

# THE COUNCIL

STATED MEETING OF

**THURSDAY, JUNE 26, 2014**

## THE COUNCIL

*Minutes of the Proceedings for the  
STATED MEETING  
of  
Thursday, June 26, 2014, 2:08 p.m.*

The Public Advocate (Ms. James)  
*Acting President Pro Tempore and Presiding Officer*

### Council Members

Melissa Mark-Viverito, Speaker

Maria del Carmen Arroyo	Vanessa L. Gibson	I. Daneek Miller
Inez D. Barron	David G. Greenfield	Annabel Palma
Fernando Cabrera	Vincent M. Ignizio	Antonio Reynoso
Margaret S. Chin	Corey D. Johnson	Donovan J. Richards
Andrew Cohen	Ben Kallos	Ydanis A. Rodriguez
Costa G. Constantinides	Andy L. King	Deborah L. Rose
Robert E. Cornegy, Jr.	Peter A. Koo	Helen K. Rosenthal
Elizabeth S. Crowley	Karen Koslowitz	Ritchie J. Torres
Laurie A. Cumbo	Rory I. Lancman	Mark Treyger
Chaim M. Deutsch	Bradford S. Lander	Eric A. Ulrich
Inez E. Dickens	Stephen T. Levin	Paul A. Vallone
Daniel Dromm	Mark Levine	James G. Van Bramer
Rafael L. Espinal, Jr.	Alan N. Maisel	Mark S. Weprin
Mathieu Eugene	Steven Matteo	Jumaane D. Williams
Daniel R. Garodnick	Carlos Menchaca	Ruben Wills
Vincent J. Gentile	Rosie Mendez	

Excused: Council Members Ferreras, Mealy and Vacca.

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### **INVOCATION**

The Invocation was delivered by Rev. Pat Bumgardner, Executive Director, Global Justice Institute, Metropolitan Community Churches, 446 W. 36th Street, New York, NY 10018.

When New Yorkers woke up this morning, they learned why this municipality is sometimes dubbed the city that never sleeps.  
Because you, the members of the New York City Council  
were hard at work passing a budget that expands daycare programs,

and gives every middle-school child the assurance of this day's daily bread, and provides scholarships for some and after school programs for other. You were hard at work on a budget that funds a summer jobs program for teens, and makes sure that community centers stay open. You were working on a budget that invests in affordable housing, and ensures services for mentally ill inmates. The most diverse council in the history of our city did a most amazing thing - it put our money where many of our hearts are with those most in need of our care and protection. As the pastor of a community of faith where many have been among those seeking asylum and a chance at freedom, and a better life, I want to personally thank you for now making sure that every poor, poor and born New Yorker in immigration detention will be able to seek and have legal representation at the deportation hearings. Restoring the promise of a statue not far away, "Give me your poor, your tired, and your huddled masses."

Many years ago, the great preacher and prophet, the Reverend Dr. Martin Luther King spoke of Rip Van Winkle as the man who slept through a revolution. When he went up the mount, King said the sign said, King George. And when he came down, it read President George. You have not only remained awake, but positioned yourselves as leaders in a great a revolution of change that sees difference not as something that separates us but as the very special something that gives us the opportunity to cross previously erected social borders, and be more together than we ever possibly could have been alone or apart. You are helping our city learn orientation and gender identity of every culture, class and creed shall live together in peace. Equal not only in the eyes of God, but under our cities and our nations and our world's codes and covenants. We have won when we are one. May that sacred truth guide every choice and decision. I ask this blessing today in the name of all that's good and holy. Amen.

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

During the Communication from the Speaker segment, the Speaker (Council Member Mark-Viverito) recognized Gail Benjamin, Director of the Land Use Division of the City Council. The Speaker (Council Member Mark-Viverito) thanked Ms. Benjamin for her twenty-four years of service to the Council and wished her well in her retirement. Ms. Benjamin was commended and praised by a number of Council Members throughout the Meeting.

### **MESSAGES & PAPERS FROM THE MAYOR**

M-80

**Communication from the Mayor - Submitting the name of Cheryl Cohen Effron to the Council for its advice and consent regarding her appointment to the City Planning Commission, Pursuant to Sections 31 and 192 of the City Charter.**

June 23, 2014

The Honorable Melissa Mark-Viverito  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 192 of the New York City Charter, I am pleased to present the name of Cheryl Cohen Efron to the City Council for advice and consent in anticipation of her appointment to the City Planning Commission.

Ms. Efron will succeed Maria M. Del Toro on the Commission and serve for a five-year term expiring on June 30, 2019.

Sincerely,

Bill de Blasio  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-81

**Communication from the Mayor - Submitting the name of Bomee Jung to the Council for its advice and consent regarding her appointment to the City Planning Commission, Pursuant to Sections 31 and 192 of the City Charter.**

June 23, 2014

The Honorable Melissa Mark-Viverito  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 192 of the New York City Charter, I am pleased to present the name of Bomee Jung to the City Council for advice and consent in anticipation of her appointment to the City Planning Commission.

Ms. Jung will succeed Betty Y. Chen on the Commission and serve for the remainder of a five-year term expiring on June 30, 2018.

Sincerely,

Bill de Blasio  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-82

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

June 23, 2014

The Honorable Melissa Mark-Viverito  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Marcie Kesner to the City Council for advice and consent in anticipation of her appointment to the Landmarks Preservation Commission.

When appointed, Ms. Kesner will serve for the remainder of a three-year term expiring, on June 28, 2016.

Sincerely,

Bill de Blasio  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-83

**Communication from the Mayor - Submitting the name of Larisa Ortiz to the Council for its advice and consent regarding her appointment to the City Planning Commission, Pursuant to Sections 31 and 192 of the City Charter.**

June 23, 2014

The Honorable Melissa Mark-Viverito  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 192 of the New York City Charter, I am pleased to present the name of Larisa Ortiz to the City Council for advice and consent in anticipation of her appointment to the City Planning Commission.

Ms. Ortiz will succeed Angela M. Battaglia on the Commission and serve for the remainder of a five-year term expiring on June 30, 2017.

Sincerely,

Bill de Blasio  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Immigration

Report for Int. No. 253-A

**Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of a New York city identity card program.**

The Committee on Immigration, to which the annexed amended proposed local law was referred on April 10, 2014 (Minutes, page 1102), respectfully

### REPORTS:

#### I. **Introduction**

On June 26, 2014, the Committee on Immigration, chaired by Council Member Carlos Menchaca will vote on Proposed Introductory Bill Number 253-A (“Prop. Int. No. 253-A”), a local law to amend the administrative code of the city of New York, in relation to the creation of a New York City Identity Card Program. The Committee previously held a hearing on Introductory Bill Number 253 (“Int. No. 253”) on April 30, 2014.

#### II. **Background**

People rely on identification for a myriad of reasons, including to “prove who they are, to become eligible for services and for their own self-esteem.”<sup>1</sup> Identification is often required to access buildings, receive medical care and prescriptions, and open bank accounts. There have been numerous articles and reports regarding the problems that undocumented immigrants face when trying to access basic services because they do not have identification. There has also been increased awareness of other populations facing similar problems and struggles because they do not possess identification. Reports indicate that New York City residents who lack formal identification experience difficulties when attempting to access financial services, libraries, schools, and hospitals.<sup>2</sup> Undocumented immigrants, seniors, homeless, and transgender individuals are just some of the New Yorkers who may not have identification. In order to address the needs of these populations, Int. No. 253 was introduced to establish a municipal identification card program.

<sup>1</sup> See Christine Schanes, *Homeless People Need ID*, Huffington Post, Apr. 3, 2011, [http://www.huffingtonpost.com/christine-schanes/how-homeless-people-feel-\\_b\\_835216.html](http://www.huffingtonpost.com/christine-schanes/how-homeless-people-feel-_b_835216.html)

(last visited Apr. 27, 2014).

<sup>2</sup> See Oakland City ID Card Coalition, *Oakland City ID Card Proposal*, 5 (Sept. 2, 2008); The Center for Popular Democracy, *Who We Are: Municipal ID cards as a local strategy to promote belonging and shared community identity* (Dec. 2013).

### III. New Yorkers without Identification

It is estimated that there are 500,000 undocumented immigrants living in New York City.<sup>3</sup> There are some that have no means to prove their identity, while others have consular identification cards,<sup>4</sup> driver's licenses or birth certificates issued by their countries of origin. These documents, however, are sometimes deemed to be unacceptable forms of identification in the United States for those trying to access basic services.<sup>5</sup> Lesbian, gay, bisexual, transgender, and queer ("LGBTQ") youth may also lack identification. LGBTQ youth who are rejected by their family because of their sexual orientation and gender identity may end up homeless without any documentation to establish their identity. In New York State, the average age at which lesbian, gay, and bisexual youth become homeless is 14 and the average age that transgender youth become homeless is 13.<sup>6</sup> The problems for transgender youth are often exacerbated. Like transgender adults, transgender youth struggle when trying to obtain appropriate identification that accurately reflects their gender. Additionally, homeless individuals living in the City's shelters often have difficulty obtaining identification because they lack a permanent address. Senior citizens who are disabled or living on a fixed income, reportedly have a difficult time

<sup>3</sup> New York City Dep't of City Planning, *The Newest New Yorkers: Characteristics of the City's Foreign-born Population* (2013) [http://www.nyc.gov/html/dcp/pdf/census/nny2013/nny\\_2013.pdf](http://www.nyc.gov/html/dcp/pdf/census/nny2013/nny_2013.pdf), 186 (last visited on March 10, 2014).

<sup>4</sup> A consular identification card is a "document that many consulates issue to identify the citizens of their country who reside abroad." A consular identification card is not meant to provide proof of legal residency, but provides a valid form of identification, provide certain protections, and may grant access to certain financial institutions. A Consumer Action Publication, *Consular ID Cards*, 1 (2007), <http://www.consumer-action.org/downloads/english/ConsularIDCards.pdf> (last visited Apr. 29, 2014).

<sup>5</sup> The Center for Popular Democracy, supra note 2, at 8.

<sup>6</sup> Center for American Progress, *Gay and Transgender Youth Homelessness by the Numbers*, (June 21, 2010) <http://www.americanprogress.org/issues/lgbt/news/2010/06/21/7980/gay-and-transgender-youth-homelessness-by-the-numbers/> (last visited on March 12, 2014).

maintaining identification, mainly due to the cost.<sup>7</sup> In fact, one in five senior citizens over the age of 65 does not have photo identification. <sup>8</sup>

### IV. How Other Jurisdictions Have Addressed This Problem

In 2007, the Elm City Resident's Card was launched in New Haven, Connecticut to provide identification to all New Haven residents.<sup>9</sup> The idea for the Elm City Resident's Card arose from a need to provide New Haven's undocumented immigrants with identification. New Haven's undocumented population was targeted for theft after it became common knowledge that they could not open bank accounts.<sup>10</sup> After the crimes were committed, undocumented residents who had either been victims of or witnesses to crime, were reluctant to talk to the police for fear that they would be subjected to scrutiny because of their immigration status.<sup>11</sup> In creating the Elm City Resident's Card, the City of New Haven intended for the card to be appealing to all residents, regardless of immigration status, so the City attached benefits to the card.<sup>12</sup> Accordingly, the Elm City Resident's Card can be used as a library card and a debit card in local stores and meters.<sup>13</sup> The program was considered to be a success when more than 5,000 cards were issued to residents of New Haven five months after the program went into effect.<sup>14</sup>

Since the launch of the Elm City Resident's Card, at least six municipalities have established local identification card schemes.<sup>15</sup> Cards commonly feature the cardholder's:<sup>16</sup>

- name
- address
- date of birth
- photograph
- city name
- card number
- signature line

- expiration date
- gender

Although each program is different in relation to who administers them, the benefits attached to the cards and the cost, each seeks to ensure that the card is available to as many residents as possible and encourages wide-spread use.

<sup>7</sup> See Oakland City ID Card Coalition, supra note 2, at 7.

<sup>8</sup> The Center for Popular Democracy, *Proposal for New York City Municipal ID Card Program*, 2 (August 9, 2013) (On file with the Committee on Immigration).

<sup>9</sup> The Center for Popular Democracy, supra note 2, at 11.

<sup>10</sup> *Id.* at 12.

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

<sup>12</sup> *Id.*

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

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

<sup>15</sup> These municipalities include San Francisco, Oakland, Richmond, and Los Angeles, California, and Mercer County, New Jersey.

<sup>16</sup> *Id.* at 10.

### V. Hearing on Int. No. 253

At the hearing held on April 30, 2014, the Committee received testimony in support of the bill from Nisha Agarwal, Commissioner of the Mayor's Office of Immigrant Affairs, Mindy Tarlow, Director of the Mayor's Office of Operations ("Operations"), advocates, immigration practitioners, and affected individuals. Their testimony generally focused on the utility that a New York City Identity Card ("NYCID") would have for various communities in New York City, including disconnected youth, seniors, unbanked, immigrant, recently incarcerated, and homeless populations. For example, Nisha Agarwal stated that the NYCID "would allow more New Yorkers of all backgrounds to more easily access City services, public and private programming and increase participation in our local economy by accessing banking and financial empowerment services."<sup>17</sup>

Since the hearing on Int. No. 253, several changes have been made to the legislation.

- The substantive requirements regarding what information must appear on the NYCID found in the "Definition" section of Int. No. 253 have been moved to the "Issuance of New York city identity card" section of Prop. Int. No. 253-A.
- Under Int. No. 253, Operations is designated as the administering agency for the NYCID Program. In order to allow for more flexibility in the administration of the NYCID program by mayoral agencies,<sup>18</sup> Prop. Int. No. 253-A includes language that authorizes the Mayor to designate an agency to administer the NYCID program.
- In the bill as introduced, NYCID applications are to be made available at any agency or office where there is substantial contact with the public. Prop. Int. No. 253-A requires the administering agency to designate at least one access site in each borough for applications to be made available for pick-up and submission. This change was made to allow the administering agency to identify the best sites to offer intake for the NYCID that will navigate security, cost, technology, and staffing.<sup>19</sup>
- Prop. Int. No. 253-A includes new language that seeks to protect minors and allow for a minimum age requirement for NYCID applicants.

<sup>17</sup> *Hearing on Int. No. 253, a local law to amend the administrative code of the city of New York, in relation to the creation of a New York City Identity Card Program, Before the Committee on Immigration*, 42-43, Apr. 30, 2014 (testimony of Nisha Agarwal, Commissioner, Mayor's Office of Immigrant Affairs).

<sup>18</sup> See *Hearing on Int. No. 253, a local law to amend the administrative code of the city of New York, in relation to the creation of a New York City Identity Card Program, Before the Committee on Immigration*, 36-37, Apr. 30, 2014 (testimony of Mindy Tarlow, Director, Mayor's Office of Operations).

<sup>19</sup> See *Id.* at 38-39.

- The list of acceptable documents to be considered was modified in Prop. Int. No. 253-A in an effort to give card applicants more options when trying to prove New York City residency: the timeframe for local property tax and income tax statements were extended from 60 days prior to the date such document is presented to one year from the date of submission, and current residential leases were added as a document to be considered when an applicant is trying to establish residency.
- The circumstances in which City agencies must accept the card were modified in Prop. Int. No. 253-A for consistency with existing agency practices.

- The penalty language found in Int. No. 253 was omitted because it is duplicative of existing penalties in New York's Penal Law.<sup>20</sup>
- Int. No. 253 includes provisions to prohibit the City from retaining originals or copies of records provided by an applicant to prove identity or residency. Under Prop. Int. No. 253-A the City would be required to retain documents for two years. After two years, the City would be required to destroy copies of records provided by applicants to prove identity and residency every quarter. The purpose of this provision is to provide security for cardholders against fraud. Additionally, Prop. Int. No. 253-A would require the administering agency to review data on or before December 31, 2016 to make a determination regarding the continuing need to retain records in order to effectively administer the NYCID and to make any appropriate modifications to the policy for retaining records. This would give the administering agency the opportunity to evaluate the use and need to retain application documents.

<sup>20</sup> See *Id.* at 38.

- Int. No. 253 requires that information collected about applicants for the card be treated as confidential and not be disclosed to government entities or private parties unless such disclosure is authorized in writing or ordered by a court of competent jurisdiction. Prop. Int. No. 253-A modifies this section to allow for documents to be shared only if certain requirements are met.
- Prop. Int. No. 253-A requires the administering agency to submit quarterly reports to the Mayor and the Speaker of the City Council regarding various metrics pertaining to the NYCID.
- The provision on language assistance was modified to make it clear that affirmative efforts need to be made by the administering agency to ensure that language access services are provided to card applicants and cardholders.
- In order to allow for rule making by the administering agency before the bill goes into effect, the effective date was modified.

#### **VI. Description of Prop. Int. No. 253-A**

If enacted, Prop. Int. No. 253-A would establish the NYCID, an official form of identification for New York City residents. The NYCID is defined as an identification card issued by the City of New York. Under Prop. Int. No. 253-A, the NYCID would be administered by an administering agency, defined as "an agency that the Mayor designates to administer the New York City Identity Card program." The administering agency would be required to designate at least one access site in each borough for applications to be made available for pickup and submission. Additionally, the administering agency would be required to make applications available on-line.

Prop. Int. No. 253-A would require an applicant for an NYCID to establish their identity by providing one or more of the following documents:

- a U.S. or foreign passport;
- a U.S. state driver's license;
- a U.S. state identification card;
- a U.S. permanent resident card;
- a consular identification card;
- a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
- a certified copy of U.S. or foreign birth certificate;
- a Social Security card;
- a national identification card with photo, name, address, date of birth, and expiration date;
- a foreign driver's license;
- a U.S. or foreign military identification card;
- a current visa issued by a government agency;
- a U.S. individual taxpayer identification number (ITIN) authorization letter;
- an electronic benefit transfer (EBT) card; or

- any other documentation that the administering agency deems acceptable. Prop. Int. No. 253-A authorizes the administering agency to determine the weight to be given to each type of document and require that an applicant produce more than one document to establish identity.

