whitehall terminal in the borough of Manhattan every twenty minutes between 6:30 a.m. and 8:30 a.m.; every fifteen minutes between 8:30 a.m. and 9:30 a.m.; every thirty minutes between 9:30 a.m. and 4:00 p.m.; every twenty minutes between 4:00 p.m. and 5:00 p.m.; every fifteen minutes between 5:00 p.m. and 7:00 p.m.; every twenty minutes between 7:00 p.m. and 8:00 p.m.; every thirty minutes between 8:00 p.m. and 1:30 a.m.; and every hour between 2:00 a.m. and 6:00 a.m.

(ii) On monday through friday, except on legal holidays, a ferry shall depart from the St. George terminal in the borough of Staten Island at 5:30 a.m.; every twenty minutes between 6:00 a.m. and 7:00 a.m.; every fifteen minutes between 7:00 a.m. and 9:00 a.m.; every thirty minutes between 9:00 a.m. and 3:30 p.m.; every twenty minutes between 3:30 p.m. and 5:30 p.m.; every fifteen minutes between 5:30 p.m. and 7:00 p.m.; every thirty minutes between 7:00 p.m. and 1:00 a.m.; and every hour between 1:00 a.m. and 5:00 a.m.

(iii) On Saturdays, except on legal holidays, service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every [hour except between the hours of 6:00 a.m. and 7:00 p.m., in which case service shall be every] thirty minutes *except between the hours of 2:00 a.m. and 6:00 a.m., in which case service shall be every hour.*

(iv) On Sundays, except on legal holidays, service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every [hour except between the hours of 9:00 a.m. and 7:00 p.m., in which case service shall be every] thirty minutes *except between the hours of 2:00 a.m. and 9:00 a.m., in which case service shall be every hour.*

(v) On legal holidays, service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall include ferry departures every thirty minutes between the hours of 7:00 a.m. and 7:00 p.m.

(vi) *On or before May 1, 2015, service both to and from Manhattan's Whitehall terminal and Staten Island's St. George terminal shall be every thirty minutes at all times except when more frequent service is required by this subdivision.*

(vii) *If the department in consultation with the office of the mayor determines that it is not economically feasible to fully expand service pursuant to paragraph (vi) of this subdivision, the department in consultation with the office of the mayor shall provide a report to the mayor, speaker of the council, and the borough presidents of Manhattan and Staten Island describing the reasons why fully expanding such service is not economically feasible by April 1, 2015, which shall include but not be limited to the following factors: an analysis of ridership numbers, including a breakdown by time of trip, day and month of the year; a review of any recent or anticipated economic development or other economic or population changes that have affected or could affect ridership numbers; and plans for future expansion in service and a timeline for such expansion. Every two years thereafter by April 1 the department in consultation with the office of the mayor shall review such determination and provide a report to the mayor, speaker of the council, and*

the borough presidents of Manhattan and Staten Island, including but not limited to the foregoing factors as well as a description of any expansion of service since the enactment of the local law that added this paragraph.

§ 3. Subdivision c of section 19-305 of the administrative code of the city of New York is hereby REPEALED.

§4. This local law shall take effect immediately, except that paragraphs (iii) and (iv) of subdivision a of section 19-305 of the administrative code of the city of New York, as amended by section two of this local law, shall take effect one hundred eighty days after enactment of this local law, unless the department of transportation determines that staffing levels are not adequate to permit s

uch increased weekend service and has informed the council in writing of such inadequacy prior to such effective date, in which case this local law shall take effect upon certification by the department of transportation that such staffing levels are adequate to permit such increased service, but in no event more than eighteen months following enactment.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, DARLENE MEALY, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, October 7, 2013.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Shirley Ann Segarra	130 Columbia Street #13B New York, N.Y. 10002	2
Ravenna Won	327 St Nicolas Avenue #1E New York, N.Y. 10027	7
Ma Quinones	2501 Davidson Avenue #3C Bronx, N.Y. 10468	14
Robert Charles Gadson Jr.	2253 Bassford Avenue Bronx, N.Y. 10457	15
Ramsey Alqaisi	47-35 159 th Street Flushing, N.Y. 11358	20
Dharmindra Dhanraj	178-10 Wexford Terrace #5P Jamaica, N.Y. 11432	24
Jesse Maneiro	185-01 Hillside Avenue #6G Jamaica, N.Y. 11432	24
Ka Po Lau	15 Tony Court Staten Island, N.Y. 10305	50

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Barbara Chiman	311 East 50 th Street New York, N.Y. 10022	5
Evelyn Negron	528 East 139 th Street Bronx, N.Y. 10454	8
Linda Singleton	20 East 179 th Street #3A Bronx, N.Y. 10453	16
Claudia P. Torres	199-39 34 th Avenue Queens, N.Y. 11358	19
Diana Vaz-Phoenix	164-30 109 th Road Jamaica, N.Y. 11433	27
Roberta M. Williams	200-04 116 th Avenue Queens, N.Y. 11412	27

Brenda Carter	153-29 110 th Road Queens, N.Y. 11433	28
Crystal A. Nixon	130-16 Foch Blvd Jamaica, N.Y. 11420	28
Marlene J. Reed	109-44 160 th Street 41C Queens, N.Y. 11433	28
Ahelia Chankar	130-30 Springfield Blvd Springfield Gardens, N.Y. 11413	31
Marlene Potter	8200 Shore Front Parkway #9L Queens, N.Y. 11693	32
Anthony Pantano	90 President Street Brooklyn, N.Y. 11231	39
Betty L. Ferguson	2204 Dean Street Brooklyn, N.Y. 11233	41
Melissa Ashton	133 East 89 th Street Brooklyn, N.Y. 11236	45
Kelly Wallace	1088 Bergan Avenue Bsmt Brooklyn, N.Y. 11234	46
Valeriy Verkhovskiy	2901 Avenue I #30 Brooklyn, N.Y. 11210	48
Melvin H. Jackson	100 Stuyvesant Place Staten Island, N.Y. 10301	49
Vincent T. D'Ambrosio	109 Radcliff Road Staten Island, N.Y. 10305	50
Brenda A. Hamilton	372 Westwood Avenue Staten Island, N.Y. 10314	50
Lillian L. Lagazzo	201 Greeley Avenue Staten Island, N.Y. 10306	50
Theresa M. Morace	350 London Road Staten Island, N.Y. 10306	50
Patricia M. Canepa	3642 Amboy Road Staten Island, N.Y. 10308	51
Denzil Klippel	27 Waterside Pwky Staten Island, N.Y. 10308	51

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) **M 1257 & Res 1959 -** Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2014 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. **(MN-1)**
- (2) **Int 598 –** In relation to the establishment of the SoHo business improvement district.
- (3) **Int 1049-A -** In relation to Staten Island ferry service and to repeal subdivision c of section 19-305 of the administrative code of the city of New York, relating to Staten Island ferry service.
- (4) **Int 1129-A –** In relation to creating a food service establishment inspection ombuds office within the New York city department of health and mental hygiene.
- (5) **Int 1132-A -** In relation to requiring the department of health and mental hygiene to develop and disseminate a food service establishment inspection code of conduct
- (6) **Int 1134-A -** In relation to the creation of a Food Service Establishment Advisory Board.
- (7) **Int 1141-A -** In relation to Food Service Establishment Sanitary Inspection Data.
- (8) **Int 1146-A -** In relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.
- (9) **Res 1955 -** Council of the City of New York adopting the provisions of the "New York city Hurricane Sandy filing fee exemption and

- reimbursement act”
- (10) **Res 1957 -** Designation of funding in the Expense Budget (**Transparency Resolution**).
- (11) **L.U. 876 & Res 1960 -** App. N **130220 ZRQ**, amendment to the Zoning Resolution relating to Article XII, Chapter 4 (Special Willets Point District), Section 124-60 (Special Permit to Modify Use and Bulk Regulations) to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special District, in Community District 7, Borough of Queens, Council District 21.
- (12) **L.U. 877 & Res 1961 -** App. C **130222 ZSQ**, Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.
- (13) **L.U. 878 & Res 1962 -** App. C **130223 ZSQ**, Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.
- (14) **L.U. 879 & Res 1963 -** App. C **130224 ZSQ**, Zoning Resolution to modify the applicable use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.
- (15) **L.U. 880 & Res 1964 -** App. C **130225 ZSQ**, Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.
- (16) **L.U. 881 & Res 1965 -** App. M **080221(A) MMQ**, amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President, Borough of Queens, Community District 7, Council District 21.
- (17) **L.U. 885 & Res 1966 -** App. C **130214 ZMM**, amendment to the Zoning Map, Section No. 9a, to rezone from an M3-2 District to a C1-9 District and an M1-4 District, certain property in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.
- (18) **L.U. 886 & Res 1967 -** App. N **130215 ZRM**, 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.
- (19) **L.U. 887 & Res 1968 -** App. C **130216 ZSM**, 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.
- (20) **L.U. 888 & Res 1969 -** App. C **130217 ZSM**, 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.
- (21) **L.U. 889 & Res 1970 -** App. C **130218 ZSM**, 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.
- (22) **L.U. 890 & Res 1971 -** App C **130219 PPM**, 524-540 East 74th Street, aka 525-545 East 73rd Street (Block 1485, Lot 15), Borough of Manhattan, Community District 8, Council District 5.
- (23) **L.U. 891 & Res 1972 -** App. C **110154 ZSX**, 731 Southern Boulevard, in an R7-1 District, Borough of Bronx, Community District 2, Council District 17 (**Coupled to be Disapproved**).
- (24) **L.U. 892 & Res 1973 -** App. C **120326 MMK**, amendment to the City Map involving the elimination, discontinuance and closing of a portion of: Campus Road; Avenue H; and Amersfort Place; and authorizing acquisition or disposition of real property related thereto, Borough of Brooklyn, Community District 14, Council District 45.
- (25) **L.U. 893 & Res 1974 -** App. C **130306 ZMK**, amendment of the Zoning Map, Section No. 23a: changing a portion of a C8-2 District to an R6 District; and establishing within a proposed R6 District a C2-4 District, Borough of Brooklyn, Community District 14, Council District 45.
- (26) **L.U. 902 & Res 1975 -** App. N **130263 ZRM** 205 East 92nd Street, Borough of Manhattan, Community District 8, Council District 4.
- (27) **L.U. 903 & Res 1976 -** App. C **130191 ZSQ**, 22-44 Jackson Avenue, in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District in the Borough of Queens, Community District 2, Council District 26.
- (28) **L.U. 904 & Res 1977 -** App. N **090485 ZRQ**, amendment to Zoning Resolution, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing; Article VI, Chapter 2 relating to waterfront areas; Article VI, Chapter III relating to FRESH food stores; and Article VII, Chapter 4 relating to large scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.
- (29) **L.U. 905 & Res 1978 -** App. C **090484 ZMQ** amendment to the Zoning Map, Section No. 9a, changing from an R6 District to a M1-1 District and changing from M1-1 to R6 and R7-3 Districts; and establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a proposed former portion of park,

