

The New York City Council Council Agenda

Stated Meeting

May 06, 2009

1:30 PM

Council Chambers - City Hall

1. **Roll Call**
2. **Invocation**
3. **Adoption of Minutes**
4. **Messages & Papers from the Mayor**

M 1415-2009 **Submitting the Expense Revenue Contract Budget, for FY'10.**
Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.
Finance

M 1416-2009 **Submitting the Executive Capital Budget for FY'10.**
Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2010, pursuant to Section 249

of the New York City Charter.

Finance

- M 1417-2009** **Submitting the Proposed City FY'10 Community Development Program, the Proposed CFY'10 Budget, the Proposed Reallocations-the CD XXXV Funds, Proposed CD XXXVI Statement of Objectives and Budget, dated May 1, 2009.**

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

Finance

- M 1418-2009** **Submitting the Executive Budget Supporting Schedules, for FY'10.**

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

Finance

- M 1419-2009** **Submitting the Capital Commitment Plan, Executive Budget, FY'10, Volumes I, II and III.**

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

Finance

- M 1420-2009** **Submitting the Executive Budget -Geographic Reports for Expense Budget for FY'10.**

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

Finance

M 1421-2009 Submitting the Executive Capital Budget FY'10, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 1, 2009.

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

Finance

M 1422-2009 Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, FY'10.

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

Finance

M 1423-2009 Submitting the Ten-Year Capital Strategy, Fiscal Year 2010-2019.

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

Finance

5. Communications from City, County & Borough Offices

M 1424-2009 Rayann Besser, City Planning Commission

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

Rules, Privileges and Elections

6. Petitions and Communications

None

7. Land Use Call-Ups

M 1425-2009 Sidewalk Cafe, Corner 47th Restaurant Corp., Manhattan (20075505TCM)

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

Coupled on Call – Up Vote

M 1426-2009 Zoning Resolution, Special Permit to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level (C090183ZSK)

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 090183 ZSK and C 090184 ZSK, special permits, shall be subject to Council review. These applications are related to application no. C 090181 ZMK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M 1427-2009 Zoning Resolution, Special Permit (C050260ZSM)

By the Chair of the Land Use Committee Council Member

Katz:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 050260 ZSM, C 050269 ZSM and C 050271 ZSM, special permits, shall be subject to Council review. These applications are related to application no. N 090170 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

8. Communication from the Speaker

9. Discussion of General Orders

10. Reports of Special Committees

None

11. Reports of Standing Committees

Report of the Committee on Consumer Affairs

Int 0380-2006-A **Requiring registration for the purchase and possession of etching acid.**

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

Amended and Coupled on GO

Report of the Committee on Environmental Protection

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- Int 0506-2007-A** **Creation of a comprehensive wetlands protection policy for NYC.**
- A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.
- Amended and Coupled on GO*
- Res 1962-2009** **Creation of a comprehensive wetlands protection policy for NYC.**
- Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.
- Preconsidered - Coupled on GO*

Report of the Committee on Finance

- Res 1965-2009** **LU 1095 - Dorothy McGowan, 555 West 159th Street, Manhattan.**
- Resolution approving a full exemption from real property taxes for property located at 555 West 159th Street (Block 2118, Lot 62) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1095)
- Preconsidered - Coupled on GO*
- Res 1966-2009** **LU 1096 - Section 202 Supportive Housing Program, Marien-Heim of Sunset Park, Brooklyn.**
- Resolution approving a partial exemption from real property taxes for property located at (Block 746, Lots 28, 30, 39) and (Block 755, Lot 39), Brooklyn, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 1096).
- Preconsidered - Coupled on GO*
- Res 1967-2009** **LU 1097 - Section 202 Supportive Housing Program, Seagirt Housing, Queens.**

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

Preconsidered - Coupled on GO

Res 1968-2009

LU 1098 - 457 East 187th Street, 2825 Webb Avenue, Bronx.

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

Preconsidered - Coupled on GO

Res 1969-2009

LU 1099 - Gateway Estates II Large Scale Project, Brooklyn.

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

Preconsidered - Coupled on GO

Report of the Committee on Land Use

Res 1970-2009

**LU 1041 - Sidewalk Cafe, 2740 Broadway, Manhattan
(20095069TCM)**

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

Coupled on GO

LU 1047-2009

**Zoning, 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W.
54th Street LLC C, Manhattan (C 080008ZMM)**

Application no. C 080008 ZMM, submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C

pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-3X District.

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

LU 1048-2009

Zoning, 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C, Manhattan (N 080009ZRM)

Application no. N 080009 ZRM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District) Community District 4, in the Borough of Manhattan.

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

LU 1049-2009

Zoning, 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C, Manhattan (C080010ZSM)

Application no. C 080010 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 (a) of the Zoning Resolution to modify the height and setback regulations of Section 35-24. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

LU 1050-2009

Zoning, 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C, Manhattan (C080011ZSM)

Application no. C 080011 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Section 74-744 (b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the third floor level without regard for the regulations in Section 32-42 and Section 74-744 (c) modifying sign regulations of Section 32-67. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

Res 1971-2009

LU 1053 - Sidewalk Cafe, Plaza Patisserie Inc., Queens (20095082TCQ)

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

Coupled on GO

Res 1972-2009

LU 1064 - Zoning Map Amendment, establishing within an R7-1 district a C2-4 District. (C090179ZMK)

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

Coupled on GO

Res 1973-2009

LU 1065 - Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the modification of Restrictive Declaration D – 131 and its subsequent amendments. (M910478(E)ZMK)

Resolution approving the decision of the City Planning Commission on ULURP No. M 910478 (E) ZMK, for the

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

Coupled on GO

Res 1974-2009

LU 1100 - School Construction, P.S. 69-K Annex, Brooklyn (20095202SCK)

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

Preconsidered - Coupled on GO

12. General Orders Calendar

T2006-0001

Commissioner of Deeds

Commissioner of Deeds

Coupled on GO

Coupled on General Order Calendar

Consumer Affairs

Int 0380-2006-A

Requiring registration for the purchase and possession of etching acid.