In order to establish residency, Prop. Int. No. 253-A requires that an applicant provide one or more of the following items, dated no more than 60 days prior to the date such document is presented, showing both the applicant's name and residential address located within the City:

- a utility bill;
- a current residential property lease;
- a local property tax statement dated within one year of the date it is submitted;
- a local real property mortgage payment receipt;
- a bank account statement;
- proof that the applicant has a minor child currently enrolled in a school located within the City;
- an employment pay stub;
- a jury summons or court order issued by a federal or state court;
- a federal or state income tax or refund statement dated within one year of the date it is submitted;
- an insurance bill (homeowner, renter, health, life, or automobile insurance);
- written verification issued by a homeless shelter that receives City funding confirming at least fifteen days residency;
- written verification issued by a hospital, health clinic or social services agency located within the City confirming at least fifteen days residency; or
- any other documentation that the administering agency deems acceptable.

Prop. Int. No. 253-A would authorize the administering agency to require an applicant to provide one or more of the above documents and determine the weight to be given to each type of document to establish residency. Additionally, the bill would require the administering agency to create alternative methods by which individuals who are homeless can establish residency in the City notwithstanding the lack of fixed address.

Under Prop. Int. No. 253-A, information collected about applicants for the NYCID is to be treated as confidential, unless one of the following exceptions are met:

- the individual to whom such information pertains has authorized in writing that the information can be shared;
- it is ordered by a court of competent jurisdiction;
- the request is made by a City agency for the purpose of administering the NYCID program or facilitating the applicant's eligibility for additional benefits, services, and care; or
- the request is made by a law enforcement agency that provides the administering agency with a judicial subpoena or a judicial warrant.

Under Prop. Int. No. 253-A, all City agencies would be required to accept the NYCID as proof of identity and residency for access to City services. City agencies would not, however, be required to accept the card if there is reasonable grounds to believe that the individual presenting the card is not the individual to whom the card was issued. If enacted, Prop. Int. No. 253-A would prohibit City agencies from requiring the possession of an NYCID where identification is not already required to obtain City services.

Prop. Int. No. 253-A calls for the City to expand the benefits associated with the NYCID by encouraging eligible people to apply and promoting the acceptance of the card by banks and other public and private institutions. Additionally, the City would be required to provide language assistance to applicants for the NYCID.

Under Prop. Int. No. 253-A, the administering agency would be required to submit quarterly reports, beginning March 31, 2015, to the Mayor and the Speaker of the City Council on the following information:

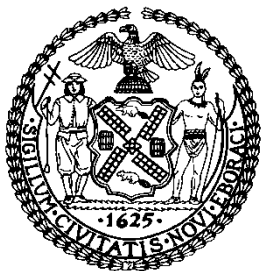
- the number of applications received by the City for the NYCID disaggregated by applicant borough of residency;
- the number of NYCIDs issued;

- the number of NYCIDs issued to minors;
- the number of requests made by City agencies for information collected about applicants for the NYCID disaggregated by requesting agency;
- the number of times the administering agency shared documents submitted by applicants to establish eligibility for the NYCID with other City agencies disaggregated by agency;
- the number of denials made to requesting agencies for information collected about applicants for the NYCID;
- the number of NYCID applicants whose information was disclosed to law enforcement, disaggregated by whether such disclosure was pursuant to a judicial warrant or judicial subpoena;
- the number of occurrences of fraud or other criminal activity related to issuance of the NYCID;
- the City’s efforts to conduct outreach to prospective applicants relating to the NYCID program;
- the City’s efforts to promote acceptance of the NYCID by banks and other public and private institutions;
- the types of services, other than City services, for which the NYCID is permitted as acceptable proof of identity and residency; and
- any other metric the administering agency deems appropriate, including but not limited to additional measures of fraudulent or other criminal activity related to the NYCID.

**VI. Enactment Date**

Prop. Int. No. 253-A would take effect six months after its enactment into law.

(The following is the text of the Fiscal Impact Statement for Int. No. 253-A:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
**LATONIA MCKINNEY, ACTING DIRECTOR**  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 253-A**

**COMMITTEE:**  
**Immigration**

**TITLE:** To amend the administrative code of the city of New York, in relation to the creation of a New York city identity card program.

**SPONSOR(S):** Dromm, Menchaca, the Speaker (Council Member Mark-Viverito), Cabrera, Chin, Eugene, Ferreras, Koo, Lancman, Levine, Mendez, Reynoso, Richards, Rose, Palma, Rosenthal, Rodriguez, Espinal, Lander, Johnson, Levin, Miller, Kallos, Van Bramer, Dickens, Weprin, Barron, Crowley, Arroyo, Constantinides, Williams, Gibson, Cumbo and Cohen

**SUMMARY OF LEGISLATION:**

Proposed Intro. 253-A, would add a new section 3-115 of the Administrative Code for the creation of a New York City identity card program, which will provide all New York City residents with access to formal, usable identification for purposes of obtaining City services. The New York City Identity Card would be available to any resident of New York City who can establish identity and residency and meet the minimum age requirement for eligibility (which will be established by the administering agency). The card will include, at a minimum, the cardholder’s photo, name, date of birth, address, and an expiration date. Applicants will be able to elect to include his or her self-designated gender.

Additionally, this bill would require the administering agency, to be designated by the Mayor, to assign access sites, including at least one site located within each of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. The administering agency shall also make applications available online.

As the administrator of the program, the administering agency would establish a reasonable fee for card applicants and will also come up with rules for those who cannot afford the fee to receive a full or partial waiver. This bill would also require the administering agency to submit quarterly reports, beginning March 31, 2015, to

the Mayor and the Speaker of the City Council on the utility and security surrounding the card.

**EFFECTIVE DATE:** This legislation would take effect six months after its enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY 16	Full Fiscal Impact FY15
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$8,400,000	\$5,600,000	\$8,400,000
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from this legislation. Any revenues from fees resulting from this legislation would be *de minimis*.

**IMPACT ON EXPENDITURES:** In the Fiscal 2015 Mayor’s Executive Budget, the Administration included \$8.4 million and \$5.6 million for Fiscal 2015 and the outyears, respectively.

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

**SOURCE OF INFORMATION:** Mayor’s Office of Budget and Management

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

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel  
 Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 10, 2014 as Int. 253 and referred to the Committee on Immigration. On April 30, 2014, the Committee on Immigration held a hearing on this legislation and the bill was laid over. An amendment was proposed, with amended version, Int. No.253-A, to be considered by the Committee on Immigration on June 26, 2014. Upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on June 26, 2014.

**DATE SUBMITTED TO COUNCIL:** April 10, 2014

*Accordingly, this Committee recommends its adoption, as amended.*

(The following is the text of Int. No. 253-A:)

Int. No. 253-A

By Council Members Dromm, Menchaca, the Speaker (Council Member Mark-Viverito), Cabrera, Chin, Eugene, Ferreras, Koo, Lancman, Levine, Mendez, Reynoso, Richards, Rose, Palma, Rosenthal, Rodriguez, Espinal, Lander, Johnson, Levin, Miller, Kallos, Van Bramer, Dickens, Weprin, Barron, Crowley, Arroyo, Constantinides, Williams, Gibson, Cumbo, Cohen, Cornegy and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a New York city identity card program.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-115, to read as follows:

§3-115. *New York City Identity Card*

a. *Definitions*

“Administering Agency” shall mean the agency that the mayor designates to administer the New York city identity card program.

“New York city identity card” shall mean an identification card issued by the city of New York pursuant to subdivision b of this section.

“Resident” shall mean person who can establish that he or she is a current resident of the city of New York pursuant to paragraph two of subdivision d of this section.

b. *New York city identity card program*

(1) The mayor shall designate an agency to administer the New York city identity card program. The administering agency shall promulgate all rules necessary to effectuate the purposes of this subchapter.

(2) The administering agency shall designate access sites, including at least one site located within each of the five boroughs of the city of New York, where

applications for such card shall be made available for pick-up and submission. The administering agency shall also make applications available online.

*c. Issuance of New York city identity cards*

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish procedures to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

(2) The New York city identity card shall be available to any resident of the city of New York, provided that such resident is able to meet the requirements for establishing his or her identity and residency set forth in subdivision d of this section and rules adopted by the administering agency pursuant to this section, including rules establishing a minimum age requirement for eligibility for the city identity card and any restrictions the administering agency deems appropriate for the protection of minors.

(3) The administering agency may establish a reasonable fee for applications for a New York city identity card, and if such a fee is established, shall adopt rules permitting residents who cannot afford to pay such fee to receive a full or partial waiver.

*d. New York city identity card eligibility*

In order to obtain a New York city identity card an applicant must establish proof of identity and proof of residency within the city as follows:

(1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents:

- (i) a U.S. or foreign passport;
- (ii) a U.S. state driver's license;
- (iii) a U.S. state identification card;
- (iv) a U.S. permanent resident card;
- (v) a consular identification card;
- (vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
- (vii) a certified copy of U.S. or foreign birth certificate;
- (viii) a Social Security card;
- (ix) a national identification card with photo, name, address, date of birth, and expiration date;
- (x) a foreign driver's license;
- (xi) a U.S. or foreign military identification card;
- (xii) a current visa issued by a government agency;
- (xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;
- (xiv) an electronic benefit transfer (EBT) card; or
- (xv) any other documentation that the administering agency deems acceptable.

The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.

(2) Proof of residency. In order to establish residency, an applicant shall be required to produce one or more of the following items each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph:

- (i) a utility bill;
- (ii) a current residential property lease;
- (iii) a local property tax statement dated within one year of the date it is submitted;
- (iv) a local real property mortgage payment receipt;
- (v) a bank account statement;
- (vi) proof that the applicant has a minor child currently enrolled in a school located within the city;
- (vii) an employment pay stub;
- (viii) a jury summons or court order issued by a federal or state court;
- (ix) a federal or state income tax or refund statement dated within one year of the date it is submitted;
- (x) an insurance bill (homeowner, renter, health, life, or automobile insurance);
- (xi) written verification issued by a homeless shelter that receives city funding confirming at least fifteen days residency;
- (xii) written verification issued by a hospital, health clinic or social services agency located within the city of New York confirming at least fifteen days residency; or
- (xiii) Any other documentation that the administering agency deems acceptable.
- (xiv) The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish residency. The administering agency shall by rule create alternative methods by which individuals

who are homeless can establish residency in the city notwithstanding the lack of fixed address.

*e. Confidentiality of New York city identity card eligibility information*

(1) Once every quarter the city shall destroy copies of records provided by applicants to prove identity or residency for a New York city identity card that have been retained more than two years, except where such records are required by law to be preserved as evidence for purposes of litigation.

(2) On or before December 31, 2016, the administering agency shall review data collected in the report described in subdivision h of this section and make a determination regarding the continuing need to retain records pursuant to paragraph one of this subdivision in order to effectively administer the New York city identity card program and shall make any appropriate modifications to the policy for retention of records related to the New York city identity card program.

(3) In the event that: (i) the administering agency fails to make a determination on or before December 31, 2016 pursuant to paragraph (2) of this subdivision, or (ii) the administering agency determines that records retention is no longer necessary, then the city shall not retain originals or copies of records provided by an applicant to prove identity or residency for a New York city identity card for longer than the time needed to review the application, and any such records in the city's possession prior to such date shall be destroyed on or before December 31, 2016 or, in the case of an application pending on such date, as soon as practicable after a final determination has been made regarding the application. Nothing in this paragraph shall be construed to prevent the city from retaining records where such records are required by law to be preserved as evidence for purposes of litigation.

(4) To the maximum extent allowed by applicable federal and state law, information collected about applicants for the card shall be treated as confidential and may only be disclosed if:

- (i) Authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian;
- (ii) So ordered by a court of competent jurisdiction;
- (iii) To a requesting city agency for the limited purpose of administering the New York city identity card program or determining or facilitating the applicant's eligibility for additional benefits, services, and care, provided that such disclosure is made in accordance with all applicable federal and state privacy laws and regulations, and subject to the further requirement that such information shall not be redisclosed to any other governmental agency or entity, or third party; or
- (iv) To a law enforcement agency that serves the administering agency a judicial subpoena or judicial warrant.

(5) The city shall not indicate on the application forms used to apply for a New York city identity card the type of records provided by an applicant to establish residency or identity.

*f. Access to services*

(1) All city agencies shall accept such card as proof of identity and residency for access to city services unless (i) such acceptance is prohibited by federal or state law, (ii) additional documentation is required to obtain the benefits of a federal or state program, or (iii) the agency has reasonable grounds to believe that the card is counterfeit, altered, or improperly issued, or the individual presenting the card is not the individual to whom the card was issued.

(2) The city shall seek to encourage eligible persons to apply for the card and expand the benefits associated with the card, including, at a minimum, by promoting acceptance of the card by banks and other public and private institutions.

(3) City agencies shall not require the possession of a New York city identity card where identification is not already required to obtain city services, provided, however that agencies may require the possession of a New York city identity card to obtain benefits or privileges offered exclusively to those who possess a New York city identity card as an incentive to apply for a New York city identity card.

*g. Language assistance services*

The administering agency, in consultation with the mayor's office of immigrant affairs, shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration of the New York city identity card program.

*h. Reporting*

The administering agency shall prepare and submit to the mayor and the speaker of the city council a report on the New York city identity card program that includes the following information:

- (1) the number of applications received by the city for the New York city identity card disaggregated by applicant borough of residency;
- (2) the number of New York city identity cards issued;
- (3) the number of New York city identity cards issued to minors;
- (4) the number of requests made by city agencies for information collected about applicants for the New York city identity card disaggregated by requesting agency;
- (5) the number of times the administering agency shared documents submitted by applicants to establish eligibility for the New York city identity card with other city agencies disaggregated by agency;
- (6) the number of denials made to requesting agencies for information collected about applicants for the New York city identity card;

(7) the number of New York city identity card applicants whose information was disclosed to law enforcement, disaggregated by whether such disclosure was pursuant to a judicial warrant or judicial subpoena;

(8) the number of occurrences of fraud or other criminal activity related to issuance of the New York city identity card;

(9) the city's efforts to conduct outreach to prospective applicants relating to the New York city identity card program;

(10) the city's efforts to promote acceptance of the New York city identity card by banks and other public and private institutions;

(11) the types of services, other than city services, for which the New York city identity card is permitted as acceptable proof of identity and residency; and

(12) any other metric the administering agency deems appropriate, including but not limited to additional measures of fraudulent or other criminal activity related to the New York city identity card program.

Such report shall be submitted on March 31, 2015 and every three months thereafter.

§2. This local law shall take effect six months after its enactment, provided that the administering agency, as defined in section 3-115 of the administrative code of the city of New York as added by section 1 of this local law, may take such measures as are necessary for the implementation of this local law, including the promulgating of rules, prior to such date.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, June 26, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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**

Report for L.U. No. 62 & Res. No. 330

**Report of the Committee on Land Use in favor of approving Application No. C 140181 ZMM submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8 District to an R8A District, changing from an R8A District to an R9 District, changing from an M1-5 District to an R9 District, in an area generally bounded by West 51<sup>st</sup> and West 53<sup>rd</sup> Streets and 10<sup>th</sup> and 11<sup>th</sup> Avenues, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1698) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2542), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**C 140181 ZMM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an R8 District to an R8A District property bounded by West 52nd Street, a line 225 feet easterly of 11th Avenue, a line midway between West 52nd Street and West 51st Street, a line 200 feet easterly of 11th Avenue, West 51st Street, and a line 100 feet easterly of 11th Avenue;
2. changing from an R8A District to an R9 District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 225 feet easterly of 11th Avenue;
3. changing from an M1-5 District to an R9 District property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 225 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue; and
4. establishing within the proposed R9 District a C2-5 District bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd

Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue;

as shown on a diagram (for illustrative purposes only) dated December 2, 2013.

**INTENT**

This zoning map amendment action, in conjunction with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 330

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140181 ZMM, a Zoning Map amendment (L.U. No. 62).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 12, 2014 its decision dated May 7, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section 8c, to change M1-5 (CL) and R8A (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts. This action, along with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51<sup>st</sup> Street and West 53<sup>rd</sup> Street between Tenth and Eleventh avenues in Community District 4 (ULURP No. C 140181 ZMM), Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications N 140182 ZRM (L.U. No. 63), an amendment to Zoning Resolution Section 96-00 Appendix A to include portions of the Project area in the Other Area - Western Subarea C2; Appendix F to include portions of the Project area in the Inclusionary Housing designated area; Section 96-31 to amend IH program to include low-, moderate and middle-income bands within R8A districts in the CL; Section 96-32 to amend IH program to include low-, moderate- and middle-income bands within R9 districts in the CL, and permit certain commercial and manufacturing uses in the Project area; C 140183 ZSM (L.U. No. 64), a special permit pursuant to Section 74-74, Large-Scale General Development, to permit the transfer of floor area and height and setback waivers in a new Large-Scale General Development; and C 140185 HAM (L.U. No. 65), an urban

development area action project designation and disposition of property on portions of blocks bounded by West 51<sup>st</sup> and West 53rd streets; 10th and 11th avenues;

**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 June 17, 2014;

**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 including the revised negative declaration (CEQR No. 13HPD106M) dated April 29, 2014 (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, C 140181 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. 8c:

1. changing from an R8 District to an R8A District property bounded by West 52nd Street, a line 225 feet easterly of 11th Avenue, a line midway between West 52nd Street and West 51st Street, a line 200 feet easterly of 11th Avenue, West 51st Street, and a line 100 feet easterly of 11th Avenue;
2. changing from an R8A District to an R9 District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 225 feet easterly of 11th Avenue;
3. changing from an M1-5 District to an R9 District property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 225 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue; and
4. establishing within the proposed R9 District a C2-5 District bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue;

as shown on a diagram (for illustrative purposes only) dated December 2, 2013, Community District 4, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 63 & Res. No. 331

**Report of the Committee on Land Use in favor of approving Application No. N 140182 ZRM submitted by NYC Department of Housing Preservation and Development 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) and Appendix F concerning regulations in Western Subarea C2 and Inclusionary Housing designated areas within Community District 4, Borough of Manhattan, Community Board 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1698) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2543), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**N 140182 ZRM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development 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) and Appendix F concerning regulations in Western Subarea C2 and Inclusionary Housing designated areas.