- within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.
- (30) **L.U. 906 & Res 1979 -** App. C **130244 ZSQ**, Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 and to modify the distance between buildings requirements of Section 23-711, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.
- (31) **L.U. 907 & Res 1980 -** App. C **090486 ZSQ**, Zoning Resolution to permit transfer of floor area and modification of lot coverage and bulk regulations, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.
- (32) **L.U. 908 & Res 1981 -** App. N **090487 ZAQ**, Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 for waterfront public access areas and visual corridors, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.
- (33) **L.U. 909 & Res 1982 -** App. C **130068 MMQ**, 26th Avenue, 27th Avenue, Astoria Boulevard and a Park, the delineation of a street easement and the establishment of a Park, including authorization for any disposition or acquisition of real property related thereto, in the Borough of Queens, Community District 1, Council District 22.
- (34) **L.U. 919 & Res 1983 -** App. **20145061 HAK**, 178 Rockaway Avenue (Block 1567, Lot 31); 275 Menahan Street (Block 3309, Lot 32); 663 Willoughby Avenue (Block 1761, Lot 70); 76 Grove Street (Block 3322, Lot 10); 717 Flushing Avenue (Block 2276, Lot 3); 160 Glenmore Avenue (Block 3709, Lot 115); and 877 Dumont Avenue (Block 4061, Lot 1), in the Borough of Brooklyn, Community Boards 1, 3, 4, 5, and 16, Council Districts 33, 34, 36, 37, 41, and 42.
- (35) **L.U. 921 & Res 1984 -** App. N **130331(A) ZRY** amendments to the Zoning Resolution, pertaining to enabling flood resilient construction within flood zones located throughout New York City.
- (36) **L.U. 934 & Res 1985 -** App. C **130273 ZMX**, oad rezoning, affecting all or part of a 12-block area in the Belmont neighborhood of the Borough of the Bronx, Community District 6, Council Districts 11 and 15.
- (37) **L.U. 935 & Res 1986 -** App. N **130274 ZRX**, amendment of the Zoning Resolution, Appendix F, to apply the Inclusionary Housing Program to East Fordham Road between Bathgate Ave and Southern Blvd, in the Borough of the Bronx, Community District 6, Council Districts 11 and 15.
- (38) **L.U. 943 & Res 1987 -** App. **20145082 HAX**, at 384 Grand Concourse, 1038 Rogers Place, 1129 Morris Avenue and 1202 Clay Avenue in the Borough of the Bronx, Community Districts 1, 2, and 4, Council Districts 16 and 17.

(39) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 876 & Res No. 1960, LU No. 877 & Res No. 1961, LU No. 878 & Res No. 1962, LU No. 879 & Res No. 1963, LU No. 880 & Res No. 1964, and LU No. 881 & Res No. 1965:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **42**.

Negative – Barron, Dromm, and Halloran - **3**.

Abstention – Vallone, Jr.- **1**.

The following was the vote recorded for **LU No. 885 & Res No. 1966, LU No. 886 & Res No. 1967, LU No. 887 & Res No. 1968, LU No. 888 & Res No. 1969, LU No. 889 & Res No. 1970, LU No. 890 & Res No. 1971:**

Affirmative – Arroyo, Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **45**.

Negative – Brewer – **1**.

The following was the vote recorded for **LU No. 902 & Res No. 1975:**

Affirmative – Arroyo, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **44**.

Negative – Barron and Brewer – **2**.

The following was the vote recorded for **LU Nos. 904 & Res No. 1977, LU Nos. 905 & Res No. 1978, LU Nos. 906 & Res No. 1979, LU Nos. 907 & Res No. 1980, LU Nos. 908 & Res No. 1981, LU Nos. 909 & Res No. 1982:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

Negative – Barron – **1**.

The following was the vote recorded for **LU No. 921 & Res No. 1984**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Reyna, Richards, Rodriguez, Rose, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

Negative – Ulrich – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 598, 1049-A, 1129-A, 1132-A, 1134-A, 1141-A, and 1146-A.

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

RESOLUTIONS

Presented for voice-vote

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

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

Report for voice-vote Res. No. 1953

Report of the Committee on Public Housing in favor of approving a Resolution authorizing the Speaker to bring or join in litigation or to file or join an amicus brief on behalf of the Council, for the purpose of challenging the Land Lease Initiative Request for Expressions of Interest issued by the New York City Housing Authority on August 16, 2013.

The Committee on Public Housing, to which the annexed resolution was referred on October 9, 2013, respectfully

REPORTS:

Introduction

On October 7, 2013, the Committee on Public Housing, chaired by Council Member Rosie Mendez, will consider a Preconsidered Resolution authorizing the Speaker to bring or join in litigation or to file or join an amicus brief on behalf of the Council, for the purpose of challenging the Land Lease Initiative Request for Expressions of Interest issued by the New York City Housing Authority (“NYCHA”) on August 16, 2013.

Background on NYCHA

Former New York City Mayor Fiorello La Guardia created NYCHA in 1934 – three years before the advent of federal public housing.¹ NYCHA originally served two purposes: (1) to provide low-cost housing for middle-class, working families temporarily unemployed because of the Depression and (2) to bolster the lagging economy by creating jobs for the building trades.² Later, NYCHA’s purpose evolved into providing safe, decent housing for families with the lowest incomes.³

The first NYCHA development – “First Houses” – was built in 1935 and contained 123 public housing units.⁴ By 1942, NYCHA had 12 developments and 13,180 units.⁵ Today, NYCHA has 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing authority in North America.⁶ NYCHA also administers Section 8 affordable housing vouchers for 92,561 apartments.⁷ All told, NYCHA serves a community of 621,212 people, roughly the population of Boston.⁸

NYCHA is a “public benefit corporation,”⁹ a “public housing agency” under the United States Housing Act of 1937,¹⁰ an “authority” under the New York State Public Housing Law,¹¹ a “local authority” under the New York State Public Authorities Law,¹² and a City agency.¹³ In addition to applicable federal and state law, NYCHA must abide by the City’s laws and rules related to planning, zoning, sanitation, building, and housing maintenance.¹⁴

NYCHA’s Land-Lease Plan

In December 2011, NYCHA released its five-year strategic plan – *Plan NYCHA: A Roadmap for Preservation*, which included an “imperative” to “develop new mixed-use, mixed-income housing and resources.”¹⁵ According to that imperative, NYCHA would:

- “Create and implement a clear, long-term development strategy for the entire NYCHA portfolio, including all land and development assets that could potentially accommodate new housing”;
- “Conduct a comprehensive analysis of NYCHA land to determine the most beneficial uses”;
- “Create a long-term plan for maximizing the value of NYCHA’s assets, including the land, buildings, and development rights”; and
- “Generate revenue to fund ongoing operations and capital improvements for existing public housing from ground leases, or partnership leases.”¹⁶

In September 2012, the chairman of NYCHA’s governing board announced that NYCHA had undertaken “a comprehensive review of NYCHA’s real estate footprint with a goal of offering NYCHA-owned sites for the development of market rate and affordable housing, and, in some cases, commercial, retail, and community facilities.”¹⁷ According to the chairman, the review showed that, by leasing certain sites, NYCHA could “generate hundreds of millions of dollars” and create “thousands” of new market-rate apartments and “at least 1,000 permanently affordable apartments.”¹⁸ The chairman also promised that NYCHA would consult with stakeholders before selecting sites: “After we’ve engaged our residents, elected officials, and other community leaders, we will finalize a list of sites and, early in the New Year, release a Request for Proposals seeking development at these locations.”¹⁹

At the end of January 2013, NYCHA announced its “infill development plan” or “land-lease plan,” which it outlined as follows:

- NYCHA would lease fifteen to eighteen pre-selected sites at eight different Manhattan developments to private developers. NYCHA targeted sites (1) in neighborhoods with relatively high rents, (2) where NYCHA has development rights and there is “excess floor area,” (3) where no demolition would be required and (4) where the site was not deep within a development campus.
- The proposed sites contain mostly parking lots, trash yards, and an old community center. NYCHA would relocate the parking spaces before construction begins.
- The sites would be ground-leased to private developers who would build mixed housing creating 80% market-rate apartments and 20% affordable apartments. There would be a total of 4,300 new apartments, and 860 of them would be affordable.
- The private developers would have to build enhanced security systems for *existing* developments where the new buildings would be located. The developers would also have to install an electrical generator system in each new building capable of providing emergency power to the surrounding campus.
- The plan would generate \$30 million to \$40 million annually for NYCHA.
- There are other viable sites at other developments, and NYCHA wants to lease those in the future.