*A and GO***Environmental Protection**

Int 0506-2007-A **Creation of a comprehensive wetlands protection policy for NYC.**
A and GO

Res 1962-2009 **Creation of a comprehensive wetlands protection policy for NYC.**
Preconsidered - GO

Finance

Res 1965-2009 **LU 1095 - Dorothy McGowan, 555 West 159th Street, Manhattan.**
Preconsidered - GO

Res 1966-2009 **LU 1096 - Section 202 Supportive Housing Program, Marien-Heim of Sunset Park, Brooklyn.**
Preconsidered - GO

Res 1967-2009 **LU 1097 - Section 202 Supportive Housing Program, Seagirt Housing, Queens.**
Preconsidered - GO

Res 1968-2009 **LU 1098 - 457 East 187th Street, 2825 Webb Avenue, Bronx.**
Preconsidered - GO

Res 1969-2009 **LU 1099 - Gateway Estates II Large Scale Project, Brooklyn.**
Preconsidered - GO

Land Use

Res 1970-2009 **LU 1041 - Sidewalk Cafe, 2740 Broadway, Manhattan**

(20095069TCM)

GO

Res 1971-2009 LU 1053 - Sidewalk Cafe, Plaza Patisserie Inc., Queens

(20095082TCQ)

GO

Res 1972-2009 LU 1064 - Zoning Map Amendment, establishing within an R7-1 district a C2-4 District. (C090179ZMK)

GO

Res 1973-2009 LU 1065 - Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the modification of Restrictive Declaration D – 131 and its subsequent amendments. (M910478(E)ZMK)

GO

Res 1974-2009 LU 1100 - School Construction, P.S. 69-K Annex, Brooklyn

(20095202SCK)

Preconsidered - GO

General Order Calendar

T2006-0001 Commissioner of Deeds

GO

13. Introduction & Reading of Bills

See Attached

14. Discussion of Resolutions

15. Resolutons

Res State Legislature to amend the federal and State runaway and

1227-2008-A homeless youth acts.

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

Amended and Adopted by the Committee on Youth Services

16. General Discussion**17. Extension of Remarks****INTRODUCTION AND READING OF BILLS**

Res 1959-2009 *By Council Members Eugene, Avella, Barron, Gennaro, Gentile, James, Nelson, Sears, Weprin, White Jr. and Ferreras*

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

Health

Res 1960-2009 *By Council Members Eugene, Avella, Barron, Gennaro, Gentile, James, Liu, Nelson, Sanders Jr., Sears, Weprin and White Jr.*

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

Health

Int 0977-2009

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

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

Finance

Res 1961-2009

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

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

Civil Rights

Int 0978-2009

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

A Local Law to amend section 5 of local law number 21 for the year 2006 amending the administrative code of the city of New York relating to applying certain fuel and technology exemptions and requirements to department of correction vehicles specially equipped for emergency response and to buses purchased for use by the department of correction, in relation to extending an exemption from purchasing requirements.

Environmental Protection

Res 1962-2009

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

Resolution finding that the enactment of Proposed Int. No. 506-A does not have a significant adverse impact on the

environment and is consistent with The State Environmental Quality Review Act.

Preconsidered - Environmental Protection

Int 0979-2009

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

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

Land Use

Int 0980-2009

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

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

Transportation

Int 0981-2009

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

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

Health

Int 0982-2009

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

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

Housing and Buildings

Int 0983-2009

By Council Members Vacca, Garodnick, Lappin, de Blasio, Vallone Jr., Brewer, Ferreras, Fidler, Gennaro, James, Koppell,

Mark-Viverito, Sanders Jr. and Stewart

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

Sanitation and Solid Waste Management

Int 0984-2009

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

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

Housing and Buildings

Res 1963-2009

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

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

Housing and Buildings

Int 0985-2009

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

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

Sanitation and Solid Waste Management

Res 1964-2009

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

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

Environmental Protection

- LU 1095-2009** *By Council Member Weprin*
Dorothy McGowan, 555 West 159th Street, Manhattan
Council District No. 10.
Preconsidered - Finance
- LU 1096-2009** *By Council Member Weprin*
Section 202 Supportive Housing Program, Marien-Heim of
Sunset Park, Brooklyn, Council District No. 38
Preconsidered - Finance
- LU 1097-2009** *By Council Member Weprin*
Section 202 Supportive Housing Program, Seagirt Housing,
Queens, Council District No. 3.
Preconsidered - Finance
- LU 1098-2009** *By Council Member Weprin*
457 East 187th Street, 2825 Webb Avenue, Bronx, Council
District No. 14, 15.
Preconsidered - Finance
- LU 1099-2009** *By Council Member Weprin*
Gateway Estates II Large Scale Project, Brooklyn, Community
District No. 5, Council District No. 42.
Preconsidered - Finance
- LU 1100-2009** *By Council Member Katz*
Application no. 20095202 SCK, a proposed site for a new,
approximately 415-Seat Primary School facility, known as
P.S. 69-K Annex to be located at 942 62nd Street, Council
District no. 38, Borough of Brooklyn.
Preconsidered - Landmarks, Public Siting and Maritime Uses
- LU 1101-2009** *By Council Member Katz*

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

Zoning and Franchises

LU 1102-2009

By Council Member Katz

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

Planning, Dispositions and Concessions

LU 1103-2009

By Council Member Katz

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

Zoning and Franchises

LU 1104-2009

By Council Member Katz

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

Zoning and Franchises