**INTENT**

This zoning text amendment action, in conjunction with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** *None*

**Abstain:** *None*

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

Res. No. 331

**Resolution approving the decision of the City Planning Commission on Application No. N 140182 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Western Subarea C2 and Inclusionary Housing designated areas within Community District 4, Borough of Manhattan (L.U. No. 63).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 12, 2014 its decision dated May 7, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Western Subarea C2 and Inclusionary Housing designated areas. This text amendment action, along with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West



53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4 (Application No. N 140182 ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 140181 ZMM (L.U. No. 62), an amendment of the Zoning Map, Section No. 8c to change M1-5 (CL) and R8 (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts; C 140183 ZSM (L.U. No. 64), a special permit pursuant to Section 74-74, Large-Scale General Development, to permit the transfer of floor area and height and setback waivers in a new Large-Scale General Development; and C 140185 HAM (L.U. No. 65), an urban development area action project designation and disposition of property on portions of blocks bounded by West 51<sup>st</sup> and West 53rd streets; 10th and 11th avenues;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 17, 2014;

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 including the revised negative declaration (CEQR No. 13HPD106M) dated April 29, 2014 (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 140182 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 within # # is defined in Section 12-10;
\* \* \* indicates where unchanged text appears in the Zoning Resolution

Article IX – Special Purpose Districts

\* \* \*

Chapter 6 Special Clinton District

\* \* \*

96-30 OTHER AREAS

\* \* \*

96-31 Special Regulations in R8 Districts

\* \* \*

(b) In R8A districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

(i) R8A Districts in Other Areas, west of Tenth Avenue, 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.

(2) ~~Maximum #floor area ratio#~~

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area

ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section 23-90 shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51<sup>st</sup> Street, 11<sup>th</sup> Avenue, West 53<sup>rd</sup> Street and 10<sup>th</sup> Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (b)(1)(ii), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(3)(2) Special #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of 11th Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32 Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts

shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, 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.

(b) ~~Maximum #floor area ratio#~~

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be located within the #Special Clinton District#.

- (2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51<sup>st</sup> Street, 11<sup>th</sup> Avenue, West 53<sup>rd</sup> Street and 10<sup>th</sup> Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0. 833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (a)(2), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) #Uses# in Western Subarea C2 located within a #large scale general development#

- (1) Within a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

Automotive service establishments

From Use Group 17:

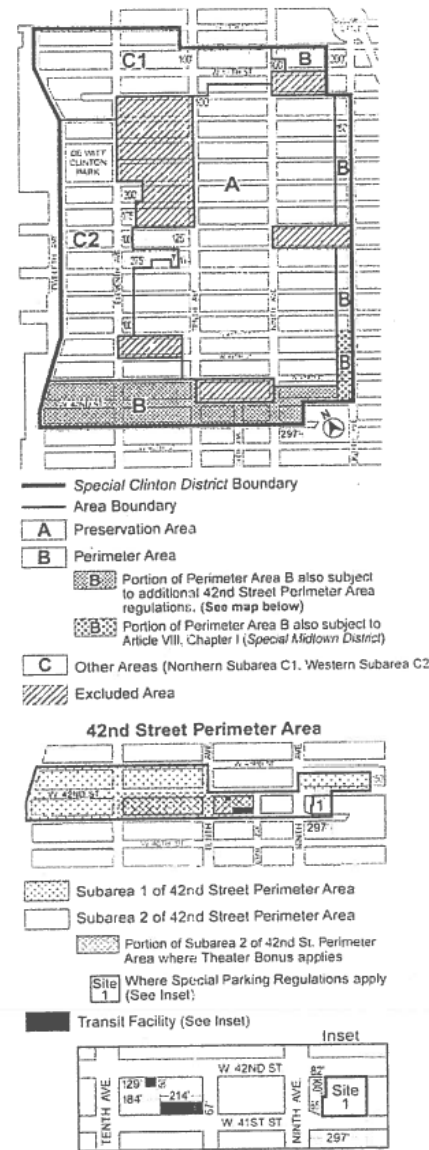
Scenery construction.

- (2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.

- (3) The supplemental #use# provisions of Section 32-421 shall not apply to #commercial uses# located in a #building# with frontage on West 52<sup>nd</sup> Street.

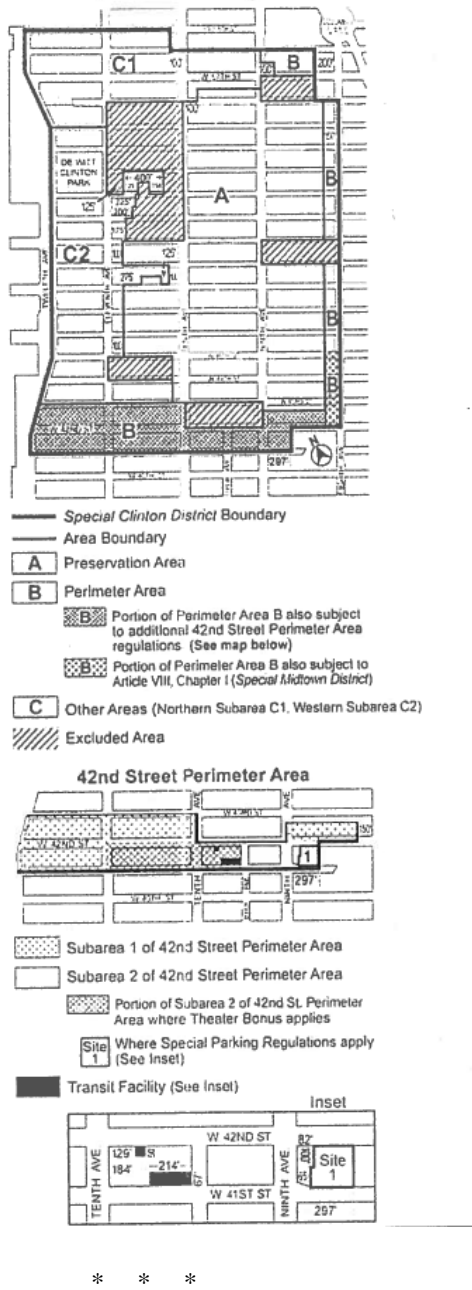
\* \* \*

EXISTING  
(TO BE DELETED)  
APPENDIX A – SPECIAL CLINTON DISTRICT MAP



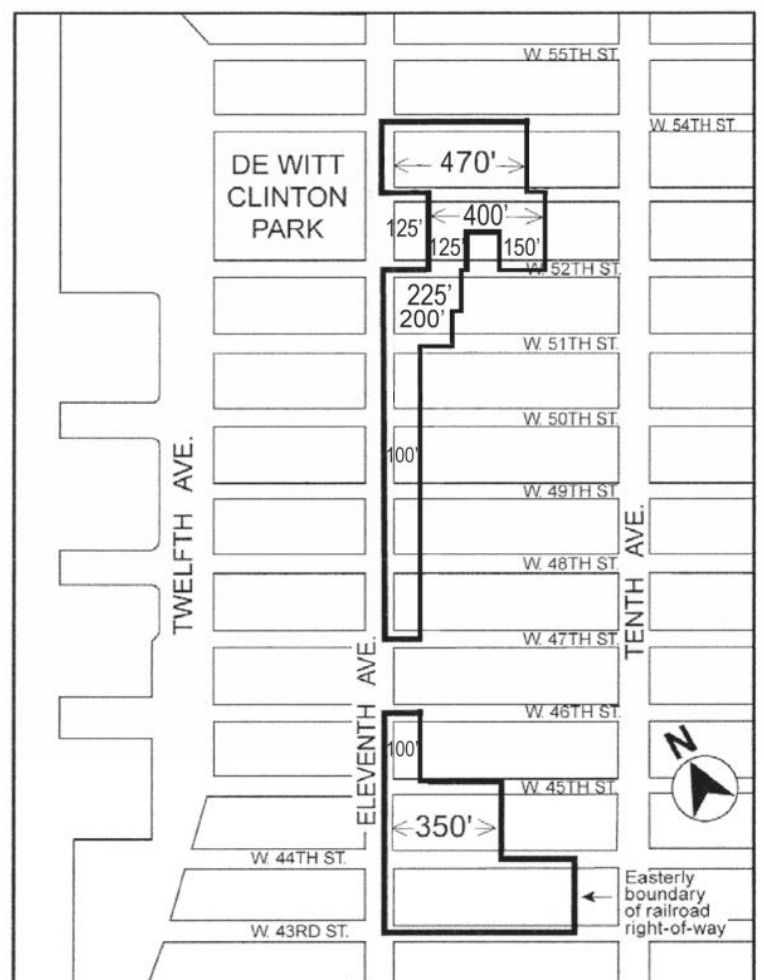
\* \* \*

**PROPOSED  
(TO REPLACE EXISTING)  
APPENDIX A – SPECIAL CLINTON DISTRICT MAP**



Portion of Community District 4, Manhattan

**PROPOSED  
(TO REPLACE EXISTING)  
APPENDIX F – MAP 2**



Portion of Community District 4, Manhattan

**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.

\* \* \*

**Manhattan Community District 4**

Map 2. (6/14/11)

*Special Clinton District* – see Sections 96-31, 96-32, 96-81 and 96-82

**EXISTING  
(TO BE DELETED)  
APPENDIX F – MAP 2**

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 64 & Res. No. 332

**Report of the Committee on Land Use in favor of approving Application No. C 140183 ZSM submitted by NYC Department of Housing Preservation and Development and 525 West 52nd Street Property Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant Zoning Resolution Section 74-743(a)(1) and Section 74-743(a)(2), in connection with a proposed mixed use development on property bounded by West 53rd Street, 10<sup>th</sup> Avenue, West 52nd Street, and 11<sup>th</sup> Avenue, within a Large-Scale General Development, within the Special Clinton District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1698) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2543), respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 4

C 140183 ZSM

City Planning Commission decision approving an application submitted by NYC Department of Housing Preservation and Development and 525 West 52nd Street Property Owner 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 under the applicable district regulations without regard for zoning district boundaries; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts);

in connection with a proposed mixed use development on property bounded by West 53<sup>rd</sup> Street, a line 275 feet westerly of 10<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, a line 375 feet easterly of 11<sup>th</sup> Avenue, a line midway between West 53<sup>rd</sup> Street and West 52<sup>nd</sup> Street, a line 250 feet easterly of 11<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, and 11<sup>th</sup> Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District.

##### INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4.

##### PUBLIC HEARING

**DATE:** June 17, 2014

**Witnesses in Favor:** Four                      **Witnesses Against:** None

##### SUBCOMMITTEE RECOMMENDATION

**DATE:** June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio

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

##### COMMITTEE ACTION

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 332

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140183 ZSM (L.U. No. 64), for the grant of a special permit pursuant to Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district boundaries and Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts); in connection with a proposed mixed use development on property bounded by West 53<sup>rd</sup> Street, a line 275 feet westerly of 10<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, a line 375 feet easterly of 11<sup>th</sup> Avenue, a line midway between West 53<sup>rd</sup> Street and West 52<sup>nd</sup> Street, a line 250 feet easterly of 11<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, and 11<sup>th</sup> Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District, Borough of Manhattan.**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 12, 2014 its decision dated May 7, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and 525 West 52<sup>nd</sup> Street Property Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the New York City Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district boundaries; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts);

in connection with a proposed mixed use development on property bounded by West 53<sup>rd</sup> Street, a line 275 feet westerly of 10<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, a line 375 feet easterly of 11<sup>th</sup> Avenue, a line midway between West 53<sup>rd</sup> Street and West 52<sup>nd</sup> Street, a line 250 feet easterly of 11<sup>th</sup> Avenue, West 52<sup>nd</sup> Street, and 11<sup>th</sup> Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District (ULURP No. C 140183 ZSM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 140181 ZMM (L.U. No. 62), an amendment of the Zoning Map, Section No. 8c to change M1-5 (CL) and R8 (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts; N 140182 ZRM (L.U. No. 63), an amendment to Zoning Resolution Section 96-00 Appendix A to include portions of the Project area in the Other Area - Western Subarea C2; Appendix F to include portions of the Project area in the Inclusionary Housing designated area; Section 96-31 to amend IH program to include low-, moderate and middle-income bands within R8A districts in the CL; Section 96-32 to amend IH program to include low-, moderate- and middle-income bands within R9 districts in the CL, and permit certain commercial and manufacturing uses in the Project area; and C 140185 HAM (L.U. No. 65), an urban development area action project designation and disposition of property on portions of blocks bounded by West 51<sup>st</sup> and West 53<sup>rd</sup> streets; 10th and 11th avenues;

**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 June 17, 2014;

**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 including the revised negative declaration (CEQR No. 13HPD106M) issued on April 29, 2014 (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, C 140183 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

(3)

1. The property that is the subject of this application (C 140183 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

(4)

Drawing Nos.	Title	Last Revised Date
Z-030	Zoning Compliance Summary	05/01/2014
Z-100	Roof Plan/Site Plan	11/25/2013
Z-120	Open Space Diagram	11/25/2013
Z-140	Sections & Waiver Diagrams	11/25/2013
Z-141	Sections & Waiver Diagrams	11/25/2013
Z-142	Sections & Waiver Diagrams	11/25/2013
Z-143	Sections & Waiver Diagrams	11/25/2013

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, sub-lessee or occupant.

5. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the CPC Decision C 140183 ZSM, as the same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department, is executed by the applicants or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, New York County.

(5)

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, renewal or extension 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 agent’s failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 65 & Res. No. 333

**Report of the Committee on Land Use in favor of approving Application No. C 140185 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 543-549 West 52nd Street (Block 1080, Part of Lot 103) and 530-548 West 53rd Street (Block 1081, Part of Lot 1, 560) and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such properties, in the Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1699) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2544), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**C 140185 HAM**

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

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103) as an Urban Development Action Area; and
  - an Urban Development Action Area Project (UDAAP) for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), unused development rights at 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and property located at 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103) to a developer to be selected by HPD;

to facilitate development of two new buildings with a total of approximately 530 dwelling units, including approximately 206 affordable units, approximately 58,709 gross square feet of commercial floor area, and three community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues.

**INTENT**

This UDAAP designation and related disposition action, in conjunction with the other related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 333

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 140185 HAM, approving the designation of property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), unused development rights at 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and property located at 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103) to a developer selected by HPD (L.U. No. 65; C 140185 HAM).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 12, 2014 its decision dated May 7, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103), as an Urban Development Action Area (the "Area");

b) an Urban Development Action Area Project for such Area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), unused development rights at 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and property located at 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103), to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of two new buildings with a total of approximately 530 dwelling units, including approximately 206 affordable units, approximately 58,709 gross square feet of commercial floor area, and three community gardens on portions of two blocks bounded by West 51<sup>st</sup> Street and West 53<sup>rd</sup> Street between Tenth and Eleventh avenues in Community District 4 (the "Disposition"), (ULURP No. C 140185 HAM) Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 140181 ZMM (L.U. No. 62), an amendment of the Zoning Map, Section No. 8c to change M1-5 (CL) and R8 (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts; N 140182 ZRM (L.U. No. 63), an amendment to Zoning Resolution Section 96-00 Appendix A to include portions of the Project area in the Other Area - Western Subarea C2; Appendix F to include portions of the Project area in the Inclusionary Housing designated area; Section 96-31 to amend IH program to include low-, moderate and middle-income bands within R8A districts in the CL; Section 96-32 to amend IH program to include low-, moderate- and middle-income bands within R9 districts in the CL, and permit certain commercial and manufacturing uses in the Project area; and C 140183 ZSM (L.U. No. 64), a special permit pursuant to Section 74-74, Large-Scale General Development, to permit the transfer of floor area and height and setback waivers in a new Large-Scale General Development;

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

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated June 13, 2014 and submitted June 16, 2014, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on June 17, 2014;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the revised negative declaration (CEQR No. 13HPD106M) dated April 29, 2014 (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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 140185 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law, subject to the terms and conditions of the Project Summaries.

The Project shall be developed in a manner consistent with the three Project Summaries submitted to the Council by HPD for Project Site 1 Clinton Site 7 (New Construction); Project Site 2 Clinton Site 7 (New Construction); and Clinton Site 7 (Rehabilitation)", copies of which is attached hereto.

The Council approves the disposition of city-owned property located at 530-548 West 53<sup>rd</sup> Street (Block 1081, Part of Lot 1), unused development rights at 543-551 West 52<sup>nd</sup> Street (Block 1081, Part of Lot 1) and property located at 556-560 West 52<sup>nd</sup> Street (Block 1080, Part of Lot 103) to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 71 & Res. No. 334

**Report of the Committee on Land Use in favor of approving Application No. 20145543 HAM by the New York City Housing Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 51 East 122<sup>nd</sup> Street (Block 1748, Lot 1), Borough of Manhattan, Community District 11, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1702) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2545), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20145543 HAM**

Application by the New York City Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for a previously approved Urban Development Action Area Project (UDAAP) for property located at 51 East 122<sup>nd</sup> Street (Block 1748, Lot 1), Borough of Manhattan.