On April 5, 2013, this Committee held an oversight hearing regarding the land-lease plan and considered Res. 1719, a resolution calling upon NYCHA to meaningfully engage residents on proposed lease plans, to provide predominantly and permanently affordable units, and to include certain requirements in any ground leases for NYCHA land.²⁰ Representatives of NYCHA, including its chairman, appeared and testified that, under the plan, NYCHA would lease fourteen sites at eight different Manhattan developments to private developers.²¹ NYCHA would require the developers to build over 3.7 million square feet of residential space; 18,500 square feet of commercial space (at Meltzer Tower); and 500,000 square feet of “revenue generating community facility floor area” (at Carver Houses) on the leased sites.²² The sites currently contain approximately 325,322 square feet of land, 614 parking spaces, three compactor yards, at least two basketball or handball courts, a paved baseball field, an outdoor plaza and seating area, a community center, and at least one landscaped area.²³

Within the new residential spaces, NYCHA testified that it would require developers to build approximately 4,000 new apartments.²⁴ NYCHA would allow most of the new apartments to be market-rate, but would require that at least 20% be “affordable.”²⁵ NYCHA also testified that “NYCHA residents and wait list applicants will be given a preference for the affordable units.”²⁶

The 20% affordability requirement would allow developers to seek 421-a tax benefits and to qualify for 10 to 20 years of tax abatements.²⁷ Normally, apartments subject to such tax benefits only have to stay affordable during the period of tax exemption or abatement, but NYCHA testified that it would require “permanent” affordability for the 99-year ground lease term.²⁸

NYCHA estimated that its plan would generate \$30 million to \$50 million annually and promised that “every single penny of this money will be used for capital improvements[,] will upgrade apartments, fix roofs, rehabilitate elevators and restore public housing building facades throughout the NYCHA portfolio with an initial

emphasis on the eight [developments] where [infill] building will take place.”²⁹ NYCHA testified that the plan would “create new construction and permanent jobs for NYCHA residents”³⁰ and would give residents at the affected developments “the benefit of enhanced security and alternative power for elevators, heat and hot water during service outages and other emergencies.”³¹

In addition to NYCHA's testimony, at the April 5th hearing, the Committee also received public testimony from stakeholders including:

- Manhattan Borough President Scott M. Stringer, who urged NYCHA to follow the City's Uniform Land Use Review Procedure (“ULURP”) before proceeding with its land-lease plan;
- Citizens' Committee for Children of New York, which testified in support of Res. 1719 and expressed concerns about the plan, particularly with respect to the need for notice and consultation with affected stakeholders, the affordability of new units, and the plan's impact on community-based services;
- The Legal Aid Society, which testified in support of Res. 1719 and called on NYCHA to delay issuing an RFP until there was a meaningful community engagement process and dialogue concerning the details of the plan and called for more stringent standards for resident and community involvement;
- Community Service Society, which testified in support of Res. 1719 and called on NYCHA to be more transparent in its approach to land-lease plans and allow sufficient time for resident and community leaders to have an effective voice in the process;
- Urban Justice, which testified in support of Res. 1719 and expressed concerns with the land-lease plan;
- United Neighborhood Houses, which testified in support of Res. 1719 and expressed concerns with the land-lease plan;
- Metro IAF, Manhattan Together, and South Bronx Churches, which jointly testified in support of land-lease plans as a concept, but expressed concerns about NYCHA's current land-lease plan regarding the degree of NYCHA's engagement with residents and the number of affordable units;
- Mason Tenders' District Council of Greater New York, which testified about the importance of providing jobs for public housing residents;
- Bricklayers and Allied Craftworkers, Local 1, which testified about the importance of providing jobs for public housing residents; and
- The Alfred E. Smith Resident Association, which testified against the land-lease plan.

On April 9, 2013, the Committee, and subsequently the Council, adopted Res. 1719.

On May 17, 2013, the Committee considered another resolution concerning the land-lease plan: Res. 1770, a Resolution calling upon the New York State Legislature to enact the “NYCHA Real Property Public Review Act” requiring that any disposition of land or buildings by NYCHA be subject to and comply with the provisions of ULURP.³² At that hearing, the Committee received public testimony supporting Res. 1770 from Senator Brad Hoylman and Assemblyman Keith Wright, the sponsors of NYCHA Real Property Public Review Act;³³ Urban Justice; Community Service Society; Manhattan Community Board 7; Manhattan Community Board 3; and NYCHA residents. The Committee, and subsequently the Council, adopted Res. 1770 on May 22, 2013.

On August 16, 2013, NYCHA issued a Land Lease Initiative Request for Expressions of Interest (“REI”) inviting developers to “provide a submission for the design, construction and operation of mixed-income rental housing (with retail, commercial or community facility space where permitted and applicable) on 14 development parcels” consistent with NYCHA's land-lease plan.³⁴

Considering the potential long-term impact the land-lease plan will have on the affected developments, the neighborhoods in which these developments are located and on NYCHA in general, the Committee is concerned that NYCHA has not adequately engaged residents, resident leaders, elected officials, and other community stakeholders in considering and developing its plan. The Committee is also concerned that certain aspects of the plan will not benefit the community. For example, the Committee is particularly concerned that the proposed new apartments will predominantly be “market rate” units, which will leave them entirely out of reach of lower and moderate income New Yorkers. The Committee believes this is inconsistent with both the needs of the city and the purpose of NYCHA. By failing to address these concerns, and by failing to develop its land-lease plan in concert with residents, resident leaders, elected officials, and other community stakeholders, NYCHA has not meaningfully engaged the community as necessary.

Preconsidered Res. No. 1953

The Preconsidered Resolution under consideration today authorizes the Speaker to bring or join in litigation or to file or join an amicus brief on behalf of the Council,

for the purpose of challenging the Land Lease Initiative Request for Expressions of Interest issued by NYCHA on August 16, 2013.

¹ Peter Marcuse, “The Beginnings of Public Housing in New York,” *Journal of Urban History* 12(4) at 353-54 (1986); *see also* NYCHA Housing Developments, La Guardia & Addition, available online at <http://www.nyc.gov/html/nycha/html/developments/manlaguardiaadd.shtml> (last accessed Sept. 12, 2013).

² Marcuse, 353-54; J.A. Stoloff, “A Brief History of Public Housing,” *Paper presented at August 14 meeting of the American Sociological Association*, at 3 (2004).

³ Marcuse, 354; Stoloff, 1; *see also* Judith D. Feins, et al., “Revised Methods of Providing Federal Funds for Public Housing Agencies,” *US Department of Housing and Urban Development*, at 9 (1994).

⁴ Marcuse, 356.

⁵ Nicholas Dagen Bloom, “Public Housing That Worked: New York in the Twentieth Century,” *University of Pennsylvania Press*, at 43 (2008).

⁶ *See* NYCHA's Fact Sheet available online at <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml> (last accessed Sept. 12, 2013).

⁷ *Id.*

⁸ *Id.*

⁹ New York State Public Housing Law § 3.

¹⁰ *See* 42 USC § 1437a(b)(6); Public Housing Law §§ 3, 220, 400 and 401.

¹¹ *See* Public Housing Law §§ 3 and 56.

¹² *See* Public Authorities Law § 2(2).

¹³ *Bass v. New York*, 38 AD2d 407, 410 (2d Dept 1972).

¹⁴ *See* 24 CFR §§ 5.703(g) and 902.20(e); Public Housing Law § 155.

¹⁵ *Plan NYCHA*, available online at <http://www.nyc.gov/html/nycha/downloads/pdf/plan-nycha.pdf>.

¹⁶ *Id.*

¹⁷ Speech of NYCHA Chairman John B. Rhea to Association for a Better New York on September 24, 2012 (“ABNY Speech”).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Materials concerning the Committee's April 5, 2013 oversight hearing, including a transcript and copy of Res. 1719, are available online at legistar.council.nyc.gov (as of Oct. 3, 2013).

²¹ Transcript of the Committee's April 5, 2013 oversight hearing (“April 5th Transcript”), 20.

²² *See* NYCHA's Land Lease Plan available online at <http://www.nyc.gov/html/nycha/html/preserving/leasing-land.shtml> (as of Oct. 3, 2013).

²³ April 5th Transcript, 4-5.

²⁴ April 5th Transcript, 20.

²⁵ April 5th Transcript, 5, 20; NYCHA's Fact Sheet available online at

<http://www.nyc.gov/html/nycha/html/about/factsheet.shtml> (as of Oct. 3, 2013).

²⁶ April 5th Transcript, 23.

²⁷ *See generally* HPD's description of 421-a Affordable Housing Program available online at <http://www.nyc.gov/html/hpd/html/developers/ahp.shtml>; *see also* April 5th Transcript, 91.

²⁸ April 5th Transcript, 20.

²⁹ April 5th Transcript, 20-21.

³⁰ April 5th Transcript, 21.

³¹ April 5th Transcript, 21.

³² Materials concerning the Committee's May 17, 2013 hearing, including a transcript and copy of Res. 1770, are available online at legistar.council.nyc.gov (as of Oct. 3, 2013).

³³ New York Senate-Assembly Bill S4641, A6964.

³⁴ *See* REI, 1, 6, available online at <http://www.nyc.gov/html/nycha/downloads/pdf/nycha-land-lease-initiative-rfei.pdf> (as of Oct. 3, 2013).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

ROSIE MENDEZ, Chairperson; MARIA del CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, JAMES G. VAN BRAMER; Committee on Public Housing, October 7, 2013.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1953

Resolution authorizing the Speaker to bring or join in litigation or to file or join an amicus brief on behalf of the Council, for the purpose of challenging the Land Lease Initiative Request for Expressions of Interest issued by the New York City Housing Authority on August 16, 2013.

By the Speaker (Council Member Quinn) and Council Members Mendez, Arroyo, Chin, Van Bramer, Comrie, Jackson, Koo, Koppell, Mark-Viverito, Richards and Williams.

Whereas, NYCHA was created for the purpose of providing affordable housing to low-income New Yorkers; and

Whereas, On August 16, 2013, the New York City Housing Authority

(“NYCHA”) issued a Land Lease Initiative Request for Expressions of Interest (“Land Lease Initiative”), which, among other things, invited private land developers to “submit proposals for the design, construction and operation of mixed-income rental housing (with retail, commercial or community facility space where permitted and applicable) on 14 development parcels (‘Development Parcels’ or ‘Parcels’);” and

Whereas, The Development Parcels are located within eight NYCHA residential campuses in Manhattan, south of 104th Street; and

Whereas, NYCHA reserves the right to issue a conditional designation letter and enter into negotiations to award a contract to a proposer submitting the most exceptional response to the Land Lease Initiative; and

Whereas, Under the Land Lease Initiative, NYCHA plans to convey each of the Development Parcels to a selected developer through a 99-year ground lease; and

Whereas, Only 20% of the housing units developed on each Parcel would have to be affordable to households earning up to 60% of area median income; and

Whereas, State law requires that NYCHA submit any plan or project to the local legislative body for approval; and

Whereas, NYCHA has not submitted the Land Lease Initiative for approval by the Council; and

Whereas, Federal law requires NYCHA to submit an annual plan; and

Whereas, The annual plan NYCHA submitted for 2013 does not provide a detailed description of the Land Lease Initiative as required by federal law; now, therefore, be it

Resolved, That the Speaker is authorized to bring or join in litigation or to file or join an amicus brief on behalf of the Council, for the purpose of challenging the Land Lease Initiative Request for Expressions of Interest issued by the New York City Housing Authority on August 16, 2013.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Public Housing).

Res. No. 1954

Resolution calling upon the Port Authority of New York and New Jersey to amend its contract with Boingo Wireless, Inc. in order to provide free Internet access at its three major airports.

By Council Members Brewer, Cabrera, Comrie, Jackson, James, Koo, Levin, Richards, Rose, Williams and Rodriguez.

Whereas, In 1999, the Port Authority of New York and New Jersey signed a 15-year contract which gives Boingo Wireless, Inc. exclusive rights to provide wireless Internet access at LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport; and

Whereas, The contract can be renewed for another 10 years during a six-month window which began in August 2013; and

Whereas, Boingo currently charges \$4.95 per hour or \$7.95 for 24 hours for wireless Internet access at the three airports; and

Whereas, According to a July 2013 survey conducted by the Global Gateway Alliance, 15 of the 20 largest airports in the country provide free wireless Internet access and, despite being the largest airport system in the country, LaGuardia, JFK and Newark are three of the five busiest airports in the nation without free wireless Internet access; and

Whereas, Boingo already offers free advertising-support wireless Internet access at other locations, including Calgary International Airport; and

Whereas, Free wireless Internet access has become increasingly commonplace at various public spaces and facilities, reflecting our society’s growing reliance on consistent access to technology and the Internet for both work and leisure; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Port Authority of New York and New Jersey to amend its contract with Boingo Wireless, Inc. in order to provide free Internet access at its three major airports.

Referred to the Committee on Technology.

Preconsidered Res. No. 1955

Resolution of the Council of the City of New York adopting the provisions of the “New York city Hurricane Sandy filing fee exemption and reimbursement act” to authorize exemptions and refunds for filing fees related to Federal Small Business Administration Disaster Loans given for Hurricane Sandy relief pursuant to Chapter 380 of the laws of New York of 2013.

By Council Members Fidler, Recchia, the Speaker (Council Member Quinn), Chin, Garodnick, Gonzalez, Levin, Mendez, Nelson, Richards, Rose, Vacca, Van

Bramer, Comrie, Jackson, James, Koo, Koslowitz, Lander, Mark-Viverito, Reyna, Vann, Williams, Rodriguez, Eugene, Ignizio, Oddo, Ulrich and Halloran.

Whereas, On September 27, 2013, Governor Andrew Cuomo signed the “New York city Hurricane Sandy filing fee exemption and reimbursement act,” Chapter 380 of the laws of New York of 2013 (the “Act” or “Chapter 380”) following the passage by the State Legislature of A07996/S05796, authorizing New York City to grant exemptions and refunds for filing fees related to Federal Small Business Administration Disaster Loans given for Hurricane Sandy relief; and

Whereas, The Act applies only to an eligible city when the city council has enacted a resolution adopting the provisions of the Act within 30 days of its effective date; and

Whereas, In accordance with Chapter 380 and this resolution, all filings with the county clerk’s office, or the office of the City register, filed between the period beginning October 28, 2012 and ending December 31, 2013 related to a United States Small Business Administration Disaster Loan as defined in 15 U.S.C.S. section 636(b)(1) shall be exempt from any filing fees required pursuant to sections 8019 and 8021 of the civil practice law and rules; and

Whereas, Any person or entity that paid filing fees required by sections 8019 and 8021 of the civil practice law and rules, to the county clerk’s office or the office of the city register, between the period beginning October 28, 2012 and ending December 31, 2013, due to any filings related to a U.S. Small Business Administration Disaster Loan as defined in 15 U.S.C.S. section 636(b)(1), shall receive a reimbursement of all such fees; and

Whereas, Before any reimbursement is paid, the county clerk or the office of the city register shall notify the commissioner of education in writing of any amounts which have been collected on behalf of and remitted to the commissioner of education, pursuant to section 8021 of the civil practice law and rules, which must be reimbursed pursuant to this resolution. Upon such notice, the commissioner of education shall remit such amounts to the City of New York within fifteen days of notice. Upon receipt of such payment from the commissioner of education to the City of New York the county clerk or the office of the city register shall reimburse the full amount of fees paid to an eligible person or entity pursuant to this resolution; now, therefore, be it

Resolved, That the Council of the City of New York adopts the provisions of the “New York city Hurricane Sandy filing fee exemption and reimbursement act” to authorize exemptions and refunds for filing fees related to Federal Small Business Administration Disaster Loans given for Hurricane Sandy relief pursuant to Chapter 380 of the laws of New York of 2013.

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

Int. No. 1166

By Council Members Koslowitz, Chin, Comrie, James, Koo, Rose, Gennaro and Van Bramer.

A Local Law to amend the New York city charter and local law number 61 of the year 1991, in relation to certain entities under contract with the department of small business services.

Be it enacted by the Council as follows:

Section 1: Paragraph b of subdivision 1 of section 1301 of the New York City Charter is amended to read as follows:

b. to serve as liaison for the city with local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contract with a local development corporation *or not-for profit corporation of which a majority of its members are appointed by the mayor* under which such [local development corporation] *contracted entity* is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such [local development corporation] *contracted entity*:

(i) submit to the mayor, the council, the city comptroller, the public advocate and the borough presidents by January 31 of each year, a report for the prior fiscal year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such [local development corporation] *contracted entity* for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such [local development corporation] *contracted entity* in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of city-owned land where the project is estimated to retain or create not less than twenty-five jobs. The report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a lease or sale of city-owned land, each annual report shall include only (1) a list of

each existing lease, regardless of when such lease commenced, and a list of each sale of city-owned land that closed on or after January 1, 2005, and (2) for such leases or sales, any terms or restrictions on the use of the property, including the rent received for each leased property in the prior fiscal year, and for sales, the price for which the property was sold and any terms or restrictions on the resale of the property, and need not include any other information with regard to such lease or sale of a type required for reports for other projects hereunder. Information on any such lease shall be included until the lease terminates and information on sales of city-owned land shall be included for fifteen years following closing. The report, other than for leases or sales of city-owned land, shall contain, for the prior fiscal year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as a result of the project, and where applicable, any job creation targets for the current reporting year; (viii) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the project, excluding real property tax revenue other than revenue generated by property tax improvements; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees and to all part-time employees; (xii) for the current reporting year, for employees at each site covered by the project in the categories of industrial jobs, restaurant jobs, retail jobs, and other jobs, including all permanent and temporary full-time employees, permanent and temporary part-time employees, and contract employees, the number and percentage of employees earning less than a living wage, as that term is defined in section 134 of title 6 of the administrative code of the city of [new york] *New York*. Reports with regard to projects for which assistance was received prior to July 1, 2012 need only contain such information required by this paragraph as is available to the city, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided; (xiii) for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York. For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xiv) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xvi) a statement of compliance indicating whether, during the current reporting year, the [local development corporation] *contracted entity* has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvii) for business entities for which project assistance was provided by [such local development corporation] *the contracted entity* in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, the data should be included in such report in the

aggregate using the format required for all other loans, grants or tax benefits; and (xviii) an indication of the sources of all data relating to numbers of jobs. For projects in existence prior to the effective date of this local law, information that business entities were not required to report to [such local development corporation] *the contracted entity* at the time that the project agreement and any other documents applicable to such project were executed need not be contained in the report.

The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the report shall simultaneously be made available in electronic form on the website of the [local development corporation] *contracted entity* or, if no such website is maintained, on the website of the city of New York, provided that reports submitted in 2012 or after shall simultaneously be made available in a commonly available non-proprietary database format on the website of the [local development corporation] *contracted entity* or, if no such website is maintained, on the website of the city of New York, except that any terms and restrictions on the use or resale of city-owned land need not be included in such non-proprietary database format, and provided further that with respect to the report submitted in 2012 in the commonly available non-proprietary database format, the [local development corporation] *contracted entity* shall include, in such format, the data included in the reports for the period from July 1, 2005 to June 30, 2010. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the [local development corporation] *contracted entity*, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided[.]; and

(ii) *submit to the council quarterly reports identifying the contracted entity's retention, employment or designation of, coordination or facilitation with, or provision of assistance including, but not limited to, the development or preparation of testimony, letters or other documents, financial, transportation or other support to a person or organization to engage in lobbying or lobbying activities directed at or before the council or any member thereof, the city planning commission, a borough president, a borough board or a community board; provided, however, that such reports need not identify any officer or employee of such contracted entity. The report shall set forth:*

a) *the name, address and telephone number of each person or organization so engaged;*

b) *a description of the subject or subjects on which the person or organization lobbied, including identification of the local law, resolution, real property or other matter on which the person or organization lobbied;*

c) *the person, and where applicable, the division or unit before which the person or organization lobbied and the dates on which such lobbying occurred; and*

d) *the amounts of all expenditures paid or owed by the contracted entity to a person or organization for the purpose of engaging in lobbying or lobbying activities related to the council or any member thereof, the city planning commission, a borough president, a borough board or a community board and any expenses expended, received or incurred by the person or organization for the purpose of lobbying before such bodies.*

The first such submission shall be provided no later than October 31, 2013 and shall cover the period from November 1, 2012 through September 30, 2013. All reports shall be filed thereafter within thirty days after the end of each quarter. For purposes of this subparagraph, the terms "lobbying" and "lobbying activities" shall be defined as set forth in section 3-211 of the administrative code of the city of New York.