**INTENT**

To approve a tax exemption pursuant to Section 577 of the Private Housing Finance Law for an area that contains one multiple-dwelling, known as Maple Court, a previously approved UDAAP project, which provides cooperative housing for persons and families of low income.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger  
**Against:** *None*                      **Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio  
**Against:** *None*                      **Abstain:** *None*

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 334

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Community District 11, Borough of Manhattan (L.U. No. 91; 20145653 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 22, 2014 its request dated May 12, 2014 that the Council take the following actions regarding a partial tax exemption for real property located 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Community District 11, Borough of Manhattan (the "Exemption Area"):

Approve a partial tax exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 (the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on June 17, 2014; and

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

**RESOLVED:**

The Council approves the Partial Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

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

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

- (1) "Company" shall mean MS Houses TP4 LLC.
- (2) "Current Owner" shall mean MS Housing Associates, L.P.
- (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.
- (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1778, Lot 6 on the Tax Map of the City of New York.
- (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (6) "HDFC" shall mean MS TP4 Housing Development Fund Company, Inc.
- (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) "New Owner" shall mean, collectively, the HDFC and the Company.
- (11) "PHFL" shall mean the Private Housing Finance Law.
- (12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 29, 1982 (Cal. No. 87).
- (13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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

c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax

payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

d. Notwithstanding any provision hereof to the contrary:

- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (2) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- (3) Nothing herein shall entitle the HDPC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

2. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 72 & Res. No. 335

**Report of the Committee on Land Use in favor of filing Application No. 20145539 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project and related tax exemption for properties located at 2425, 2427 and 3216 Mermaid Avenue, 2816 West 16<sup>th</sup> Street and 3566 Canal Avenue, Borough of Brooklyn, Community District 13, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1702) before being laid

over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page xxx), respectfully

#### REPORTS:

#### SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
2425 Mermaid Avenue	7014/52	20145539 HAK	72	New Foundations
2427 Mermaid Avenue	7014/53			
3216 Mermaid Avenue	7048/6			
2816 West 16 <sup>th</sup> Street	7021/16			
3566 Canal Avenue	6978/22			

Brooklyn

On June 16, 2014, the Department of Housing Preservation and Development submitted a letter withdrawing its application.

#### SUBCOMMITTEE RECOMMENDATION

**Date:** June 16, 2014

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

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

#### COMMITTEE ACTION

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 335

**Resolution approving a motion to file an application for an Urban Development Action Area Project located at 2425 Mermaid Avenue (Block 7014, Lot 52), 2427 Mermaid Avenue (Block 7014, Lot 53), 3216 Mermaid Avenue (Block 7048, Lot 6), 2816 West 16<sup>th</sup> Street (Block 7021, Lot 16), and 3566 Canal Avenue (Block 6978, Lot 22), Borough of Brooklyn; pursuant to withdrawal of the application by the applicant (L.U. No. 72; 20145539 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 28, 2014 its request dated April 14, 2014 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 2425 Mermaid Avenue (Block 7014, Lot 52), 2427 Mermaid Avenue (Block 7014, Lot 53), 3216 Mermaid Avenue (Block 7048, Lot 6), 2816 West 16<sup>th</sup> Street (Block 7021, Lot 16), and 3566 Canal Avenue (Block 6978, Lot 22), Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action



Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

**WHEREAS**, on June 16, 2014, the New York City Department of Housing Preservation and Development appeared before the Subcommittee on Planning, Dispositions and Concessions and withdrew its application.

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 75 & Res. No. 336

**Report of the Committee on Land Use in favor of approving Application No. C 140233 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 492 St. Nicholas Avenue (Block 1959, Lot 54) and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such properties, in the Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1702) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2546), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 10**

**C 140233 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 492 St. Nicholas Avenue (Block 1959; Lot 54) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property (Block 1959, Lot 54) to a developer selected by HPD;

to facilitate development of a ten-story mixed-use building, with up to 14 residential units and approximately 2,400 square feet of commercial space.

**INTENT**

This action, in conjunction with the other related action, would facilitate development of a ten-story mixed-use predominately market rate building with up to

14 residential units and approximately 2,400 square feet of commercial space and to provide funding to preserve and maintain existing affordable housing.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

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

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 336

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development ("HPD") and the decision of the City Planning Commission, ULURP No. C 140233 HAM, approving the designation of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 492 St. Nicholas Avenue (Block 1959; Lot 54) to a developer selected by HPD (L.U. No. 75; C 140233 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 9, 2014 its decision dated May 7, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of a ten-story mixed-use building, with up to 14 residential units and approximately 2,400 square feet of commercial space (the "Disposition"), (ULURP No. C 140233 HAM) Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the application is related to Application C 140238 PQM (L.U. No. 76), an acquisition of privately-owned property;

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

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated May 12, 2014 and submitted May 29, 2014, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on June 17, 2014;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14HPD016M) dated December 30, 2013 which included (E) designations for noise attenuation (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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 140233 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with Project Summary submitted by HPD on May 29, 2014, a copy of which is attached hereto.

The Council approves the disposition of city-owned property located at 492 St. Nicholas Avenue (Block 1959, Lot 54) to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 76 & Res. No. 337

**Report of the Committee on Land Use in favor of approving Application No. C 140238 PQM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), in the Borough of Manhattan, Community District 10, Council District 9. 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 May 14, 2014 (Minutes, page 1703) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2547), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 10**

**C 140238 PQM**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54).

**INTENT**

This action, in conjunction with the other related action, would facilitate development of a ten-story mixed-use predominately market rate building with up to 14 residential units and approximately 2,400 square feet of commercial space and to provide funding to preserve and maintain existing affordable housing.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

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

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 337

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140238 PQM (L.U. No. 76), for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), in Community District 10, Borough of Manhattan.**

By Council Members Comrie and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 9, 2014 its decision dated May 7, 2014 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development, for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54) in Community District 10 (the "Site"), (ULURP No. C 140238 PQM), Borough of Manhattan (the "Application");

**WHEREAS**, the application is related to Application C 140233 HAM (L.U. No. 75), an urban development action area project designation, project approval and disposition of privately owned property;

**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 June 17, 2014;

**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. 14HPD016M) dated December 30, 2013 which included (E) designations for noise attenuation (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 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 140238 PQM, incorporated by reference herein, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 80 & Res. No. 338

**Report of the Committee on Land Use in favor of approving Application No. 20145598 HAM by the New York City Housing Department of Housing Preservation and Development for a modification to a previously approved project for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 4, 11, 18 and 22 East 125<sup>th</sup> Street; 1974 and 1988 Madison Avenue; 22 East 127 Street; 1986 Madison Avenue; 19 East 127 Street; 2071 Fifth Avenue; 49 East 130<sup>th</sup> Street; and 9 East 131 Street, in the Borough of the Manhattan, Community District 11, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 14, 2014 (Minutes, page 1941) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2547), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20145598 HAM**

Application by the New York City Department of Housing Preservation and Development for a modification to a previously approved project granting a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 4 East 125<sup>th</sup> Street (Block 1749, Lot 66), 22 East 125<sup>th</sup> Street (Block 1749, Lot 160); 18 East 125 Street (Block 1750, Lot 65), 11 East 125 Street (Block 1750, Lot 104); 1974 Madison Avenue (Block 1751, Lot 14), 1988 Madison Avenue (Block 1751, Lot 57), 22 East 127 Street (Block 1751, Lot 63), 1986 Madison Avenue (Block 1751, Lot 156); 19 East 127 Street (Block 1752, Lot 10), 2071 Fifth Avenue (Block 1752, Lot 70), 49 East 130<sup>th</sup> Street (Block 1755, Lot 22), 9 East 131 Street (Block 1756, Lot 8), in the Borough of the Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

**INTENT**

To amend a previously approved tax exemption area pursuant to Section 577 of the Private Housing Finance Law for an area containing twelve multiple dwellings which provide rental housing for low income families.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Two                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 338

**Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located at 4 East 125<sup>th</sup> Street (Block 1749, Lot 66), 22 East 125<sup>th</sup> Street (Block 1749, Lot 160); 18 East 125 Street (Block 1750, Lot 65), 11 East 125 Street (Block 1750, Lot 104); 1974 Madison Avenue (Block 1751, Lot 14), 1988 Madison Avenue (Block 1751, Lot 57), 22 East 127 Street (Block 1751, Lot 63), 1986 Madison Avenue (Block 1751, Lot 156); 19 East 127 Street (Block 1752, Lot 10), 2071 Fifth Avenue (Block 1752, Lot 70), 49 East 130<sup>th</sup> Street (Block 1755, Lot 22), 9 East 131 Street (Block 1756, Lot 8), in Community District 11, Borough of Manhattan (L.U. No. 80; 20145598 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 13, 2014 its request dated March 31, 2014 that the Council amend a previously approved a tax exemption for real property located at 4 East 125<sup>th</sup> Street (Block 1749, Lot 66), 22 East 125<sup>th</sup> Street (Block 1749, Lot 160); 18 East 125 Street (Block 1750, Lot 65), 11 East 125 Street (Block 1750, Lot 104); 1974 Madison Avenue (Block 1751, Lot 14), 1988 Madison Avenue (Block 1751, Lot 57), 22 East 127 Street (Block 1751, Lot 63), 1986 Madison Avenue (Block 1751, Lot 156); 19 East 127 Street (Block 1752, Lot 10), 2071 Fifth Avenue (Block 1752, Lot 70), 49 East 130<sup>th</sup> Street (Block 1755, Lot 22), 9 East 131 Street (Block 1756, Lot 8), Community District 11, Borough of Manhattan (the "Exemption Area") pursuant to Section 577 of the PHFL;

**WHEREAS**, HPD's request for amendments is related to a previously approved City Council Resolution adopted on December 19, 2013, Resolution No. 2103 of 2013; L.U. No. 1001 (the "Prior Resolution"), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the PHFL;

**WHEREAS**, upon due notice, the Council held a public hearing on the requested amendments to the Tax Exemption on June 17, 2014; and

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

**RESOLVED:**

The Council approves the amendments to the Tax Exemption requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Paragraph 1., subparagraph (d) of the Prior Resolution is deleted and replaced with the following:

- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1749, Lots 160 and 66; Block 1750, Lots 65 and 104; Block 1751, Lots 14, 57, 63 and 156; Block 1752, Lots 10 and 70; Block 1755, Lot 22; and Block 1756, Lot 8 on the Tax Map of the City of New York.

Paragraph 1., subparagraph (j) of the Prior Resolution is deleted and replaced with the following:

- (j) "Regulatory Agreement" shall mean, collectively, (i) the Amended, Restated and Replacement Regulatory Agreement dated June 6, 2001 between HPD and the Owner's predecessor in interest, 127<sup>th</sup> Street Cluster Limited Partnership, and (ii) the Amendment to the Amended, Restated and Replacement Regulatory Agreement between HPD and the Owner dated October 9, 2013 establishing certain controls on the Exemption Area during the term of the Exemption.

Paragraph 4., subparagraph (b) of the Prior Resolution is deleted and replaced with the following:

- (b) The Exemption shall not apply to any building constructed on the Exemption Area that was not completed and lawfully occupied on the Effective Date.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 83 & Res. No. 339

**Report of the Committee on Land Use in favor of approving Application No. 20145589 HAX by the New York City Housing Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 2005, 2015 and 2027 Monterey Avenue; 1715, 1693, 1665, 1671 and 1687 Vyse Avenue; and 547 and 551 East 178<sup>th</sup> Street, in the Borough of the Bronx, Community Districts 3 and 6, Council Districts 15 and 17.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 1942) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2548), respectfully

#### REPORTS:

##### SUBJECT

**BRONX CBs - 3 and 6**

**20145589 HAX**

Application by the New York City Housing Department of Housing Preservation and Development for (i) approval of the termination of an existing real property tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL); and (ii) grant of a new real property tax exemption pursuant to PHFL Section 577 for properties located at 1715 Vyse Avenue (Block 2990, Lot 27), 1693 Vyse Avenue (Block 2990, Lot 34), 1687 Vyse Avenue (Block 2990, Lot 37), 1681 Vyse Avenue (Block 2990, Lot 40), 1671 Vyse Avenue (Block 2990, Lot 43), 1665 Vyse Avenue (Block 2990, Lot 50), 2023 Monterey Avenue (Block 3061, Lot 22), 2015 Monterey Avenue (Block 3061, Lot 26), 2005 Monterey Avenue (Block 3061, Lot 32), 547 East 178 Street (Block 3061, Lot 34), and 551 East 178 Street (Block 3061, Lot 36), in the Borough of the Bronx; and (iii) consent to the voluntary dissolution of the current owner of such properties pursuant to Section 123(4) of the PHFL. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the PHFL.

##### INTENT

To approve the termination of an existing real property tax exemption, to approve the dissolution of the current owner and to grant of a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for a project known as 2015 Monterey Avenue, consisting of ten multiple-dwellings and one vacant lot, which will provide rental housing for low-income families.

##### PUBLIC HEARING

**DATE:** June 17, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

##### SUBCOMMITTEE RECOMMENDATION

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

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

##### COMMITTEE ACTION

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 339

**Resolution approving the termination of a prior tax exemption, consent to the voluntary dissolution of the current owner, and to grant of a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located at 1715 Vyse Avenue (Block 2990, Lot 27), 1693 Vyse Avenue (Block 2990, Lot 34), 1687 Vyse Avenue (Block 2990, Lot 37), 1681 Vyse Avenue (Block 2990, Lot 40), 1671 Vyse Avenue (Block 2990, Lot 43), 1665 Vyse Avenue (Block 2990, Lot 50), 2023 Monterey Avenue (Block 3061, Lot 22), 2015 Monterey Avenue (Block 3061, Lot 26), 2005 Monterey Avenue (Block 3061, Lot 32), 547 East 178 Street (Block 3061, Lot 34), and 551 East 178 Street (Block 3061, Lot 36), in Community Districts 3 and 6, Borough of the Bronx (L.U. No. 83; 20145589 HAX).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 3, 2014 its request dated May 30, 2014 that the Council take the following actions regarding a tax exemption for real property located at 1715 Vyse Avenue (Block 2990, Lot 27), 1693 Vyse Avenue (Block 2990, Lot 34), 1687 Vyse Avenue (Block 2990, Lot 37), 1681 Vyse Avenue (Block 2990, Lot 40), 1671 Vyse Avenue (Block 2990, Lot 43), 1665 Vyse Avenue (Block 2990, Lot 50), 2023 Monterey Avenue (Block 3061, Lot 22), 2015 Monterey Avenue (Block 3061, Lot 26), 2005 Monterey Avenue (Block 3061, Lot 32), 547 East 178 Street (Block 3061, Lot 34), and 551 East 178 Street (Block 3061, Lot 36); Community Districts 3 and 6, Borough of the Bronx (the "Exemption Area"):

Approve (i) the termination of an existing real property tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL); and (ii) grant of a new real property tax exemption pursuant to PHFL Section 577 for the Exemption Area; and (iii) consent to the voluntary dissolution of the current owner of the Exemption Area pursuant to Section 123(4) of the PHFL (the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on June 17, 2014; and

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

##### **RESOLVED:**

The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
  - (1) "Company" shall mean 2015 Monterey Avenue LLC.
  - (2) "Current Owner" shall mean MBD II Associates, L.P. and Monterey Associates L.P.
  - (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.
  - (4) "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2990, Lots 27, 34, 37, 40, 43 and 50, and Block 3061, Lots 22, 26, 32, 34, and 36 on the Tax Map of the City of New York.

- (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (6) "HDFC" shall mean Monterey Housing Development Fund Corporation.
- (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) "New Owner" shall mean, collectively, the HDFC and the Company.
- (11) "PHFL" shall mean the Private Housing Finance Law.
- (12) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the Board of Estimate on July 17, 1980 (Cal. No. 33) and April 16, 1982 (Cal. No. 9).
- (13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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

g. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

h. Notwithstanding any provision hereof to the contrary:

- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written

notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(2) The New Exemption shall only apply to buildings on the Exemption Area that exist on the Effective Date.

(3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

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

Report for L.U. No. 86 & Res. No. 340

**Report of the Committee on Land Use in favor of approving Application no. 100202 ZMK submitted by 529 Empire Realty Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17b, to rezone an R5/C1-3 district to an R7A/C2-4 district and to remove a small portion of C1-3 commercial overlay, Borough of Brooklyn, Community Board 9, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2076) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2549), respectfully

#### REPORTS:

#### SUBJECT

**BROOKLYN CB - 9**

**C 100202 ZMK**

City Planning Commission decision approving an application submitted by 529 Empire Realty Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17b:

1. eliminating from within an existing R5 District a C1-3 District bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet

southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue;

2. eliminating from within an existing R7-1 District a C1-3 District bounded by:
  - a. Empire Boulevard, a line 100 feet westerly of Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, and a line 150 feet westerly of Brooklyn Avenue; and
  - b. a line 100 feet southerly of Empire Boulevard, Lamont Court, a line 150 feet southerly of Empire Boulevard, and Brooklyn Avenue;
3. changing from an R5 District to an R7A District property bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue; and
4. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue;

as shown on a diagram (for illustrative purposes only) dated December 16, 2013 and subject to the conditions of CEQR Declaration E-329.

#### INTENT

To rezone an R5/C1-3 district to an R7A/C2-4 district to facilitate the development of a seven-story mixed-use building and to better reflect the existing built density and land use pattern of the rezoning area of four block corners that are generally located at the intersection of Empire Boulevard and Brooklyn Avenue in the Wingate section of Brooklyn Community District 9.

#### PUBLIC HEARING

**DATE:** June 17, 2014

**Witnesses in Favor:** Two                      **Witnesses Against:** None

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Torres, Ignizio  
**Against:** None                      **Abstain:** Reynoso

#### COMMITTEE ACTION

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio  
**Against:** None                      **Abstain:** None

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

Res. No. 340

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100202 ZMK, a Zoning Map amendment (L.U. No. 86).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 23, 2014 its decision dated May 21, 2014 (the "Decision"), on the application submitted by 529 Empire Realty Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17b, to rezone an R5/C1-3 district to an R7A/C2-4 district and to remove a small portion of C1-3 commercial overlay from an existing R7-1 district to facilitate the development of a seven-story mixed-use building and to better reflect the existing built density and land use pattern of the rezoning area. The project area consists of four block corners that are generally located at the intersection of Empire Boulevard and Brooklyn Avenue in the Wingate section of Community District 9 (ULURP No. C 100202 ZMK), Borough of Brooklyn (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 June 17, 2014;

**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 including the negative declaration (CEQR No. 10DCP020K) dated December 16, 2013 which is subject to the conditions of CEQR Declaration E-329 (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 and subject to CEQR Declaration E-329.

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 100202 ZMK, incorporated by reference herein, the Council disapproves 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. 17b:

1. eliminating from within an existing R5 District a C1-3 District bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue;
2. eliminating from within an existing R7-1 District a C1-3 District bounded by:
  - a. Empire Boulevard, a line 100 feet westerly of Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, and a line 150 feet westerly of Brooklyn Avenue; and
  - b. a line 100 feet southerly of Empire Boulevard, Lamont Court, a line 150 feet southerly of Empire Boulevard, and Brooklyn Avenue;
3. changing from an R5 District to an R7A District property bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue; and
4. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Montgomery Street and Empire Boulevard, Lamont Court and its northerly centerline prolongation, a line 100 feet southerly of Empire Boulevard, Brooklyn Avenue, a line midway between Empire Boulevard and Sterling Street, a line 100 feet westerly of Brooklyn Avenue, Empire Boulevard, and Brooklyn Avenue;

as shown on a diagram (for illustrative purposes only) dated December 16, 2013 and subject to the conditions of CEQR Declaration E-329, Community District 9, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R.

GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

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

Report for L.U. No. 87 & Res. No. 341

**Report of the Committee on Land Use in favor of approving Application no. 130208 ZMM submitted by PWV Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 5d, to rezone an existing R7-2 zoning district to R8A and R8B zoning districts on the block bounded by West 106<sup>th</sup> Street, West 105<sup>th</sup> Street, Amsterdam and Columbus avenues in the Borough of Manhattan, Community Board 7, Community District 7.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2076) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2550), respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 7

C 130208 ZMM

City Planning Commission decision approving an application submitted by PWV Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 5d:

1. changing from an R7-2 District to an R8A District property bounded by Duke Ellington Boulevard-West 106<sup>th</sup> Street, a line 75 feet westerly of Columbus Avenue, a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street, and a line 100 feet easterly Amsterdam Avenue; and
2. changing from an R7-2 District to an R8B District property bounded by a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street, a line 175 feet westerly of Columbus Avenue, West 105<sup>th</sup> Street, and a line passing through two points: the first on a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street distant 325 feet easterly (as measured along street line) from its point of intersection with the easterly street line Amsterdam Avenue, and the second on the northerly street line of West 105<sup>th</sup> Street distant 415 feet easterly (as measured along street line) from the point of intersection of the easterly street line of Amsterdam Avenue and the northerly street line of West 105<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-328.

##### INTENT

To rezone an existing R7-2 zoning district to R8A and R8B zoning districts in Manhattan Community District 7 to facilitate the development of a mixed-use development containing residential and community facility uses on Block 1860 (Lots 20 and 57) in the Upper West neighborhood of Manhattan.

##### PUBLIC HEARING

DATE: June 17, 2014

Witnesses in Favor: Three

Witnesses Against: None

##### SUBCOMMITTEE RECOMMENDATION

DATE: June 19, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

##### COMMITTEE ACTION

DATE: June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 341

**Resolution approving the decision of the City Planning Commission on ULURP No. C 130208 ZMM, a Zoning Map amendment (L.U. No. 87).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 23, 2014 its decision dated May 21, 2014 (the "Decision"), on the application submitted by PWV Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 5d, to rezone an existing R7-2 zoning district to R8A and R8B zoning districts on the block bounded by West 106<sup>th</sup> Street, West 105<sup>th</sup> Street, Amsterdam and Columbus Avenues in Community District 7, (ULURP No. C 130208 ZMM), 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 June 17, 2014;

**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 including the negative declaration (CEQR No. 14DCP043M) dated December 16, 2013, which is subject to the conditions of CEQR Declaration E-328 for noise, air quality and hazardous materials (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 and subject to CEQR Declaration E-328.

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 130208 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. 5d:

1. changing from an R7-2 District to an R8A District property bounded by Duke Ellington Boulevard-West 106<sup>th</sup> Street, a line 75 feet westerly of Columbus Avenue, a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street, and a line 100 feet easterly Amsterdam Avenue; and
2. changing from an R7-2 District to an R8B District property bounded by a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street, a line 175 feet westerly of Columbus Avenue, West 105<sup>th</sup> Street, and a line passing through two points: the first on a line midway between West 105<sup>th</sup> Street and Duke Ellington Boulevard-West 106<sup>th</sup> Street distant 325 feet easterly (as measured along street line) from its point of intersection with the easterly street line Amsterdam Avenue, and the second on the northerly street line of West 105<sup>th</sup> Street distant 415 feet easterly (as

measured along street line) from the point of intersection of the easterly street line of Amsterdam Avenue and the northerly street line of West 105<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-328, Community District 7, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 88 & Res. No. 342

**Report of the Committee on Land Use in favor of approving Application no. 140070 ZMM submitted by the 117<sup>th</sup> Street Equities, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a and 6b, changing from an R7A District to an R8A District property bounded by West 118<sup>th</sup> Street, St. Nicholas Avenue, West 117<sup>th</sup> Street, and a line 100 feet easterly of Frederick Douglass Boulevard, Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2077) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2550), respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 10

C 140070 ZMM

City Planning Commission decision approving an application submitted by 117<sup>th</sup> Street Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a and 6b, changing from an R7A District to an R8A District property bounded by West 118<sup>th</sup> Street, St. Nicholas Avenue, West 117<sup>th</sup> Street, and a line 100 feet easterly of Frederick Douglass Boulevard, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-327.

##### INTENT

To rezone an existing R7A to an R8A district in the Central Harlem area of Manhattan in Community District 10 to facilitate a mixed-use development comprised of four buildings that would contain approximately 151 dwelling units and 12,201 s.f. of community facility use.

##### PUBLIC HEARING

DATE: June 17, 2014

Witnesses in Favor: Three

Witnesses Against: None

##### SUBCOMMITTEE RECOMMENDATION

DATE: June 19, 2014

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

In Favor: Weprin, Gentile, Garodnick, Richards, Reynoso, Torres, Ignizio

Against: None Abstain: Williams

##### COMMITTEE ACTION

DATE: June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Richards, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** Barron

**Abstain:** Williams

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

Res. No. 342

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140070 ZMM, a Zoning Map amendment (L.U. No. 88).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 23, 2014 its decision dated May 21, 2014 (the "Decision"), on the application submitted by 117<sup>th</sup> Street Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 6a and 6b, to rezone an existing R7A to an R8A district on the block bounded by West 117<sup>th</sup> Street, West 118<sup>th</sup> Street, St. Nicholas Avenue and Frederick Douglass Boulevard in the Central Harlem area of Manhattan in Community District 10, (ULURP No. C 140070 ZMM), 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 June 17, 2014;

**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 including the negative declaration (CEQR No. 14DCP043M) dated December 16, 2013, which is subject to the conditions of CEQR Declaration E-327 for air quality and hazardous materials (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 and subject to CEQR Declaration E-327.

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 140070 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 Nos. 6a and 6b, changing from an R7A District to an R8A District property bounded by West 118<sup>th</sup> Street, St. Nicholas Avenue, West 117<sup>th</sup> Street, and a line 100 feet easterly of Frederick Douglass Boulevard, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-327, Community District 10, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

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

Report for L.U. No. 90 & Res. No. 343

**Report of the Committee on Land Use in favor of approving Application no. 20145652 HAM by the New York City Housing Department of Housing Preservation and Development for (i) approval of the termination of an existing real property tax exemption pursuant to Section 125 of the Private Housing Finance Law for property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142), 1895 Park Avenue (Block 1777, Lot 69) and 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), in the Borough of Manhattan, Community Board 11, Council District 9; and (ii) consent to the voluntary dissolution of the current owner of such properties pursuant to Section 123(4) of the PHFL.**



The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2077) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2551), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20145652 HAM**

Application by the New York City Housing Department of Housing Preservation and Development for (i) approval of the termination of an existing real property tax exemption pursuant to Section 125 of the Private Housing Finance Law for property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142), 1895 Park Avenue (Block 1777, Lot 69) and 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), in the Borough of Manhattan; and (ii) consent to the voluntary dissolution of the current owner of such properties pursuant to Section 123(4) of the PHFL. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4) and 125 of the PHFL.

**INTENT**

To terminate a prior exemption under Private Housing Finance Law (PHFL) Section 125, and consent to the voluntary dissolution of the prior owner under PHFL 123(4) for an Exemption Area.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio  
**Against:** None                      **Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 343

**Resolution to approve the termination of a prior exemption under Private Housing Finance Law (PHFL) Section 125, and consent to the voluntary dissolution of the prior owner under PHFL 123(4) for the Exemption Area located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142), 1895 Park Avenue (Block 1777, Lot 69) and 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Borough of Manhattan (L.U. No. 90; 20145652 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 22, 2014 its request dated May 12, 2014 that the Council take the following actions regarding a tax exemption for real property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142), 1895 Park Avenue (Block 1777, Lot 69) and 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Community District 11, Borough of Manhattan (the "Exemption Area"):

Terminate a prior real property tax exemption for the Exemption Area pursuant to Section 125 of the Private Housing Finance Law (PHFL);

Consent to the voluntary dissolution of the current owner of the Exemption Area pursuant to PHFL Section 123(4);

**WHEREAS**, the Exemption Area receives an exemption from real property taxation approved by the New York City Board of Estimate on April 29, 1987, Cal. No. 87 (the "Prior Exemption")

**WHEREAS**, upon due notice, the Council held a public hearing on HPD's requests for the Exemption Area on June 17, 2014; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to HPD's requests for the Exemption Area;

**RESOLVED:**

The Council approves HPD's requests as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Current Owner" shall mean MS Housing Associates, L.P.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York identified as Block 1754, Lots 42, 43, 141 and 142, Block 1777, Lot 69 and Block 1778, Lot 6 on the Tax Map of the City of New York.
  - (c) "HDFC A" shall mean MS TP4 Housing Development Fund Company, Inc.
  - (d) "HDFC B" shall mean MS II TP4 Housing Development Fund Company, Inc.
  - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (f) "New Owner" shall mean, collectively, HDFC A and HDFC B.
  - (g) "PHFL" shall mean the Private Housing Finance Law.
  - (h) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 29, 1982 (Cal. No. 87).

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

If (i) the conveyance of the entire Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the entire Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 91 & Res. No. 344

**Report of the Committee on Land Use in favor of approving Application no. 20145653 HAM submitted by the New York City Housing Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for**

**property located at 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), in the Borough of Manhattan, Community Board 11, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2078) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2552), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11  
HAM**

**20145653**

Application by the New York City Housing Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), in the Borough of Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

**INTENT**

To approve a real property tax exemption for an Exemption Area pursuant to §577 of the PHFL that contains one multiple dwelling known as MS Houses which provides rental housing for low-income families.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio  
**Against:** None                      **Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 344

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Community District 11, Borough of Manhattan (L.U. No. 91; 20145653 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 22, 2014 its request dated May 12, 2014 that the Council take the following actions regarding a partial tax exemption for real property located 123 East 129<sup>th</sup> Street (Block 1778, Lot 6), Community District 11, Borough of Manhattan (the "Exemption Area"):

Approve a partial tax exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 (the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on June 17, 2014; and

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

**RESOLVED:**

The Council approves the Partial Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  2.
    - a. For the purposes hereof, the following terms shall have the following meanings:
      - (1) "Company" shall mean MS Houses TP4 LLC.
      - (2) "Current Owner" shall mean MS Housing Associates, L.P.
      - (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.
      - (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1778, Lot 6 on the Tax Map of the City of New York.
      - (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
      - (6) "HDFC" shall mean MS TP4 Housing Development Fund Company, Inc.
      - (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
      - (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
      - (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
      - (10) "New Owner" shall mean, collectively, the HDFC and the Company.
      - (11) "PHFL" shall mean the Private Housing Finance Law.
      - (12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 29, 1982 (Cal. No. 87).
      - (13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
      - (14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
- j. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- k. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  - l. Notwithstanding any provision hereof to the contrary:

(1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(2) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

(3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

3. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 92 & Res. No. 345

**Report of the Committee on Land Use in favor of approving Application no. 20145654 HAM submitted by the New York City Housing Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142); and 1895 Park Avenue (Block 1777, Lot 69), in the Borough of Manhattan, Community Board 11, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2078) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2552), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20145654 HAM**

Application by the New York City Housing Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142); and 1895 Park Avenue (Block 1777, Lot 69), in the Borough of Manhattan.

**INTENT**

To approve a real property tax exemption for an Exemption Area pursuant to §577 of the PHFL for a site that contains five vacant lots which is associated with the development known as MS Houses that provides rental housing for low-income families.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 345

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142); and 1895 Park Avenue (Block 1777, Lot 69), Community District 11, Borough of Manhattan (L.U. No. 92; 20145654 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 22, 2014 its request dated May 12, 2014 that the Council take the following actions regarding a partial tax exemption for real property located at 62-68 East 130<sup>th</sup> Street (Block 1754, Lots 42, 43, 141 and 142); and 1895 Park Avenue (Block 1777, Lot 69), Community District 11, Borough of Manhattan (the "Exemption Area"):

Approve a partial tax exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 (the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on June 17, 2014; and

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

**RESOLVED:**

The Council approves the Partial Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

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

(1) "Company" shall mean MS II TP4 LLC.

(2) "Current Owner" shall mean MS Housing Associates, L.P.

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

(4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York,

identified as Block 1754, Lots 42, 43, 141 and 142, and Block 1777, Lot 69 on the Tax Map of the City of New York.

- (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is five (5) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (6) "HDFC" shall mean MS II TP4 Housing Development Fund Company, Inc.
- (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the use of the Exemption Area during the term of the New Exemption.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) "New Owner" shall mean, collectively, the HDFC and the Company.
- (11) "PHFL" shall mean the Private Housing Finance Law.
- (12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 29, 1982 (Cal. No. 87).
- (13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction of a project on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (2) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

4. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.
5. Notwithstanding anything to the contrary contained herein, if the New Owner does not close on construction financing for the development of an affordable housing project on the Exemption Area within five years from the date that the New Owner acquires the Exemption Area, the New Exemption shall be retroactively terminated as of the Effective Date.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 93 & Res. No. 346

**Report of the Committee on Land Use in favor of approving Application No. C 140278 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of Urban Development Action Area and Project for property located at 768-770 Decatur Street a.k.a. 1696-1712 Broadway, and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such property to a developer selected by HPD, in the Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2078) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2553), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 16**

**C 140278 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of properties located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a six-story mixed-use building with approximately 79 residential units of affordable and supportive housing and ground floor commercial space.

**INTENT**

This action, in conjunction with the related action, would facilitate a six-story mixed-use building with 79 units of affordable and supportive housing as well

as ground-floor commercial space in the Ocean Hill neighborhood of Community District 16, Brooklyn.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Three      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

**The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development and approve the decision of the City Planning Commission.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

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

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

In connection herewith, Council Greenfield and Dickens offered the following resolution:

Res. No. 346

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 140278 HAK, approving the designation of the properties located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), Borough of Brooklyn, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned properties located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41) to a developer selected by HPD (L.U. No. 93; C 140278 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 23, 2014 its decision dated May 21, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), as an Urban Development Action Area (the "Area");

b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned properties located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a six-story mixed-use building with 79 units of affordable and supportive housing as well as ground-floor commercial space in the Ocean Hill neighborhood of Brooklyn (the "Disposition"), (ULURP No. C 140278 HAK) Community District 16, Borough of Brooklyn (the "Application");

**WHEREAS**, the application is related to Application C 140277 ZSK (L.U. No. 94), 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 a non-profit institution with sleeping accommodations;

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

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated April 23, 2014 and submitted May 22, 2014, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on June 17, 2014;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14HPD009K) dated December 12, 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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 140278 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on May 22, 2014, a copy of which is attached hereto.

The Council approves the disposition of city-owned properties located at 768/770 Decatur Street and 1696/1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41) to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 94 & Res. No. 347

**Report of the Committee on Land Use in favor of approving Application no. 140277 ZSK submitted by the New York City Housing Department of Housing Preservation and Development pursuant to Section 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 Sections 24-111 (Maximum floor area ratio for certain community facility uses) and Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations for property located at 768-770 Decatur Street a.k.a. 1696-1712 Broadway, in an R6/C1-3 District, Borough of Brooklyn, Community Board 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 11, 2014 (Minutes, page 2079) before being laid

over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2554), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 16**

**C 140277 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Section 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 ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 6-story building on property located at 768-770 Decatur Street and 1696-1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), in an R6/C1-3 District.

**INTENT**

This action, in conjunction with the related action, would facilitate a six-story mixed-use building with 79 units of affordable and supportive housing as well as ground-floor commercial space in the Ocean Hill neighborhood of Community District 16, Brooklyn.

**PUBLIC HEARING**

**DATE:** June 17, 2014

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 17, 2014

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

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

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

**COMMITTEE ACTION**

**DATE:** June 19, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Mendez, Koo, Lander, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res. No. 347

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140277 ZSK (L.U. No. 94), for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution of the City of 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 ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 6-story building on property located at 768-770 Decatur Street and 1696-1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), in an R6/C1-3 District, Borough of Brooklyn.**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on May 23, 2014 its decision dated May 21, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a

special permit pursuant to Section 74-902 of the Zoning Resolution of the City of 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 ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 6-story building on property located at 768-770 Decatur Street and 1696-1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), in an R6/C1-3 District (ULURP No. C 140277 ZSK), Community District 16, Borough of Brooklyn (the "Application");

**WHEREAS**, the application is related to Application C 140278 HAK (L.U. No. 93), designation of an urban development action area, project approval, and disposition of city-owned properties to a developer selected by the New York City Department of Housing Preservation and 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**, 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 June 17, 2014;

**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 including the negative declaration (CEQR No. 14HPD009K) dated December 12, 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 140277 ZSK, 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 140277 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Peter L. Woll Architect, PC, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Revised	Date
A002.00	Zoning Analysis	2/5/14	
A100.0 0	Site Plan	2/5/14	
A101.00	Building Sections	2/5/14	

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, sub-lessee 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 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.

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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, June 19, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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 Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Parks and Recreation and had been favorably reported for adoption.