§ 2. Paragraph b-1 of subdivision 1 of section 1301 of the New York City Charter, as added by local law number 48 of the year 2005, is amended to read as follows:

b-1. By March 1, 2007, and by March 1 every two years thereafter, the [local development corporation] *entity under contract with the department in furtherance of paragraph b of this subdivision*, in consultation with the speaker of the city council and other persons selected jointly by the mayor and the speaker of the city council, who have extensive experience and knowledge in the fields of finance, economics, and public policy analysis, shall evaluate the methodology employed for making the determinations required for this report and generate recommendations, where appropriate, on the methodology by which projects receiving economic development subsidies are evaluated. The department shall present to the mayor and the speaker no later than October 1 of every year in which such evaluation is required, a report containing such recommendations as are presented as a result of this review.

§ 3. Section 13 of local law number 61 of the year 1991 is amended to read as follows:

§13. Notwithstanding any provision of the charter to the contrary, the commissioner of *small business services* shall, no later than sixty days prior to entering into any contract with a local development corporation or *not-for-profit corporation of which the majority of its members are appointed by the mayor* for the provision of services to assist the department in performing any of the functions set forth in subdivision 2 of section 1301 of the charter where such functions were previously performed by the former department of ports and trade, provide the council with a copy of such proposed contract, together with a statement explaining the reasons which justify contracting for such purposes. The commissioner shall be authorized to enter into such contract unless, within such sixty day period, the council enacts a local law prohibiting the commissioner from contracting for such purposes.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Economic Development.

Res. No. 1956

Resolution calling upon the New York State Senate to pass, the New York State Assembly to introduce and pass, and the Governor to sign S.224, legislation that would amend the Real Property Tax Law to allow active military personnel who have been deployed to the Persian Gulf, Afghanistan or Iraq wars to qualify for the Veterans' Property Tax Exemption.

By Council Members Levin, Brewer, Cabrera, Chin, Comrie, Eugene, Gentile, Jackson, Koo, Koppell, Lander, Mark-Viverito, Mendez, Nelson, Reyna, Richards, Rodriguez, Rose, Vacca, Vann, Williams and Halloran.

Whereas, A real property tax is a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes; and

Whereas, In New York City, real property is assessed each year to determine its value and this assessment determines the amount of the Property Tax that will be charged upon the property; and

Whereas, Under New York State law, there are several types of real property tax exemptions, which reduce the assessed value of real property; and

Whereas, For example, property owners in New York City are eligible for the Veterans' Property Tax Exemption if they served during the Spanish American War, the Mexican Border Period conflict, World War I, World War II, the Korean War, the Vietnam War, or the Persian Gulf Conflict; and

Whereas, On January 9, 2013, New York State Senator Daniel Squadron introduced S.224, legislation that would amend the State Real Property Tax Law so that active military personnel who have deployed to the Persian Gulf, Afghanistan or Iraq wars would be eligible to receive the Veterans' Property Tax Exemption; and

Whereas, S.224 would also provide that any locality that provides a real property exemption to active military personnel serving in the Persian Gulf, Afghanistan or Iraq would be reimbursed by the State for the lost revenue as a result of the tax exemption; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate to pass, the New York State Assembly to introduce and pass, and the Governor to sign S.224, legislation that would amend the Real Property Tax Law to allow active military personnel who have been deployed to the Persian Gulf, Afghanistan or Iraq wars to qualify for the Veterans' Property Tax Exemption.

Referred to the Committee on Veterans.

Int. No. 1167

By Council Members Nelson, Eugene, James, Koo, Koppell and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to prior notice of hazardous conditions.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 7-201 of the administrative code of the city of New York is amended to read as follows:

c. 1. As used in this subdivision:

(a) The term "street" shall include the curbstone, an avenue, underpass, road, alley, lane, boulevard, concourse, parkway, road or path within a park, park approach, driveway, thoroughfare, public way, public square, public place, and public parking area.

(b) The term "sidewalk" shall include a boardwalk, underpass, pedestrian walk or path, step and stairway.

(c) The term "bridge" shall include a viaduct and an overpass.

2. No civil action shall be maintained against the city for damage to property or injury to person or death sustained in consequence of any street, highway, bridge, wharf, culvert, sidewalk or crosswalk, or any part or portion of any of the foregoing including any encumbrances thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless it appears that written notice of the defective, unsafe, dangerous or obstructed condition[,] was actually given to [the commissioner of transportation or] any person or department [authorized by the commissioner to receive such notice] whose duties include the inspection, maintenance, or repair of the same, or where there was previous injury to person or property as a result of the existence of the defective, unsafe, dangerous or obstructed condition, and written notice thereof was given to a city agency, or there was written acknowledgement from the city of the defective, unsafe, dangerous or obstructed condition, and there was a failure or neglect within fifteen days after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or the place otherwise made reasonably safe. *Notwithstanding the provisions of this subdivision, maintenance of the area extending not less than twelve inches outward from the perimeter of a roadway, sidewalk hardware or appurtenance, curb, pedestrian ramp, or tree well*

or pit in a safe and unobstructed state shall be the responsibility of the entity, utility company, city, municipality, public corporation, authority or agency that owns or operates such area, and no civil action shall be maintained against the city for damage to property or injury to person or death sustained in consequence of any such area being out of repair, unsafe, dangerous or obstructed.

3. The commissioner of transportation shall keep an indexed record in a separate book of all written notices which the city receives, and acknowledgement of which the city gives, of the existence of such defective, unsafe, dangerous or obstructed conditions, which record shall state the date of receipt of each such notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received, *and there shall be an indexed record kept by the department, agency or person authorized to receive such notice of such repair, removal of the defect, danger or obstruction complained of or otherwise made safe.* These records shall be a public record, *and the contents of this record shall be admissible in evidence for all purposes and shall constitute presumptive proof of notice of such defective, unsafe, dangerous or obstructed conditions.* The record of each notice shall be maintained in the department of transportation for a period of [three] *ten* years after the date on which it is received and shall be preserved in the municipal archives *thereafter* for a period of not less than ten years.

4. [Written acknowledgement shall be given by the department of transportation of all notices received by it.] *All electronically stored information stored in any medium from which information can be obtained either directly or, if necessary, after translation into a reasonably useable form, including digital images, metadata, audio or visual recordings, depictions, notations or transcriptions, shall constitute a "writing" for the purposes of applicable provisions of the administrative code and the rules of the city of New York.*

5. *All writings and records kept pursuant to paragraph 3 of this subdivision shall be stored online, accessible to and searchable by the general public at no charge, in a commonly available non-proprietary electronic format.*

6. *Failure of the city to comply with the provisions of paragraph 3 or 5 of this subdivision with respect to any notice shall waive the immunity of the city that would otherwise apply pursuant to paragraph 2 of this subdivision on the basis that such notice was not actually received.*

§2. Section 7-210 of the administrative code of the city of New York is amended to read as follows:

§7-210. Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition.

a. It shall be the duty of the owner of real property abutting any sidewalk *from a curb to a building line*, including, but not limited to, the *curb, driveway, and intersection quadrant for corner property*, to maintain such sidewalk in a reasonably safe condition. *This provision shall not apply to sidewalk or curb appurtenances or hardware, pedestrian ramps, or tree wells or pits owned or operated by an entity, utility company, the city, public corporation, authority or agency. Notwithstanding any other provision of this subdivision, maintenance of the area extending not less than twelve inches outward from the perimeter of a roadway or sidewalk hardware or appurtenance, curb, pedestrian ramp, tree well or pit shall be the responsibility of the entity, city, municipality, utility company, public corporation, authority or agency that owns or operates such area, and no civil action shall be maintained against the city for damage to property or injury to person or death sustained in consequence of any such area being out of repair, unsafe, dangerous or obstructed.*

b. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk *from a curb to a building line*, including, but not limited to, the *curb, driveway, and intersection quadrant for corner property*, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such [sidewalk] *area* in a reasonably safe condition. Failure to maintain such [sidewalk] *area* in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags *or other components of such area* and the negligent failure to remove snow, ice, dirt or other material from [the sidewalk] *such area*. This subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes.

c. Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain *any sidewalk[s] from a curb to a building line, including, but not limited to, the curb, driveway, and intersection quadrant for corner property,* [(other than a sidewalk[s] *from a curb to a building line (including, but not limited to, the curb, driveway, and intersection quadrant for corner property)*) abutting one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes[]], in a reasonably safe condition. [This subdivision shall not be construed to] *Subdivisions a and b of this section shall apply to the liability of the city [as a] where it is an abutting property owner [pursuant to subdivision b of this section].*

d. Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the city is commenced, including any provisions requiring prior notice to the city of defective conditions.

e. *The notice provisions of subdivision c of section 7-201 of this code shall not be applicable or required with respect to an abutting owner of property.*

f. *Any owner of real property that abuts a sidewalk, and any managing agent of such property, shall annually file proof of certificate or certificates of insurance with the New York city department of buildings, issued by an authorized insurance company or companies in the state of New York, covering such property. Such certificate or certificates of insurance shall state the name or names of the insurance carrier or carriers, and all excess insurance carriers, and all applicable*

insurance policy numbers.

g. Any non-residential tenant occupying a premises that abuts a sidewalk shall annually file proof of certificate or certificates of insurance with the New York city department of buildings, issued by an authorized insurance company in the state of New York covering such premises. Such certificate or certificates of insurance shall state the name or names of the insurance carrier or carriers, and all excess insurance carriers, and all applicable insurance policy numbers.

§3. This local law shall take effect thirty days after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1168

By Council Members Recchia, Comrie, Gentile, Jackson, James, Koo, Levin, Mark-Viverito, Richards, Rodriguez, Rose, Vann, Williams and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to suspend any co-location or proposed co-location for any school impacted by superstorm sandy or any other natural or weather-related disaster including any school that is physically damaged or any school designated as a host for any such physically damaged school.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

Title 21-A. Education.

Chapter 1. Definitions.

Chapter 2. Disaster-related Accommodations.

Chapter 1. Definitions.

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

a. "Chancellor" shall mean the chancellor of the New York city department of education.

b. "Department" shall mean the New York city department of education.

c. "Student" shall mean any pupil under the age of twenty-one under the jurisdiction of the

New York city department of education.

Chapter 2. Disaster-related Accommodations

§21-951 Suspension of co-locations. a. For the purposes of this section the following terms shall have the following meanings:

1. "Co-location" shall mean any school utilization plan which would require two or more schools to occupy instructional space within the same school building in accordance with the provisions of state education law section 2590-h.