Report for Int. No. 388

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of 63 thoroughfares and public places, Rev. Dr. Shellie Sampson, Jr. Way, Borough of the Bronx, Sister Thomas, S.C Way, Borough of the Bronx, Dominican Sisters of Sparkill Place, Borough of the Bronx, Lillie F. Martin Lane, Borough of Brooklyn, El Grito de Lares, Borough of the Bronx, Dashane Santana Way, Borough of Manhattan, Ed Eisenberg Way, Borough of Brooklyn, Bishop Dr. Ezra Nehemiah Williams Way, Borough of Manhattan, Manny “The Wrong Man” Balestrero Way, Borough of Queens, Msgr. John T. Peyton Avenue, Borough of Brooklyn, P. O. Robert M. Ehmer Place, Borough of Queens, Professor William H. Pease, Jr. Way, Borough of Queens, Bishop Wenzell P. Jackson Place, Borough of the Bronx, Angelo “Chubby” Campanella Way, Borough of Brooklyn, Rabbi Weissmandl Way, Borough of Brooklyn, NYPD Sgt. Peter J. McPolin, Jr. Way, Borough of Staten Island, Police Officer Brian Murray Way, Borough of Manhattan, Stan Brooks Way, Borough of Manhattan, Phyllis Gonzalez Way, Borough of Manhattan, Sergeant Keith A. Ferguson Way, Borough of the Bronx, Daniel Carter Beard Memorial Square, Borough of Queens, Sergei Dovlatov Way, Borough of Queens, Jon Kest Way, Borough of Brooklyn, George Carlin Way, Borough of Manhattan, Barnard College 125<sup>th</sup> Year Anniversary, Borough of Manhattan, Msgr. Gerald J. Ryan Blvd., Borough of Manhattan, Revs. Norm and Peg Eddy Way, Borough of Manhattan, Simeonette Mapes Way, Borough of Staten Island, Father Damien’s Way, Borough of Manhattan, Marie Christopher Way, Borough of Manhattan, Rev. Charlie W. Mixon Way, Borough of Queens, Bishop Roderick R. Caesar Sr. Way, Borough of Queens, Jahi Williams-Simmons Way, Borough of the Bronx, Lt. Richard A. Nappi Way, Borough of Brooklyn, Altagracia Diloné Levat Way, Borough of Manhattan, Emmett W. Bassett Way, Borough of Manhattan, Kenneth Cubas Way, Borough of Staten Island, Sergeant Gerard J. Dunne, U. S. Army Way, Borough of Queens, Commander William G. Clancy Lane, Borough of the Bronx, Benjamin Fried Boulevard, Borough of Queens, Salman Hamdani Way, Borough of Queens, Private First Class Errol Millard Way, Borough of Brooklyn, Major Fred O. “Blue Eagle” Wilson Square, Borough of Queens, 2<sup>nd</sup> Lt. Victor Terrelonge Corner, Borough of Queens, 2<sup>nd</sup> Lt. Haldane King Corner, Borough of Queens, 2<sup>nd</sup> Lt. William M. “Wild Bill” Wheeler Way, Borough of Queens, General Benjamin Oliver Davis, Jr. Blvd., Borough of Queens, 99<sup>th</sup> Flying Training Squadron Drive, Borough of Queens, 761<sup>st</sup> Tank Battalion Avenue, Borough of Queens, 555<sup>th</sup> Parachute Infantry Battalion Lane, Borough of Queens, 332<sup>nd</sup> Fighter Group Corner, Borough of Queens, Buffalo Soldiers Square, Borough of Queens, 26<sup>th</sup> Regiment United States Colored Troops Drive, Borough of Queens, 369<sup>th</sup> Infantry Regiment “Harlem Hellfighters” Lane, Borough of Queens, 2<sup>nd</sup> Lt. August Harvey Martin Street, Borough of Queens, 2<sup>nd</sup> Lt. Samuel Lynn Corner, Borough of Queens, 92<sup>nd</sup> Infantry Division Avenue, Borough of Queens, 452<sup>nd</sup> Anti-Aircraft Drive, Borough of Queens, 2<sup>nd</sup> Lt. Harry A. Sheppard Corner, Borough of Queens, Cathay Williams Blvd., Borough of Queens, Ft. Officer Lawrence A. Brown Corner, Borough of Queens, Jose Pena Gomez Boulevard, Borough of the Bronx, Dylan Smith Way, Borough of Queens and the repeal of section 23 of local law number 50 for the year 2013 and sections 8, 11 and 26 of local law number 131 for the year 2013.**

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on June 25, 2014 (Minutes, page 2563) before being laid over by the Council at the Recessed Meeting of June 25, 2014 (Minutes, page 2555), respectfully

#### REPORTS:

##### Comment:

On June 23, 2014, the Committee on Parks and Recreation will hold a hearing to vote on Preconsidered Int. No. 388 which co-names sixty-three (63) thoroughfares and public places. The Committee first considered Preconsidered Int. No. 388 on

June 19, 2014. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

#### **Section 1. Rev. Dr. Shellie Sampson, Jr. Way**

Introduced by Council Member Arroyo  
December 15, 1940 – January 20, 2014

Rev. Dr. Shellie Sampson, Jr. co-founded the Thessalonica Elementary Academy, established the Thessalonica Institute of Education and secured the construction of the Thessalonica Cultural Community Center. He was also a microbiologist. The Thessalonica Cultural Community Center housed the South Bronx Leadership High School, the TIR Bookstore, church offices, a banquet hall, an amphitheater, a chapel and over a dozen classrooms. He authored several books and publications, including, “Revelation Now: Viewing the Tragedies and Triumphs of Believers,” “Building Faith Now” and the “Motivated Life: A Study on Goal Setting, Well Being and Achievement,” which have reached international audiences. He also enhanced outreach programs including senior programs, feeding the homeless, adult education programs and the annual children’s street fair. He was the recipient of numerous awards in recognition of his leadership and participation in community development. He also served as president of the Baptist Minister’s Conference of Greater New York, president of Northern Baptist School of Religion, president of the Shiloh Baptist Association Congress of New Jersey, president of the Baptist Bible College of Newark and a founding member of the South Bronx Churches Organization – Nehemiah Houses in the Bronx.

#### **Section 2. Sister Thomas, S.C Way**

Introduced by Council Member Arroyo  
August 3, 1933 – March 20, 2014

Sister Miriam Thomas joined the Sisters of Charity of New York in 1951 and took an active role in community service and was a teacher in Longwood’s Saint Athanasius Parish beginning in 1967. Her work at Saint Athanasius continued until 2013 as the director of a community outreach program. In 1968, she co-founded the South East Bronx Community Organization which would later build a 105-unit affordable housing development. From 1972 to 2004 she worked as the administrator of the multi-service Simpson Street Development Association, a community based organization servicing the youth and families of the South Bronx in education, employment, training and summer camp. She was also involved with the South East Bronx Community Association which helped rebuild residential parts of Hunts Point and Longwood which were devastated during the late 1960’s and 1970’s by arson.

#### **Section 3. Dominican Sisters of Sparkill Place**

Introduced by Council Member Arroyo

This co-naming will commemorate the Dominican Sisters of Sparkill who opened St. John Chrysostom School in 1914. The school is celebrating 100 years of service.

#### **Section 4. Lillie F. Martin Lane**

Introduced by Council Member Barron  
August 12, 1935 – July 27, 2012

Lillie F. Martin was very involved with Anti-Poverty Programs, Youth Action Programs and GED Programs in East New York. She was the first to offer food pantry’s in East New York and mediate relationships with the gangs of the 1970’s by formulating good relationships between the Tomahawks and Unknown Riders. She employed many gang members and encouraged them to get their GED. She can be found in the Congressional Halls of Congress for her outstanding work in East New York.

#### **Section 5. El Grito de Lares**

Introduced by Council Member Cabrera

On September 23, 1868 between 600 to 1000 men, mostly Puerto Rican born and from the west of the Island, revolted for Independence from Spain. Most of the men who were arrested were innocent jíbaros whose only guilt was being passive victims of the political regime. The men were poorly armed without aid, protection or training. On September 23, 1868, the men met at the farm of Manuel Rojas in Pezuelas, Lares. Led by Manuel Rojas, the group marched towards Lares and took Lares without any resistance before the Spaniards became aware of the revolt. The

group then formed a provisional government declaring an independent Puerto Rico Republic. The following day, the group marched to San Sebastián where the Spanish militia awaited them and within 24 hours the revolt, which was twelve years in the planning, was defeated by the Spanish government. Of the participants 20 escaped, 8 died in action, 7 were tried by the War Council. Four months later, Spain declared a general amnesty. No one was executed or kept in jail over 4 months, however 80 died in jail from yellow fever. Shortly after the revolt, Spain gave the Island many liberal reforms and extended some of the liberal constitution to Puerto Rico that it had allowed during the war in Spanish America. Puerto Rico received provincial status and Spanish Citizenship was granted to the criollos. Some political reforms granted were allowing Boricuas to participate in special elections and to organize themselves into officially recognized political parties. Lares was declared a Historic Site by the Institute of Puerto Rican Culture. Lares is known as the birthplace of Puerto Rican Nationalism.

#### **Section 6. Dashane Santana Way**

Introduced by Council Member Chin and Mendez

Dashane Santana was 12 years old when she was killed while crossing Delancey Street at Clinton Street near the entrance to the Williamsburg Bridge. Her death brought attention to the fact that this intersection is unsafe for pedestrians. Pedestrians have 22 seconds to cross the wide intersection. As a result of Dashane Santan's death and other accidents occurring on Delancey Street, the Department of Transportation installed countdown clocks on crossings, increased pedestrian crossing time at four intersections and announced plans to widen sidewalks and create new traffic patterns along the most hazardous stretches of Delancey Street.

#### **Section 7. Ed Eisenberg Way**

Introduced by Council Member Deutsch

July 27, 1934 – March 1, 2014

Ed Eisenberg was born in Flatbush and attended private high schools before obtaining an associate degree at New York City College of Technology in Brooklyn. He enlisted in the United States Army and served at Fort Ord in Salinas, California, where he worked as an information specialist from 1954 to 1956. He returned to his home borough and began his career as a salesman of packaging supplies. He was a member of the Planning Board prior to the creation of Community Boards and was a member of Community Board 15 for over 4 decades, served as 1<sup>st</sup> Vice Chair of Community Board 15 for over 15 years, served as Executive Board member of Community Board 15 for over 30 years, served for more than 20 years as Parks Committee Chairman, was member of the 61<sup>st</sup> Precinct Community Council over 20 years and formerly owned the Township Newspaper. He received the Sheepshead Bay Chamber of Commerce Award, the 61<sup>st</sup> Precinct Police Auxiliary Unit Award 1994, the 61<sup>st</sup> Precinct Sargent at Arms Awards 1999-2003, the 60<sup>th</sup> Precinct Community Service Award 1984, and the Sheepshead Bay Plumb Beach Civic Award among many others.

#### **Section 8. Bishop Dr. Ezra Nehemiah Williams Way**

Introduced by Council Member Dickens

March 7, 1929 – August 11, 2009

Bishop Dr. Ezra Nehemiah Williams was born and raised in Harlem and was a graduate of the Manhattan Bible Institute of New York City. He received an Honorary Doctorate from Alliance Theological Seminary and served as a former National President and Presiding Bishop of the United Pentecostal Council of the Assemblies of God (UPCAG). He was consecrated to the office of Bishop in 1984 and served as Senior Pastor of Bethel Gospel Assembly from February 1966 until February 2000. During his tenure as Senior Pastor he established Urban and Global Mission Alliance, Inc. in 1998, a not-for-profit Christian Alliance of churches committed to the spreading of the Gospel both in local urban centers and the world. He also established the Beth-Hark Christian Counseling Center a resident Discipleship Program, and the Christ Community Youth Center. Under his leadership, ministry endeavors extended to countries including Zambia, India, Nigeria, Israel, Aruba, Kenya, Cameroon, Albania, St. Vincent and South Africa. He also served on the board Teen Challenge, Inc. and Vehicle's, Inc., and many other organizations.

#### **Section 9. Manny "The Wrong Man" Balestrero Way**

Introduced by Council Member Dromm

September 29, 1909 – February 27, 1998

Christopher Emmanuel Balestrero, a Stork Club musician, was an innocent man who was arrested on January 14, 1953 outside his home in Jackson Heights and accused of robbery. During his trial, an outburst by Juror No. 4 resulted in a mistrial. Shortly after, the real thief, Charles J. Daniell, was caught before Balestrero's second trial commenced. Charles J. Daniell confessed to forty robberies, including the two for which Balestrero was accused. Later, Alfred Hitchcock read about Balestrero's story of mistaken identity in Life magazine and made a black-and-white film based on the book "The True Story of Christopher Emmanuel Balestrero." For the movie, "The Wrong Man," Alfred Hitchcock filmed at the actual locations where the true story occurred.

#### **Section 10. Msgr. John T. Peyton Avenue**

Introduced by Council Member Espinal

July 28, 1934 – February 24, 2008

John T. Peyton founded a Social Services Organization called the Ralph Center, otherwise known as BRAGGS where he worked with the Haitian and Hispanic population on various kinds of social needs including immigration, health, education and housing. He took part in "The Experiment of Brownsville" that included eight priests and six nuns who moved out of their rectories and convents to live in squalid tenement apartments among the poor of Brooklyn, helping with social services and the immediate needs of the people. He went to Puerto Rico for a year to learn Spanish, and also eventually learned to speak Haitian and Creole so he could work with immigrants in Brooklyn. He was co-chairman of the East Brownsville congregations building Nehemiah Homes for working poor in Brownsville and East New York. He also ran St. Rita parish in East New York and kept its enrollment high.

#### **Section 11. P. O. Robert M. Ehmer Place**

Introduced by Council Member Ferreras

January 29, 1963 – November 21, 2010

Police Officer David Ehmer died from illnesses he contracted after inhaling toxic materials as he participated in the rescue and recovery efforts at the World Trade Center site following the terrorist attacks on September 11, 2001. Officer Ehmer had served with the New York City Police Department for 20 years and was assigned to the 110<sup>th</sup> Precinct.

#### **Section 12. Professor William H. Pease, Jr. Way**

Introduced by Council Member Ferreras

William H. Pease, Jr. was a teacher, a former engineer and an advocate of the study of African-American history. He served in the Army Air Forces as a weather observer during WWII and was stationed for a period in Tuskegee, Alabama. He was the first African-American president of the Institute of Electrical and Electronic Engineers. He sponsored a scholarship awarded through the Central Brooklyn Martin Luther King Commission to student winners of essay and art contests. Through his career, he received awards from the Association for the Study of Negro Life and History, the New York University Weekend Tutorial Project, the Professional Achievement Award of the Brownsville Association for the Study of African American Life and History, the Teacher of the Year Award from the New York University Outreach Program for Mathematics and Science, the Mary McLeod Bethune Award for the motivation of black youth and a proclamation from the Suffolk County Executive for outstanding service and leadership. He also served more than two decades as an educator at Suffolk County Community College and was the first full-time African-American administrator at the college.

#### **Section 13. Bishop Wenzell P. Jackson Place**

Introduced by Council Member Gibson

Wenzell P. Jackson served as chair of Community Board 4, vice chair of the 44<sup>th</sup> Precinct Clergy Coalition and chair and founder of the Highbridge Clergy Coalition. As a member of Community Board 4, he served as chair of the Parks Committee in which he oversaw the replacement park program with Mill Pond Park, the Skate Park and Children's Park on River Avenue and the renovation of Mullaly Park and the Macombs Track and Ballpark. He organized CB4's Community That Cares Campaign, a quality of life initiative which involved organizing and coordinating a new Middle School for Highbridge and several protests regarding the inundation of homeless shelters in the district to Stop the Violence Initiatives and Gun Buy Back programs. As chair of CB4, he served as advisor to the United Parents of Highbridge Schools Coalition and used his position to improve police and community relations as becoming Vice President of the 44<sup>th</sup> Precinct Clergy Council. He also began his preaching ministry at 18 years-old in 1985 at the Tabernacle of Faith Baptist Church of San Francisco and was later ordained in 1991 by the San Francisco Baptist Ministers Conference. He served as pastor of the Mount Hermon Baptist Church in the Bronx.

#### **Section 14. Angelo "Chubby" Campanella Way**

Introduced by Council Member Greenfield

1926 – 2009

Angelo Campanella served in the United States Army for 2 years during WWII. He later became a celebrated ice cream vendor and a mainstay of the Bensonhurst community and served generations of Brooklynites over the course of 50 years. He served as the eyes and ears of the community by alerting the authorities if he ever saw a dangerous situation developing or any threat to his community, helping avert crimes before they took place. He also warned children about drug use and offered advice to stay away from delinquent behavior. This commitment to helping others was evident one afternoon when he saved a customer's baby from choking to death, rushing the distraught young mother and child to the hospital just in time to save the child's life. He once pulled a mother and baby out from a flipped car that was in danger of catching fire and also intervened in an attempted hit-and-run by a drunk driver when a customer was hit shortly after purchasing ice cream. He witnessed the crime and blocked the roadway with his ice cream truck, ensuring that the drunk driver could not flee the scene and was apprehended by police officers. His service has been documented in a number of publications including [The New York Times](#), [The New York Daily News](#) and [People Magazine](#). He began his business in 1944 growing his business from a freezer mounted on a bicycle, to a Ford Model A, a Model T and eventually a 1971 Chevrolet ice cream truck. Residents of Bensonhurst knew they could rely on Chubby to alert the authorities or lend advice to youth who would have otherwise turned to drugs and crime. He organized and carried out many community food drives on behalf of his less fortunate neighbors, annual winter block parties and



toy drives and fundraiser galas for residents battling cancer. He also donated countless ice cream cones to children who were short of change.

#### Section 15. Rabbi Weissmandl Way

Introduced by Council Member Greenfield

Rabbi Michael Ber Weissmandl was instrumental in saving the European Jewish populace during World War II as a resistance fighter. He created a "Working Group" to convince German and Slovakian authorities to delay the mass deportation of Jews for two years. He appealed to world leaders with abilities he hoped would help save the Jews of Europe, including President Franklin Delano Roosevelt and Winston Churchill and alerted them to the progressive Nazi actions in Europe. He also reestablished the Nitra Yeshiva in Boro Park, Mount Kisco and New Jersey when he came to the United States.

#### Section 16. NYPD Sgt. Peter J. McPolin, Jr. Way

Introduced by Council Member Ignizio

Peter J. McPolin joined the NYPD in 1984 and served as a patrolman in Manhattan before he was transferred to the Emergency Service Unit on Staten Island. He was promoted to sergeant and was stationed at the 120<sup>th</sup>, 122<sup>nd</sup> and 123<sup>rd</sup> precincts where he becoming a key supervisor on the Staten Island Task Force. He was the first supervisor of the debriefing unit in the 1990s, getting information from newly arrested suspects regarding other crimes and criminals. He was often called upon to give presentations at the monthly Compstat meetings at 1 Police Plaza in Manhattan. He was elected precinct delegate to the Sergeants Benevolent Association, and later became the borough director. He was a decorated officer who was in many dangerous situations, including a shootout with a gunman barricaded inside the former Roberto's Restaurant in Stapleton and while off-duty and unarmed, he was confronted by three teens, one brandishing a 9mm handgun. The teens took his phone and Sgt. McPolin chased them down in his vehicle and apprehended one of the muggers who led detectives to the triggerman. He was involved in the borough's most memorable manhunts when a 40-year-old woman was shot by a carjacker in the parking lot of the Staten Island Mall. He spotted the suspect's car in Clifton, and during a 30-block chase, was able to broadcast his location so that police could set up roadblocks. Eventually he apprehended the gunman. He helped save a worker who had fallen on the Outerbridge Crossing, using a special basket hoist to retrieve him. He was named Staten Island Advance Police Officer of the Month twice in the same year, received two commendations from the NYPD and was cited seven times for excellent police duty, and six times for meritorious police duty. He retired in 1995 when he suffered a line-of-duty injury. He was a volunteer on the Staten Island ferryboats to carry rescuers to Ground Zero on the morning of 9/11.

#### Section 17. Police Officer Brian Murray Way

Introduced by Council Member Johnson

Died on September 11, 1976

Officer Brian Murray was a member of the New York City Police Department for six years before he was killed in the line of duty when a terrorist bomb he was trying to deactivate exploded. Terrorists attempting to win Croatian independence planted a bomb in a locker at Grand Central Station in Manhattan. The terrorists then hijacked a TWA flight. Officers from the Bomb Squad removed a bomb from a locker at the station and brought the bomb to the department range at Rodman's Neck in the Bronx, where Officer Murray, along with three other officers, attempted to defuse the bomb by remote control. When they were unsuccessful in defusing the bomb by remote, they approached it and the bomb exploded, killing Officer Murray and seriously injuring the other three officers. The five Croatian terrorists were arrested when the airplane they hijacked landed in Paris, France. All five suspects were returned to the United States where they were charged by the United States Government with Air Piracy, and by New York State with murder. All five suspects were convicted of air piracy, and in addition two were convicted of murder.

#### Section 18. Stan Brooks Way

Introduced by Council Member Johnson

January 24, 1927 – December 23, 2013

Stan Brooks was a Senior Correspondent for 1010 WINS News Radio. He was born in the Bronx and attended DeWitt Clinton High School, City College of New York, and Syracuse University, where he received a Bachelor's Degree in English. He worked as a reporter and editor for Newsday for 11 years before becoming Assistant News Director of WINS in 1962. In 1965, as News Director, he led the transformation of WINS from a rock-and-roll station to the first-ever all-news radio station in the United States. He covered the Attica Prison riot, Chappaquiddick, Vietnam War protests, civil rights demonstrations, the 1968 Democratic National Convention, and the attacks on the World Trade Center throughout his career.

#### Section 19. Phyllis Gonzalez Way

Introduced by Council Member Johnson

May 28, 1947 – September 12, 2012

Phyllis Gonzalez was a long-time housing advocate for residents of the Chelsea neighborhood. She served as four-term president of the Elliott-Chelsea Houses, was a social worker for the Hudson Guild and worked on moving residents from the Allerton and Martinique welfare hotels into the Elliott-Chelsea Houses. She fought hard to make sure the Elliott and Chelsea buildings got new closed circuit cameras during a spike of violent crimes occurring throughout the City. She was also on the Hudson Guild's Neighborhood Advisory Council, a member of Community Board 4

and a member of the PTA at PS 33. She was instrumental in helping open the Chelsea Recreation Center and would often accompany residents to court and assist with translation. She was honored with the Doris Corrigan Award for Community Service.

#### Section 20. Sergeant Keith A. Ferguson Way

Introduced by Council Member King

August 8, 1965 – January 31, 2004

Keith A. Ferguson served with the New York City Police Department for 17 years. He was on patrol in lower Manhattan as part of the NYPD anti-terrorism unit when he heard a foot patrol officer calling for assistance. The officer was chasing a suspect who he had attempted to arrest. While running to assist the officer in the chase, Sergeant Ferguson suffered a heart attack and died. In June 2005, he was posthumously awarded the New York City Police Department's Purple Shield Medal.

#### Section 21. Daniel Carter Beard Memorial Square

Introduced by Council Member Koo

June 21, 1850 – June 11, 1941

Daniel Carter Beard was an American illustrator, author, youth leader, and social reformer who founded the Sons of Daniel Boone in 1905 and the Boy Scouts of America. He attended art school in New York City and wrote a series of articles for St. Nicholas Magazine that later formed the basis for The American Boy's Handy Book and illustrated a number of books for Mark Twain, and for other authors such as Ernest Crosby. He founded the Sons of Daniel Boone in 1905 and merged his organization into the Boy Scouts of America when it was founded in 1910 and became one of the first National Scout Commissioners of the Boy Scouts for 30 years. He was the editor of Boys' Life magazine, the BSA official magazine and wrote a monthly column for youth. His work with Ernest Thompson Seton became the basis of the Traditional Scouting movement. He also helped organize the Camp Fire Girls and served as president of the Camp Fire Club of America. He was the founder of Boy Scouts Troop 1 in Flushing, New York, which is one of the oldest continuously chartered Boy Scout Troop in the United States. He became an Eagle Scout at the age of 64 and was the recipient of the only gold Eagle badge awarded at the Second National Training Conference of Scout Executives held in 1922.

#### Section 22. Sergei Dovlatov Way

Introduced by Council Member Koslowitz

September 3, 1941 – August 24, 1990

Sergei Dovlatov was from the Soviet Union who immigrated to the United States in 1979 after being harassed by Soviet authorities. He lived in Forest Hills, Queens. He published several books, including "The Invisible Book," "The Compromise," "Ours" and "The Suitcase." He also worked for Radio Liberty as a freelance script writer. He grew up in Leningrad and later was assigned to a military unit guarding Siberian state prison camps. In the late 1960's, he became a journalist. His attempts to publish his fiction in the Soviet Union met resistance from publishers, and he suffered increasing harassment from the authorities as his involvement in dissident literary circles grew. However, since glasnost, his novels have been published in the Soviet Union and become extremely popular. The New Yorker published several of his short stories and from 1980 to 1982, he edited The New American, a weekly magazine.

#### Section 23. Jon Kest Way

Introduced by Council Members Lander and Levin

June 17, 1955 – December 2012

Jon Kest was a founder of the Working Families Party, a multi-state organization that works to advocate for paid sick leave, affordable housing and living-wage jobs. He was a community advocate who organized a strike by the city's fast-food workers, among many other initiatives. He was the executive director of New York Communities for Change, an organization that advocates on behalf of poor and working-class New Yorkers on issues like wages, housing and education. In 2012, approximately 200 of New York's fast-food workers took part in a one-day strike, demanding equitable pay and the right to unionize, one of the biggest fast food worker strikes in America. He also served as the head organizer of New York Acorn, a community organization of low and moderate-income families working together for social justice and stronger communities. The organization had more than 175,000 member families organized in 850 neighborhood chapters in 75 cities across the United States and in cities in Canada, the Dominican Republic and Peru. He established Acorn's Philadelphia chapter before moving to New York in the early 1980s. He co-founded New York Communities for Change. He organized a "squatting drive" in East New York, in which neighborhood residents took over hundreds of apartments in abandoned buildings. As a result, the city agreed to convert the buildings into low-income housing. He helped win better working conditions for members of the city's workfare force. He conceived the drive to organize home day care workers and today, 17,000 of these workers belong to the United Federation of Teachers. He was involved in the continuing effort to unionize workers in the city's carwashes and as a result of his efforts, four shops have been organized under the Retail, Wholesale and Department Store Union.

#### Section 24. George Carlin Way

Introduced by Council Member Levine

May 12, 1937 – June 22, 2008

George Carlin was a five-time Grammy Award winning American comedian, writer, social critic and actor. He performed 14 stand-up comedy specials for HBO, wrote three best-selling books and released 23 comedy albums. He was born in Manhattan and dropped out of school when he was 14 years-old and later joined the United States Air Force. He worked for several years as a disc jockey and later formed a duo with comic Jack Burns. He would be known for transforming comedy by speaking about a variety of topics and also writing his most famous routine, Seven Words You Can Never Say on Television. This routine got him arrested on charges of obscenity after performing in Milwaukee in 1972. The case was thrown out, however the bit played a significant role in the U.S. Supreme Court case that upheld the FCC's ability to regulate indecent programming on public airwaves. He received the Lifetime Achievement Award in 2001, was ranked second on Comedy Central's Greatest Stand-ups of All Time, appeared on The Tonight Show more than 130 times and hosted the first Saturday Night Live.

#### **Section 25. Barnard College 125<sup>th</sup> Year Anniversary**

Introduced by Council Member Levine

This co-naming will commemorate the 125<sup>th</sup> Anniversary of Barnard College.

#### **Section 26. Msgr. Gerald J. Ryan Blvd.**

Introduced by The Speaker, Council Member Mark-Viverito

February 16, 1920 – April 11, 2013

Gerald J. Ryan was born in 1920 in Upper Manhattan to Irish immigrant parents and grew up in the Pelham Bay section of the Bronx. He began working as a priest in the Bronx in 1945. In the 1960s, he joined the March on Washington, and stood with the Rev. Dr. Martin Luther King Jr. in Selma, Alabama and later helped build low-income housing for Spanish-speaking immigrants in the South Bronx. In 1966, he began serving at St. Luke's parish whose population was changing rapidly to predominantly poor Spanish-speaking residents. He enrolled in a Berlitz class and started to minister in Spanish. Working with the city, he helped lead a church effort to build two housing projects, St. Francis and George Hardy. In the 1970's when the South Bronx started to burn, he remained in the Bronx and opened the parish basement as a community center and he kept the parish school open. He later became a Monsignor and was the longest serving priest in New York City with 67 years of service. He ran St. Luke's until he is 93, making him the oldest working priest in New York City. He received a certificate from Pope Benedict XVI, awarded on the occasion of 40 years in the parish.

#### **Section 27. Revs. Norm and Peg Eddy Way**

Introduced by The Speaker, Council Member Mark-Viverito

Rev. Norm Eddy (February 9, 1920 – June 21, 2013) Rev. Peg Eddy (October 21, 1926 – March 7, 1990).

Rev. Norm Eddy was minister from Connecticut who preached in East Harlem in 1951. Throughout his career, he and Peg, his wife who was also a minister, helped start a drug treatment program, a tenants' group, a housing project, a credit union and the myriad self-help organizations that have sustained his work there for over 60 years. After graduating from Yale in 1942, Norm joined the volunteer ambulance corps of the American Field Service and later enrolled in Union Theological Seminary. He served as a pastor of the East Harlem Protestant Parish, an assembly of four storefront churches that they had helped establish while attending Union Theological Seminary in Manhattan. They would invite people to meetings on the parish calendar, helping tenants in disputes with landlords, sometimes mediating gang rivalries. They helped establish one of the city's first counseling centers for addicts offering mental health services, job placement and application forms for the few drug detoxification and rehabilitation programs that existed. They also helped organize the East Harlem Credit Union Committee, which in 1956 persuaded the National Credit Union Administration to charter a citizens' credit bank, the East Harlem Narcotics Committee, whose hundreds of members became the volunteer power behind the counseling center and lobbied for changes in state drug laws, he Metro North Citizens' Committee, which began pressuring city officials in 1962 to build affordable housing and, when nothing happened, got a \$1 million grant from a philanthropic foundation in Chicago to seed a federally subsidized, privately financed project. One of the first deals of its kind, it yielded 200 apartments by the mid-1960s, a block of renovated Section 8 subsidized rental units that anchored a gradual neighborhood revival.

#### **Section 28. Simeonette Mapes Way**

Introduced by Council Member Matteo

September 25, 1982 – July 5, 2012

Simeonette Mapes taught high school history classes at the School for Classics: An Academy of Thinkers, Writers and Performers in Brooklyn. She also ran the Girls Leadership Club and founded the school's Fairy Godmother Project which provided prom dresses, accessories and services from licensed cosmetologists to donate their time and services to children who could not afford to attend the prom. She also formed the Sunshine Committee which provided birthday and holiday gifts to her fellow co-workers and students who were not able to receive gifts from their families. She was a volunteer at the Fort Hamilton Church Group Society and the HeartShare Foundation where she offered her services to children and young adults with mental and physical disabilities. In 2012, she received the Teacher of the Year Award from her school and was recognized by the Department of Education as one of the top ten teachers in the City of New York and was invited to speak at the Teachers Teaching Teachers seminar. After her death, a non-profit organization called Sissy's Angels Inc. was founded to continue her work and has provided over

500 prom dresses for less fortunate students and also supplies toys to children admitted to Staten Island Hospital's pediatric unit.

#### **Section 29. Father Damien's Way**

Introduced by Council Member Mendez

January 3, 1840 – April 15, 1889

Father Damien was born in Tremeto, Belgium and later entered the noviate at Leuven monastery. In 1864, he left Belgium for Hawaii as a missionary and for 16 years, he provided spiritual and medical assistance to those suffering from a callous disregarded and detested known as Hansen's Disease, known as leprosy. He worked on a government-sanctioned medical quarantine colony, which is still in operation on an island of Moloka in Hawaii. He eventually succumbed to the disease himself. His work inspired Mahatma Gandhi and Mother Teresa in caring for the sick. He was canonized on October 11, 2009. His symbols are a tree and a dove and he is the unofficial patron of those with HIV and AIDS, the world's only Roman Catholic memorial chapel to those who have died of this disease, at the Église Saint-Pierre-Apôtre in Montreal, Quebec, is consecrated to him.

#### **Section 30. Marie Christopher Way**

Introduced by Council Member Mendez and Chin

June 21, 1947 – January 16, 2013

Marie Christopher was a respected community leader for many decades who fought for affordable and sustainable housing and economic justice in Manhattan's Lower East Side. She worked with Pueblo Nuevo, Citizens Committee for New York and the 7<sup>th</sup> Precinct to rid her building of a notorious drug dealer through police patrols and a site complaint program. As a member of the Citizens Committee and a founding member of the Alliance for a Drug Free City, she advised dozens of organizations, often in communities considered among the most dangerous in the nation and consulted with public officials and addressed numerous radio and television audiences. She also worked with Good Old Lower East Side (GOLES) on environmental justice issues. She fought to get the New York City Council to enact Local Law 79, which had not been overturned by the courts, would have given tenants in post-1973 Mitchell-Lama and Project Based Section 8 buildings the first right to purchase their buildings. She joined Tenants and Neighbors' Board of Directors and the National Alliance of HUD Tenants and worked with elected officials and the AAFE to pressure her landlord into not opting out of the project based on Section 8 program and convinced him instead to renew his federal subsidy contract for an additional 15 years, thereby preventing the mass displacement of her neighbors that dramatically increased rents would bring.

#### **Section 31. Rev. Charlie W. Mixon Way**

Introduced by Council Member Miller

Rev. Charles Mixon was pastor of the Maranatha Baptist Church, which he founded and built into an institution for 27 years. When he started the church, there were seven members, and that including himself and his wife. Today, there are approximately 1,300 members. For the first four years, he paid \$300 a month to rent a building on Springfield Blvd., which the church bought in 1979 and has called home ever since. It later bought two more buildings on the same block and has plans to build an education center. Mixon did more than preach. He and other men in the congregation laid the cinder-block foundation for the new sanctuary after the original building was torn down. In keeping with another tradition, members of the congregation accompanied Mixon when he walked the several blocks from his home to the church for the dedication ceremony. Mixon arrived in New York in the early '70s, studied theology at a Manhattan Bible school and was ordained in 1975 at the Wayside Baptist Church in Williamsburg, Brooklyn, where he had served as a deacon. Three months later, he was founding his own congregation. He was heavily involved in community issues that ranged from voting rights to education, and for years he was a member of Community Board 13.

#### **Section 32. Bishop Roderick R. Caesar Sr. Way**

Introduced by Council Member Miller

Roderick R. Caesar was born in St. Lucia, West Indies. He joined the United States Army in 1919 and later joined the Harlem Pentecostal Church where he was taught the Word of God. He became a deacon and taught Sunday School and was ordained an Elder. In 1932, he established the Bethel Gospel Mission on South Road in Jamaica, Queens. He purchased 110-15 New York Boulevard and it became known as the Bethel Gospel Tabernacle. In 1947, he established the Bethel Bible Institute and began a full Gospel hour radio broadcast. He founded the Bethel G.T. Federal Credit Union and was elevated to the office of Bishop in the United Pentecostal Council of the Assemblies of God Inc. He served as Eastern District Bishop and later as the National Bishop. He served as Bishop Emeritus of the District and National Councils.