2. "Host school" shall mean any school or school building that is required to accommodate students who are not enrolled in such school or building that are placed from other schools or school buildings as a result of a natural or weather-related disaster.

3. "Natural or weather-related disaster" shall mean any major adverse event resulting

from natural processes, which caused substantial damage, including but not limited to, hurricanes, floods, and earthquakes.

b. For any school that has been negatively impacted by superstorm sandy or any other natural or weather-related disaster, including but not limited to, any school that has been physically damaged, the department shall immediately suspend any plan or proposed plan to co-locate such school for a suspension period of at least 12 months or until such damage has been completely repaired. The department shall also suspend any plan or proposed plan to co-locate a school that has been designated a host school for a suspension period of at least 12 months or until such school is no longer designated as a host school for such purposes.

c. For any such school identified pursuant to subdivision b of this section, the suspension period shall begin on the day the natural or weather-related disaster occurs. Within sixty calendar days of the start of the suspension or as soon as practicable, the department shall notify the school community, including but not limited to, parents, school employees and affected local community boards and elected officials, that any such co-location plans or proposed co-location plans have been suspended. The department shall also file and make publicly available, a revised educational impact statement, in accordance with state education law section 2590-h.

d. Within one hundred twenty calendar days of the occurrence of such natural or weather-related disaster, the department shall submit to the council, a report which shall include but not be limited to; a list of schools for which plans for co-location were suspended, reconsidered or canceled, the number of students enrolled at each such school, and the fact specific reasons for each such suspension, reconsideration or cancellation.

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

Referred to the Committee on Education.

Preconsidered Res. No. 1957

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 Koo.

Whereas, On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 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, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 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, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and therefore be it

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 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; 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 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Out of School Time Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Drop Out Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Services Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain

organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Fund Transfers in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; 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 2013 Expense Budget, as set forth in Chart 12; 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 2013 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1957 printed in these Minutes).

Int. No. 1169

By Council Members Reyna, Koslowitz, Palma, Brewer, Chin, Eugene, Jackson, James, Koo, Lander, Levin, Mark-Viverito, Richards, Rodriguez, Rose, Williams, Crowley, Dromm and Ferreras.

A Local Law to amend the administrative code of the city of New York, in relation to establishing training and transparency requirements for certain city development projects receiving city financial assistance.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that the City, as a promoter of economic development, commits significant resources, including millions of dollars in subsidies and incentives, for development projects across the city. The Council is concerned that there is insufficient disclosure to the public of information concerning the development, including the identities of the recipients of the city financial assistance as well as the identity of contractors and subcontractors that will benefit from the public assistance, the form and the amount of such assistance, the employment and performance history of those developers and contractors benefitting from the public assistance, and the quality of jobs that will be created on the development. Additionally, the Council is concerned about the health and safety of the population living in and around the many construction projects in New York City as well as the use of an unskilled and untrained workforce performing construction and building service work on these projects and developments. The Council takes notice of the difficulty of administratively enforcing health and safety requirements and acknowledges that because construction and building services are highly-skilled, highly labor-intensive businesses, the use of a skilled workforce in these industries minimizes risks and ensures quality control. The Council finds that developers receiving public assistance, and the contractors benefitting from such public assistance, should ensure the use of a well-trained and highly skilled workforce in order to promote the safe and quality construction and operation of projects developed and operated with public assistance.

The intention of the Council in enacting this section is to ensure that development funding provided in whole or part by the City is used responsibly and in a manner that creates safe, quality jobs and utilizes a skilled and trained workforce to construct developments in a way to minimize risks to the health and safety of the population living in and around such developments.

§2: Title six of the administrative code of the city of New York is amended by adding a new section 130.1 to read as follows:

§ 130.1. *Responsibility Requirements for Financially Assisted Development Projects.*

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

"Building service employee" means any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

"City development project" means a project undertaken by a city agency or

a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) (i) is expected to be larger than one-hundred thousand (100,000) square feet, (ii) in the case of a residential project, larger than fifty (50) units, or (iii) in the case of a hospitality operation, larger than fifty (50) units; and (b) has received or is expected to receive financial assistance.

"City economic development entity" means a not-for-profit organization, public benefit corporation, or other entity that provides or administers financial assistance on behalf of the City pursuant to paragraph b of subdivision one of section 1301 of the New York city charter.

"Comptroller" means the comptroller of the city of New York.

"Construction employee" means any person performing construction, reconstruction, alteration, maintenance, moving, rehabilitation, repair, renovation or demolition of any building, structure, or improvement. or in relation to the excavation of or other development or improvement to land, including laborers, workers, and mechanics.

"Covered developer" means any person or entity receiving financial assistance in relation to a city development project, or any assignee, or successor in interest of real property that qualifies as a city development project, or any person or entity who is party to a long-term lease with the City for land or property in connection with a city development project.

"Covered employees" shall mean, collectively, building service employees and construction employees.

"Financial assistance" means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of one million dollars (\$1,000,000) or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for, and includes both discretionary and as of right assistance. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity. "Financial assistance" shall not include assistance available under New York state programs or with New York state funds where the city does not have the authority to impose additional eligibility requirements on such assistance.

b. *Training Requirement.* To the extent permitted by law, and as a condition to receiving financial assistance, covered developers shall ensure that all employers on the city development project, including any contractors and subcontractors, have apprenticeship agreements appropriate for the type and scope of work to be performed on the project, which have been registered with and approved by the New York state commissioner of labor in accordance with article 23 of the New York state labor law. Developers shall require that any entity performing building services shall offer to its employees, at no cost to the employees, professional development training in the area of building services, including classroom instruction by professional trainers, homework and attendance requirements,

c. *Disclosure Requirement.*

(1) The city shall publish on its web site a list of city development projects, and for each such project: (i) the name, address, officers, shareholders, including any persons who are shareholders, investors who have or will invest at least two hundred and fifty thousand dollars (\$250,000) in the project, and any parent or subsidiary, of each developer applying for financial assistance in connection with a city development project; (ii) the type and amount of financial assistance devoted to the city development project; (iii) the type and amount of any federal or state financial assistance devoted to the city development project; (iv) leases for any proposed hospitality operation on the development project; and (v) the name and address of each contractor that will provide services on the development project. Such list shall be updated and published as often as is necessary to keep it current.

(2) Each developer applying for financial assistance in connection with a city development project shall provide to the city, and the city shall publish on the city's web site, the following: (i) the number and types of full-time and part-time jobs by job title and industry expected to be created on the city development project; (ii) a description of any finding that the developer and any contractor that will provide services on the development project have violated any wage, discrimination, unemployment, workers compensation, health and safety, or any other local, state or federal employment law within the past ten (10) years; (iii) a listing of any pending bankruptcy proceedings and any bankruptcy proceedings initiated in the last ten (10) years by the developer and any contractor that will provide services on the development project; (iv) a description of any finding that the developer and any contractor that will provide services on the development project have been convicted

of a crime in the past ten (10) years; (v) a description of any local, state, or federal tax delinquencies of the developer and any contractor that will provide services on the contract, and any finding that the developer and any contractor that will provide services on the development project have violated a local, state, or federal tax law within the past ten (10) years; and (vi) any names under which the developer and any contractor that will provide services on the development project have conducted business in the last ten (10) years.

(3) Each covered developer of a city development project shall require all employers of covered employees performing work on the city development project to provide proof of valid workers compensation insurance coverage and unemployment insurance coverage. Such proof of coverage shall be provided to the city and the city shall publish such proof of workers compensation insurance coverage and unemployment insurance coverage on its web site.

d. Enforcement.

(1) In addition to failure to comply with subdivisions b through c of this section, it shall be a violation of this section for any covered developer to discriminate or retaliate against any covered employee who seeks information regarding, or enforcement of, this section.

(2) The comptroller shall monitor compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a covered employee, or a covered employee's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto.

(3) The comptroller shall report the results of such investigation to the mayor or his or her designee, who shall, in accordance with the provisions of paragraph six of this subdivision and after providing the covered developer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the mayor, or his or her designee, impose the following on the covered developer committing the applicable violations: (i) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount of the financial assistance received by the covered developer; (ii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iii) direct the reinstatement of, or other appropriate relief for, any person aggrieved pursuant section d (1); (iv) order any covered developer to rebid and award any work performed by a contractor or subcontractor that is not in compliance with paragraph c above, in a manner to ensure compliance with the provisions of paragraph c; (v) issue a stop work order of construction. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered developer, and the failure to comply with record-keeping, notice, reporting, or disclosure. Any civil penalty shall be deposited in the general fund.

(4) In addition to the provisions provided in subparagraph three of this paragraph, in the case of a covered developer, based upon the investigation provided in this paragraph, the comptroller shall also report the results of such investigation to the city economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.

(5) Before issuing an order, determination, or any other disposition, the mayor, or his or her designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor, or his or her designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

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

(7) In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or his or her designee, as applicable, shall not extend to violations committed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

e. Civil Action.

(1) Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the comptroller or the mayor with respect to such claim. In an action brought by a covered employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his/her reasonable attorneys' fees and costs.

(2) Notwithstanding any inconsistent provision of paragraph one of this subdivision where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.

(3) A civil action commenced under this section shall be commenced in accordance with subdivision two of section 214 of New York civil practice law and rules.

(4) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

f. Application to existing city development projects. The provisions of this section shall

not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the covered developer subject to the conditions specified in this section.

g. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by an court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

h. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of training or protections to covered employees. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

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

Referred to the Committee on Economic Development.

Int. No. 1170

By Council Members Reyna, Palma, James, Comrie, Arroyo, Levin, Mark Viverito, Chin, Koo, Lander, Mendez, Richards, Vann, Williams, King and Koppell.

A Local Law to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

CHAPTER 4-F - REDUCED PERMITTED CAPACITY AT SOLID WASTE TRANSFER STATIONS

16-490 - Definitions

16-491 - Preliminary Reduction of Unused Permitted Capacity

16-492 - Reduction of Overall Permitted Capacity

16-493 - Emergency Waiver

16-494 - Overconcentrated Districts

16-495 - Reporting

16-496 - Notification

§ 16-490 Definitions. When used in this chapter, the following terms shall have the following meanings:

“Designated community districts” shall mean community district 1 in the borough of Brooklyn, community districts 1 and 2, collectively, in the borough of the Bronx, and community district 12 in the borough of Queens as identified at the time of the enactment of this chapter in the map of community districts established pursuant to section 2702 of the New York city charter;

“Emergency” shall have the same meaning as the terms “emergency conditions and potential incidents” are identified in subdivision a of section four hundred ninety seven of the New York city charter;

“Fill material operation” shall have the same meaning as given in subdivision a of section 16-130 of this title;

“Non-putrescible solid waste transfer station” shall have the same meaning as given in subdivision a of section 16-130 of this title;

“Operational date” shall mean the date on which a marine transfer station operated by the department and located in the same borough as a designated community district begins accepting residential waste from the department;

“Overconcentrated district” shall mean a community district that contains five percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department; and

“Putrescible solid waste transfer station” shall have the same meaning as given in subdivision a of section 16-130 of this title.

§ 16-491 Preliminary reduction of unused permitted capacity. a. By January 1, 2015, the commissioner shall reduce the total permitted capacity for putrescible and non-putrescible solid waste in designated community districts to one hundred twenty five percent of the average daily amount of putrescible and non-putrescible solid waste delivered to each such designated community district for the three calendar years preceding the effective date of this section. For waste transfer stations that commenced operations or increased capacity during such three-year period, the average daily amount shall be measured from the date on which such operations commenced or permitted capacity increased.

b. Any reductions in permitted capacity required pursuant to this section shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in a designated community district.

§ 16-492 Reduction of overall permitted capacity. a. By January 1, 2016 or the relevant operational date, whichever is later, the commissioner shall reduce the total permitted capacity for putrescible and non-putrescible solid waste transfer stations in each designated community district to eighteen percent less than the average weekly amount of putrescible and non-putrescible solid waste delivered to each designated community district for the year preceding commencement of the reductions required by this section.

b. Any reductions in permitted capacity required pursuant to this section shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in a designated community district.

c. In reducing permitted capacity across putrescible and non-putrescible solid waste transfer stations located throughout designated community districts pursuant to this section, the commissioner shall consider factors including, but not limited to, the following:

i. The number and type of operating violations issued to each transfer station since the effective date of this local law and in the two years preceding its enactment;

ii. The amount of vehicular traffic generated by each transfer station relative to the amount of waste handled, including whether and to what extent waste handled is imported and/or exported by barge and/or rail;

iii. The proximity of each transfer station to sensitive receptors, including residential uses, parks, hospitals and other health care facilities, and schools and community facilities, including, but not limited to, community centers, places of worship and libraries;

iv. The availability and usage of space for the idling of trucks on-site and/or off-street, and the adequacy of such space to handle levels of truck traffic generated at each transfer station;

v. Whether and to what extent non-putrescible solid waste operations occur within an enclosed facility;

vi. The extent to which each transfer station’s operations occur during overnight hours and on weekends;

vii. Whether the waste handled by each transfer station is putrescible; and

viii. Any violations or findings of hazardous workplace conditions or worker injuries or fatalities issued by the federal occupational safety and health administration to each transfer station.

§ 16-493 Emergency waiver. In the event of an emergency the commissioner shall have the authority to temporarily waive the permit capacity reductions required by this chapter.

§ 16-494 Overconcentrated districts. a. After December 31, 2014, the commissioner shall not increase permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations in an overconcentrated district or increase permitted capacity for any community district which would result in an overconcentrated district.

b. This section shall not preclude the commissioner from applying to increase the capacity of waste permitted by the state department of environmental conservation at marine transfer stations operated by the department.

§ 16-495 Reporting. Beginning January 1, 2015 and annually thereafter, except as otherwise provided, the commissioner shall report to the mayor and the council all department actions taken pursuant to this chapter. Such report shall include, but not be limited to, the following information:

i. An index of each permitted solid waste transfer station and the community district in which such transfer station is located;

ii. The type of material permitted for acceptance at each transfer station;

iii. The permitted capacity of each transfer station;

iv. The average amount of waste accepted daily at each transfer station for each quarter of the most recent calendar year;

v. Any change to any such transfer station’s permitted capacity, organized by community district, for the reported year;

vi. The feasibility and impact of attracting commercial waste to marine transfer stations through options such as lowered tip fees;

vii. The ability to reduce truck traffic traveling through residential neighborhoods by means other than through permit reductions;

viii. A list of transfer stations located outside of the city where waste generated in the city is delivered and the amount of waste delivered to each such transfer station for each quarter of the most recent calendar year; and

ix. The average cost per ton to deliver putrescible and non-putrescible waste, respectively, to solid waste transfer stations located in the city.

16-496 Notification. At the end of each quarter, the commissioner shall notify the mayor and the council when the amount of waste delivered to transfer stations located in a community district is in excess of ninety percent of the total permitted capacity at putrescible and non-putrescible solid waste transfer stations located in such community district and how the amount of waste accepted in any such district relates to the used and unused permitted capacity in the rest of the city.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1171

By Council Members Vann and Recchia.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 11-319 of the administrative code of the city of New York, as amended by local law number 15 for the year 2011, is amended by adding a new paragraph 12 to read as follows:

12. No later than January fifteenth, two thousand fourteen, all tax lien statements of amounts due or bill of charges shall contain the status of any challenge to the validity of any real property tax, emergency repair charge, alternative enforcement expense or fee, or any other charge that is made subject to a tax lien or liens pursuant to this chapter, or section 27-2144 of this code, until such challenge is resolved. Such status shall be updated when such tax lien statement of amounts due or bill of charges are updated.

§ 2. Subparagraph i of paragraph 2 of subdivision b of section 11-320 of the administrative code of the city of New York, as amended by local law number 15 for the year 2011, is amended to read as follows:

i. Such notices shall also include, with respect to any property owner in class one or class two, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, an exemption eligibility checklist. The exemption eligibility checklist shall also be posted on the website of the department no later than ninety days prior to the date of sale, and shall continue to be posted on such website until ten days prior to the date of sale. Within ten business days of receipt of a completed exemption eligibility checklist from such property owner, provided that such receipt occurs prior to the date of sale of any tax lien or tax liens on his or her property, the department of finance shall review such checklist to determine, based on the information provided by the property owner, whether such property owner could be eligible for any exemption, credit or other benefit that would entitle them to be excluded from a tax lien sale and, if the department determines that such property owner could be eligible for any such exemption, credit or other benefit, shall mail such property owner an application for the appropriate exemption, credit or other benefit. If, within twenty business days of the date the department mailed such application, the department has not received a completed application from such property owner, the department shall mail such property owner a second application, and shall telephone the property owner, if the property owner has included his or her telephone number on the exemption eligibility checklist.

§ 3. Subdivision b of section 11-322 of the administrative code of the city of New York, as added by local law number 15 for the year 2011, is amended to read as follows:

b. In accordance with rules promulgated by the commissioners of finance and environmental protection, a property owner or other person claiming to have an interest in the property subject to the provisions of this chapter may enter into agreements with the departments of finance and environmental protection for the payment in installments of any delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter. The proposed sale of a tax lien or tax liens on property shall be cancelled when a property owner enters into an agreement with the respective agency for the payment of any such lien. Such rules shall also provide that such property owners or such other persons be given information regarding eligibility for real property tax exemption programs prior to entering into such agreements.

1. If payments required from a property owner or other person claiming to have an interest in the property subject to the provisions of this chapter pursuant to such an agreement are not made for a period of six months, such property owner or such other person claiming to have an interest in the property subject to the provisions of this chapter shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such property owner’s or such other person’s bringing all installment payments and all current charges that are outstanding at the time of the

default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of sale. If such default is not cured prior to the date of sale, such property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter* shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the department that entered into the installment agreement with the property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter*.

2. An installment agreement shall provide for payments by the property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter* on a quarterly or monthly basis, in the discretion of the appropriate commissioner, for a period not less than eight years and not more than ten years, provided that a property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter* may elect a period less than eight years. There shall be no down payment required upon the property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter* entering into the installment agreement with the respective department, but the property owner *or other person claiming to have an interest in the property subject to the provisions of this chapter* may elect to make a down payment.

3. Beginning January first, two thousand twelve, any property owner who has entered into an installment agreement with the commissioner of environmental protection pursuant to this subdivision and who has automated meter reading shall receive a consolidated monthly bill for current sewer rents, sewer surcharges and water rents and any payment due under such installment agreement.

4. No later than September first, two thousand eleven, the commissioners of finance and environmental protection shall promulgate rules governing installment agreements, including but not limited to, the terms and conditions of such agreements, the payment schedules, and the definition and consequences of default.

5. *No later than December first, two thousand thirteen, the commissioners of finance and environmental protection shall promulgate rules governing installment agreements made by a person claiming to have an interest in the property subject to the provisions of this chapter.*

§ 4. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 1958

Resolution calling upon the United States Congress to pass H.R. 40, the Commission to Study Reparation Proposals for African-Americans Act.

By Council Members Williams, Barron, Brewer, Comrie, Jackson, James, Mark-Viverito, Mendez, Richards, Rodriguez, Rose and Vann.

Whereas, Slavery in Colonial America was first recorded in 1619, when a Dutch slave trader in Jamestown, Virginia, traded a group of African people he had captured and enslaved in exchange for food; and

Whereas, Legal enslavement of Africans and their descendants continued in Colonial America and, subsequently, the United States of America for nearly two-and-a-half centuries afterwards; and

Whereas, During this time, enslaved Africans and their descendants were subjected to an array of physical mistreatment, including but not limited to whipping, mutilation, rape, imprisonment and murder; and

Whereas, In addition to the physical brutality with which they were treated, enslaved Africans and their descendants were also denied access to education, humane working conditions, adequate medical care, religious liberty, and any sort of personal freedom or citizenship; and

Whereas, By the time the Thirteenth Amendment to the United States Constitution was passed by the United States Congress and ratified by the states in 1865, formally abolishing slavery throughout the United States, about 4 million Africans and their descendants had been enslaved; and

Whereas, Despite the abolition of slavery in the United States nearly 150 years ago, the institutionalized discrimination it engendered has continued to plague African-Americans in many facets of their lives ever since; and

Whereas, To address the legacy left behind after the elimination of slavery, H.R. 40, the "Commission to Study Reparation Proposals for African Americans Act" was introduced; and

Whereas, If passed, H.R. 40 would recognize the magnitude of and the wrong produced by slavery, and acknowledge the fact that the United States has not adequately examined the consequences of institutionalized slavery on the affected populations; and

Whereas, To address this shortcoming, H.R. 40 would establish a commission that would study the institution of slavery, governmental support for the practice, discrimination against freed slaves and their descendants between the end of the Civil War and today, and the impact of slavery on contemporary African-Americans; and

Whereas, H.R. 40 would empower the commission to make several recommendations, including the manner in which to best educate the American public about its findings, as well as whether descendants of slaves are entitled to compensation for injuries resulting from the legacy of slavery, including the form of

compensation; and

Whereas, H.R. 40 would mandate that these findings and recommendations be issued to the United States Congress within a year of its first meeting; and

Whereas, The only way the United States can address the legacy of its past injustices is if it truly studies their consequences and, if necessary, seeks proactive measures to reverse their damage; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R. 40, the Commission to Study Reparation Proposals for African-Americans Act.

Referred to the Committee on State and Federal Legislation.

L.U. No. 945

By Council Member Comrie:

Application No. N 130274(A) ZRM submitted by the NYC Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution, concerning Article VIII, Chapter 1 (Special Midtown District), in the Borough of Manhattan, Community Districts 5 and 6, Council District 4.

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

L.U. No. 946

By Council Member Comrie:

Application No. C 130248 ZMM 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. 8d, changing an existing C5-2 District to C5-2.5 and C5-3 Districts, and establish a Special Midtown District within the proposed C5-2.5 and C5-3 Districts, in the area bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue, in the Borough of Manhattan, Community Districts 5 and 6, Council District 4.

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

L.U. No. 947

By Council Member Comrie:

Application No. C 130344 ZMQ 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 Nos. 9c, 9d, 10a, and 10b, to rezone all or portions of approximately 127 blocks in East Elmhurst, in the Borough of Queens, Community Districts 3 and 4, Council District 21.

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

L.U. No. 948

By Council Member Comrie:

Application No. 20145126 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a tax exemption pursuant to Section 777 of the Private Housing Finance Law (PHFL) for property located at 304-306 East 8th Street, Borough of Manhattan, Community District 3, Council District 2. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

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 10, 2013

★ Deferred

~~Committee on LOWER MANHATTAN REDEVELOPMENT10:00 A.M.
Agenda to be announced
Committee Room— 250 Broadway, 14th FloorMargaret Chin, Chairperson~~

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

Int. 732 - By Council Members Rose, Wills, Arroyo, Barron, Cabrera, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, James, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Palma, Vann, Williams, Gentile, Rodriguez, Halloran, Koo and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on streets adjacent to public schools.

Int. 1155 - By Council Members Ignizio, Oddo, Jackson, James, Koo and Wills - A Local Law to amend the administrative code of the city of New York, in relation to right turns from bus lanes.

Int. 1163 - By Council Member Lappin - A Local Law to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to create and maintain an interactive website detailing traffic crash data.

Committee Room – 250 Broadway, 16th FloorJames Vacca, Chairperson

Committee on **GENERAL WELFARE** 1:00 P.M.

Oversight - Examining the Use of Cluster Sites as Temporary Shelter for the Homeless

Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

★ Deferred

~~Committee on ENVIRONMENTAL PROTECTION 1:00 P.M.
Agenda to be announced
Committee Room— 250 Broadway, 16th FloorJames Gennaro, Chairperson~~

Tuesday, October 15, 2013

★ Note Topic Additions

Committee on **CONSUMER AFFAIRS**.....10:00 A.M.

Int. 1034 - By Council Members Vallone, Comrie, Koo and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to door to door commercial solicitations.

Oversight - Energy Service Companies: How are Consumers Protected against Aggressive and Misleading Sales Tactics in New York City?

Committee Room – 250 Broadway, 14th Floor

..... Daniel Garodnick, Chairperson

Wednesday, October 16, 2013

★ Note Topic and Committee Addition

Committee on **SMALL BUSINESS** jointly with the

★Committee on VETERANS.....10:00 A.M.

★Oversight - Promoting Veteran Entrepreneurship

Committee Room – 250 Broadway, 14th Floor

.....Diana Reyna, Chairperson

..... Mathieu Eugene, Chairperson

★ Deferred

~~Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M.
Agenda to be announced
Committee Room— 250 Broadway, 16th Floor~~

.....Elizabeth Crowley, Chairperson

★ Deferred

~~Committee on HOUSING AND BUILDINGS 1:00 P.M.
Agenda to be announced~~

~~Committee Room— 250 Broadway, 16th FloorErik Martin Dilan, Chairperson~~

★ Note Topic Additions

Committee on **ENVIRONMENTAL PROTECTION** 1:00 P.M.

Int. 705 - By Council Members Gennaro, Brewer, Chin, Fidler, James, Koppell, Lander, Palma, Recchia, Rose and Williams - A Local Law to amend the administrative code of the city of New York, in relation to the use of b-5 biodiesel diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs in New York City.

Int. 1047 - By Council Members Gennaro, Arroyo, Barron, Brewer, Comrie, Eugene, Fidler, James, Koo, Koppell, Mark-Viverito, Mendez, Richards, Rose, Williams, Wills and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to increasing the use of biofuel in city-owned buildings.

Oversight - Local Law 43 of 2010: New York’s Bioheat Law
Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Thursday, October 17, 2013

★Note Topic Addition

Committee on **ECONOMIC DEVELOPMENT**10:00 A.M.

Int. 1166 - By Council Member Koslowitz - A Local Law to amend the New York city charter and local law number 61 of the year 1991, in relation to certain entities under contract with the department of small business services.

Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

★ Deferred

~~Committee on YOUTH SERVICES 1:00 P.M.~~

~~Oversight—How do the Human Trafficking Intervention Courts address the needs of New York City’s Runaway and Homeless Youth Population?~~

~~Council Chambers— City Hall Lewis Fidler, Chairperson~~

★ Deferred

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

~~Agenda to be announced~~

~~Committee Room— 250 Broadway, 16th Floor Deborah Rose, Chairperson~~

Monday, October 21, 2013

Committee on **GOVERNMENTAL OPERATIONS** 1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★Addition

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** 1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor James Van Bramer, Chairperson

Tuesday, October 22, 2013

Subcommittee on **ZONING & FRANCHISES**9:30 A.M.

See Land Use Calendar Available Wednesday, October 16, 2013

Council Chambers – City Hall Mark Weprin, Chairperson

Committee on **PUBLIC SAFETY**10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th FloorPeter Vallone, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES****11:00 A.M.**
 See Land Use Calendar Available Wednesday, October 16, 2013
 Committee Room— City Hall Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **1:00 P.M.**
 See Land Use Calendar Available Wednesday, October 16, 2013
 Committee Room— City Hall Stephen Levin, Chairperson

★Deferred
 Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS****1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor
 James Van Bramer, Chairperson

Wednesday, October 23, 2013

Committee on **HEALTH**..... **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Maria del Carmen Arroyo, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT**.....**10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Letitia James, Chairperson

★ Note Topic and Committee Addition
 Committee on **JUVENILE JUSTICE** jointly with the
★Committee on GENERAL WELFARE..... **1:00 P.M.**
★Oversight - Implementation of Close to Home for Non-Secured Placement
 Committee Room – 250 Broadway, 14th Floor
 Sara Gonzalez, Chairperson
 Annabel Palma, Chairperson

★ Note Topic Addition
 Committee on **CONTRACTS** **1:00 P.M.**
 Oversight – The Department of Homeless Services’ Use of Emergency Procurement
 Committee Room – 250 Broadway, 16th FloorDarlene Mealy, Chairperson

Thursday, October 24, 2013

Committee on **COMMUNITY DEVELOPMENT**.....**10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th FloorAlbert Vann, Chairperson

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 Floor Leroy Comrie, Chairperson

★ Note Topic Additions
 Committee on **IMMIGRATION** **1:00 P.M.**
 Preconsidered Res. ___ - By Council Member Dromm - Resolution urging the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except in emergency situations.
 Oversight - The use of solitary confinement in detention centers and its effect on the City’s immigrants
 Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ Deferred
 Committee on **TECHNOLOGY** **1:00 P.M.**
 Agenda to be announced

Committee Room— 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

★ Addition
 Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Erik Martin-Dilan, Chairperson

Friday, October 25, 2013

★ Addition
 Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Elizabeth Crowley, Chairperson

★ Note New Location
 Committee on **HIGHER EDUCATION** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, *★*14th Floor
 Ydanis Rodriguez, Chairperson

★ Addition
 Committee on **EDUCATION**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson

Monday, October 28, 2013

★ Addition
 Committee on **ECONOMIC DEVELOPMENT** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

★ Addition
 Committee on **LOWER MANHATTAN REDEVELOPMENT** **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Margaret Chin, Chairperson

★ Deferred
 Committee on **WATERFRONTS** **1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor Peter Koo, Chairperson

★ Addition
 Committee on **TECHNOLOGY** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Fernando Cabrera, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

★ Note Time Change
 Committee on **GENERAL WELFARE** jointly with the
 Committee on **WOMEN’S ISSUES** **★2:00 P.M.**
 Oversight - Implementation of Early Learn
 Hearing Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson

Tuesday, October 29, 2013

Committee on **AGING****10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson

★ *Note Time Change*

Committee on **FINANCE**..... ★**11:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
.....Domenic M. Recchia, Chairperson

Committee on **PUBLIC HOUSING** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorRosie Mendez, Chairperson

Committee on **CIVIL SERVICE AND LABOR** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

Wednesday, October 30, 2013

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*
Location..... ~ *Council Chambers ~ City Hall*

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 30, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 1051-A and 1058-A, adopted at the September 12, 2013 Stated Council Meeting, were returned unsigned by the Mayor on October 11, 2013. These bills became local laws on October 13, 2013 pursuant to the City Charter due to Mayoral inaction within the Charter-prescribed thirty day time period and were assigned subsequently as, respectively, Local Laws 85 and 86 of 2013.