#### **Section 33. Jahi Williams-Simmons Way**

Introduced by Council Member Palma

January 1952 – August 31, 2013

Jahi Williams-Simmons was born in Georgetown, South Carolina. He was the co-founder and chair of Survival Instinct-The Network, Inc. (SITNET), a not-for-profit cancer awareness organization that promotes cancer awareness, early detection and screening. He introduced "Our Personal Care," a program which provided those in need of transportation to and from scheduled cancer screening appointments. He and members of SITNET received a Community Service Award from Montefiore's Oncology department and he also became director of SITNET's Cancer Health

Awareness Television (CHAT TV) on BronxNet which received 2 nominations and 2 BETA Awards for “Best Health Show” and “Best Organizational Show.” He was responsible for the first organized annual cancer walk to take place in the Bronx and was instrumental in the inaugural children’s cancer walk which led to commemorating September 13<sup>th</sup> as Survival Instinct – The Network Day. He also founded A.L.I.A., an intergenerational leadership program where he gave guitar lessons and taught youth about the arts.

#### **Section 34. Lt. Richard A. Nappi Way**

Introduced by Council Member Reynoso

Died April 16, 2012

Richard A. Nappi was a parole officer for the New York State Division of Parole, and also worked for several years as a caseworker for Suffolk’s Department of Social Services before joining the FDNY. He was a member of Engine 237 and was a 17-year veteran of the FDNY. He was killed in the line of duty battling a three-alarm blaze at a Brooklyn warehouse.

#### **Section 35. Altagracia Diloné Levat Way**

Introduced by Council Member Rodriguez

1957 – 2014

Altagracia Diloné Levat was the director of the Alianza Dominicana Cultural Center, which was funded by the New York City Council and administered by Catholic Charities of New York. She initiated and oversaw classical and folkloric music programs, as well as programs in folkloric dance and art-reaching more than 1,000 children and established partnerships and programming alliances with leading community organizations in theater and film. She also held positions at the Women’s Project Theater in Manhattan, and the Clay Arts Center in Port Chester. She served as vice president for communications and marketing at Legal Momentum, a legal defense and education organization focused on women’s rights, as associate dean of New York Law School, the first Dominican-American to achieve that rank in the United States, and as assistant dean at Pace University Law School. She served as a consultant at the CUNY Dominican Studies Institute as a board member of the Alliance of Dominican Classical Artists, and as a pro bono advisor to the printmaking collective Dominican York Proyecto Gráfica. She received an Outstanding Latinas 2000 Award from el diario/La Prensa for Achievement in Communications.

#### **Section 36. Emmett W. Bassett Way**

Introduced by Council Member Rodriguez

1921 – September 29, 2013

Emmett W. Bassett was the first African-American to obtain a doctoral degree in dairy technology. He was born in Henry County, Virginia where his primary education was in a one room schoolhouse where classes frequently were suspended either because there was no teacher or because children were needed for farm labor. He later enrolled at the Tuskegee Institute in Alabama. He won a National Youth Administration scholarship which provided the chance to conduct research under George Washington Carver. During WWII, he served in the United States Army quartermaster corps. After the war, he entered the University of Massachusetts at Amherst and in 1955, he was awarded a doctoral degree in dairy technology from Ohio State University. He was a member of the medical school faculty of first Columbia University and later the University of Medicine and Dentistry of New Jersey, from which he retired as an Associate Professor in the Department of Microbiology in 1987. He was one of the last living students trained by George Washington Carver. He combined his professional life with enduring activism in civil rights, education and health and community affairs in the Washington Heights/Inwood section of New York City and Sullivan County, where he made his home in later years. He served on his local New York City Community Board and the Manhattan Advisory Council of the New York State Commission for Human Rights. He later co-founded the Human Rights Commission of Sullivan County.

#### **Section 37. Kenneth Cubas Way**

Introduced by Council Member Rose

February 15, 1953 – September 11, 2001

Kenneth Cubas worked on the 97<sup>th</sup> floor in Tower 2 of the World Trade Center. He was killed when he went back into the Tower to try and help others.

#### **Section 38. Sergeant Gerard J. Dunne, U. S. Army Way**

Introduced by Council Member Ulrich

December 24, 1946 - August 25, 1968

Gerard J. Dunne was a squad leader in Quang Ngai, Vietnam and was killed in action on August 25, 1968.

#### **Section 39. Commander William G. Clancy Lane**

Introduced by Council Member Vacca

June 17, 1937 – July 7, 2012

William G. Clancy was a lifelong City Island resident and served many roles in the Leonard Hawkins American Legion Post 156 starting in 1963. He served as Post Secretary, Post Vice Commander for Activities and Post Commander. He oversaw the 1985 expansion of the American Legion building and later ascended to the rank of Bronx County Commander in the borough-wide Legion. He was vital in

recognizing Prisoners of War and soldiers Missing In Action nationally. As a result of his efforts, the United States Department of Defense declassified documents so families of POW/MIA could find out what happened to them, he led the charge to see POW/MIA flags displayed in public and also got the Department to identify human remains in Southeast Asia as they are found. He later became District American Legion Commander and Statewide Vice Commander and was a candidate for New York State Commander of the American Legion. He was active with Boys State, a legion program that teaches high school juniors about government and was an original member of the City Island Volunteer Ambulance Corps and served as an assistant scoutmaster for City Island’s Troop 211.

#### **Section 40. Benjamin Fried Boulevard**

Introduced by Council Member Vallone

Died March 3, 2013

Benjamin Fried was an activist, a volunteer and a businessman in Bayside. He ran Benn’s Hardware store until 2001. He fought the constant increase in parking meter fees since they were \$.10 an hour. During the 1970’s, he was successful in keeping FDNY Engine Co. 306 open by organizing the biggest rally in Bayside and later became the chairman of the 306 Firehouse Committee. He was also instrumental in the opening of the 64<sup>th</sup> Avenue and Springfield Boulevard Firehouse. As a result of his devotion to the FDNY, he was given the honorary title of Deputy Battalion Chief. He founded the Bell Boulevard Merchants Association, as well as the Annual Children’s Holiday Parade on Bell Boulevard, convinced the Sanitation Department that they should not summons the business owners for dirty sidewalks because this problem was the result of Sanitation not cleaning the streets and he implemented and collected funding for the holiday lights on Bell Boulevard.

#### **Section 41. Salman Hamdani Way**

Introduced by Council Member Vallone

Salman Hamdani was a NYS Certified EMT and a Cadet with the NYPD who went to help those in need on the morning of September 11th. He was killed in the line of duty.

#### **Section 42. Private First Class Errol Millard Way**

Introduced by Council Member Williams

October 5, 1994 – July 4, 2013

Errol Millard was assigned to the 595<sup>th</sup> Sapper Company, 2<sup>nd</sup> Engineer Battalion and 36<sup>th</sup> Brigade. He was killed in combat in Afghanistan. He was posthumously promoted to Private First Class and was awarded the Bronze Star, the Purple Heart and the Good Conduct Medal.

#### **Section 43. Major Fred O. “Blue Eagle” Wilson Square**

Introduced by Council Member Wills

June 18, 1922 – October 2, 2007

Fred O. Wilson was a decorated pilot and one of the last remaining Tuskegee Airmen who served in World War II. He was one of four Native American pilots to fly with the Tuskegee Airmen, a predominantly African-American fighter squadron which is remembered as never losing a bomber to enemy fire. He, along with the rest of the Tuskegee Airmen received the Congressional Medal of Honor presented by President George W. Bush.

#### **Section 44. 2<sup>nd</sup> Lt. Victor Terrelonge Corner**

Introduced by Council Member Wills

January 14, 1923 – February 2, 2011

Victor Terrelonge was born in Jamaica, West Indies and moved to the United States at the age of 15 and would later become a member of the Tuskegee Airmen. He graduated from Aviation High School in Queens, in 1942, and attended City College of New York to obtain a degree in Aeronautical Engineering. He enlisted in the US Army Air Corps in 1943 and was transferred to Tuskegee, Alabama to be trained as an Army pilot. He began training, first as a member of the class 44-F and was later assigned to the class 44-I. He graduated with class 44-I and was sent to Selfridge field, MI for Advanced Combat Training. He was a founding member of the Claude B. Govan Tri State Chapter of the Tuskegee Airmen Inc. organization. Since the creation of the chapter, he and other Tuskegee Airmen volunteered to speak and participate in thousands of community events related to veterans, education and community service. The chapter supported youth education and success beyond high school by providing scholarships to hundreds of needy students from the area. He, along with the rest of the Tuskegee Airmen received the Congressional Medal of Honor presented by President George W. Bush.

#### **Section 45. 2<sup>nd</sup> Lt. Haldane King Corner**

Introduced by Council Member Wills

November 8, 1921 – July 2, 2013

Haldane King was born in Brooklyn, New York and was later an outstanding high school basketball player. He earned an athletic scholarship to Long Island University where he played on championship teams under Coach Clair Bee. In early 1942, he volunteered for military service in World War II, entering pilot training in Tuskegee, Alabama as a member of the first class 43J of African-American bomber pilots in the Army Air Corps. After his military service, he returned to New York and became one of the first African-Americans to join the New York Fire

Department. He was recalled into the newly integrated Air Force in 1950 and went to Germany as part of the Army of Occupation after WWII. He later moved to Elizabeth City, North Carolina and was very active speaking at local schools and community events sharing about his time served in the military.

**Section 46. 2<sup>nd</sup> Lt. William M. “Wild Bill” Wheeler Way**

Introduced by Council Member Wills

August 20, 1923 – February 19, 2011

William M. Wheeler volunteered as a United States Army Air Corps pilot and was inducted into the service in March 1943. He was transferred to the Tuskegee Institute and earned his wings as a fighter pilot in March 1944 and was commissioned a 2<sup>nd</sup> Lieutenant. He was assigned to the 302<sup>nd</sup> Fighter Squadron in Ramitelli, Italy and carried out bomber escort missions over Europe. His combat career was cut short on his sixth mission when a respiratory ailment caused him to black out at 36,000 feet. Luckily, he regained consciousness at 8,000 feet. He was honorably discharged in 1945. He, along with the rest of the Tuskegee Airmen received the Congressional Medal of Honor presented by then-President George W. Bush.

**Section 47. General Benjamin Oliver Davis, Jr. Blvd.**

Introduced by Council Member Wills

December 18, 1912 – July 4, 2002

Benjamin Oliver Davis, Jr. was the first African-American general officer in the United States Air Force and on December 9, 1998, was advanced to four-star general by President Bill Clinton. He was one of the first five graduates to get wings at Tuskegee Army Air Field in March 1942 and was assigned to the newly activated 99th Fighter Squadron. By August of that year, he became squadron commander. The group flew many combat missions under his command. He returned to the United States in September 1943 to assume command of the 332nd Fighter Group.

**Section 48. 99<sup>th</sup> Flying Training Squadron Drive**

Introduced by Council Member Wills

On January 16, 1941, the War Department announced the formation of the 99th Pursuit Squadron, an African-American unit, and of the Tuskegee Institute training program. On March 7, 1942, the first graduating class of the Air Corps Advanced Flying School at Tuskegee Field included Col. (later Gen.) Benjamin O. Davis, Jr., who became the commanding officer of the 99th Fighter Squadron and later the 332<sup>nd</sup> Fighter Group. These units were unique in United States military history because all the personnel were African-American. The 99<sup>th</sup> Fighter Squadron went to North Africa in April 1943, and flew its first combat mission against the island of Pantelleria on June 2, 1943. Capt. Charles B. Hall was the first African-American pilot to shoot down an enemy aircraft. Later the squadron, operating from its base in North Africa, supported the invasion of Italy and participated in the air battle against Sicily. The 332<sup>nd</sup> Fighter Group flew more than 3,000 missions in Europe and destroyed almost 300 enemy planes. Eighty-eight of the group's pilots received the Distinguished Flying Cross, proving their test by fire a success.

**Section 49. 761<sup>st</sup> Tank Battalion Avenue**

Introduced by Council Member Wills

The 761<sup>st</sup> Tank Battalion was activated on April 1, 1942, at Camp Claiborne, Louisiana, and deployed to Europe, landing at Omaha Beach in France on October 10, 1944. The Battalion trained at Camp Hood, Texas, where they were rated superior by Second Army Commander Lt.Gen. Ben Lear. Later referred to as the Black Panther Tank Battalion, the 761<sup>st</sup> was attached to the XII Corps' 26<sup>th</sup> Infantry Division, assigned to Gen. George S. Patton Jr.'s Third Army and committed to combat on November 7, 1944. As a result of their great fighting abilities they spearheaded a number of Patton's moves into enemy territory. They forced a hole in the Siegfried Line, allowing Patton's 4<sup>th</sup> Armored Division to pour through into Germany. They fought in France, Belgium, and Germany, and were among the first American forces to link up with the Soviet Army at the River Steyr in Austria.

**Section 50. 555<sup>th</sup> Parachute Infantry Battalion Lane**

Introduced by Council Member Wills

The 555<sup>th</sup> Parachute Infantry Battalion was activated as a result of a recommendation made in December 1942, by the Advisory Committee on Negro Troop Policies, chaired by the Assistant Secretary of War, John J. McCloy. In approving the committee's recommendation for an African-American parachute battalion, Chief of Staff General George C. Marshall decided to start with a company. On February 25, 1943, the 555<sup>th</sup> Parachute Infantry Company was constituted. On December 19, 1943, Army Ground Forces authorized the activation of the company as an all-African-American unit with African-American officers, as well as African-American enlisted men. All unit members were to be volunteers, with an enlisted cadre to be selected from personnel of the 92d Infantry Division at Fort Huachuca, Arizona. The company was officially activated on December 30, 1943 at Fort Benning, Georgia. After several months of training, the unit moved to Camp Mackall, North Carolina, where it was reorganized and redesignated on November 25, 1944 as Company A of the newly-activated 555<sup>th</sup> Parachute Infantry Battalion. The battalion did not serve overseas during World War II. However, in May 1945 it was sent to the west coast of the United States to combat forest fires ignited by Japanese balloons carrying incendiary bombs. Although this potentially serious threat did not materialize, the 555<sup>th</sup> fought numerous other forest fires. Stationed at Pendleton Field, Oregon, with a detachment in Chico, California, unit members

courageously participated in dangerous fire-fighting missions throughout the Pacific Northwest during the summer and fall of 1945, earning the nickname "Smoke Jumpers" in addition to "Triple Nickles." Soon after returning to Camp Mackall in October 1945, the 555<sup>th</sup> Parachute Infantry Battalion was transferred to Fort Bragg, North Carolina, its home for the next two years. During this period the unit was attached to the elite 82<sup>nd</sup> Airborne Division. When the battalion was inactivated on December 15, 1947, most of its personnel were reassigned to the division's organic 3<sup>rd</sup> Battalion, 505<sup>th</sup> Airborne Infantry. On August 22, 1950, the 555<sup>th</sup> Parachute Infantry Battalion was disbanded.

**Section 51. 332<sup>nd</sup> Fighter Group Corner**

Introduced by Council Member Wills

The 332<sup>nd</sup> Fighter Group was commanded by Colonel Benjamin O. Davis, Jr., who later became the first three-star general in the Air Corps. The Group was one of seven groups assigned to escort heavy bombers of the Fifteenth Air Force on raids against enemy targets in southern and central Europe. The Group was responsible for shooting down 112 enemy aircraft, knocked out over 600 railroad cars and sank one destroyer and 40 boats and barges during WWII.

**Section 52. Buffalo Soldiers Square**

Introduced by Council Member Wills

The 10<sup>th</sup> Cavalry Regiment was formed at Fort Leavenworth, Kansas in 1866 composed of all African-American men and white officers. The 10<sup>th</sup> United States Cavalry Regiment was also known as one of the original Buffalo Soldier regiments. The regiment served in combat during the Indian Wars in the western United States, the Spanish-American War in Cuba and in the Philippine-American War. The regiment was trained as a combat unit but later relegated to non-combat duty and served in that capacity in WWII until its deactivation in 1944.

**Section 53. 26<sup>th</sup> Regiment United States Colored Troops Drive**

Introduced by Council Member Wills

The 26<sup>th</sup> Regiment United States Colored Troops was an African-American combat unit formed in 1864 in New York. The regiment fought in the American Civil War.

**Section 54. 369<sup>th</sup> Infantry Regiment “Harlem Hellfighters” Lane**

Introduced by Council Member Wills

The 369<sup>th</sup> Infantry Regiment, also known as the Harlem Hellfighters, was an infantry regiment formed in New York consisting of African-Americans and African Puerto Ricans. The regiment was the first African-American regiment to serve with the American Expeditionary Force during WWI. The nickname Hellfighters was given to them by the Germans as a result of their toughness and that they never lost a man through capture, lost a trench or a foot of ground to the enemy. The regiment was demobilized on February 28, 1919, at Camp Upton at Yaphank, New York.

**Section 55. 2<sup>nd</sup> Lt. August Harvey Martin Street**

Introduced by Council Member Wills

August 31, 1919 – July 1, 1968

August Harvey Martin earned his Army pilot wings on September 8, 1945 in Tuskegee, Alabama and was a member of the Tuskegee Airmen. After the war, he became the first African-American to captain a U.S. commercial air carrier for Seaboard World Airlines, one of the largest air cargo companies in the country at that time. The airline played a notable role during the Vietnam War flying cargo jets from Washington State to the front lines. He also helped establish Negro Airmen International, the first black civilian aviation organization in the U.S. He was killed while flying a mercy mission to Biafra, Africa while trying to land on a highway during a rainstorm.

**Section 56. 2<sup>nd</sup> Lt. Samuel Lynn Corner**

Introduced by Council Member Wills

June 30, 1920 – October 17, 2000

Samuel Lynn was part of the Tuskegee Airmen who flew in Europe during WWII. He also fought in the Korean War and later retired from the Air Force after a 24-year career. He received the Bronze Star and Commander of the Year in 1965. After his career in the military, he became a regional director for the United States Department of Labor in New York.

**Section 57. 92<sup>nd</sup> Infantry Division Avenue**

Introduced by Council Member Wills

The 92<sup>nd</sup> Infantry Division was a unit of the United States Army during WWI and WWII. The unit was formed in Kansas consisting of African-American draftees who served overseas and saw combat during WWII. The unit also served in the Italian Campaign from 1944 until the War's end.

**Section 58. 452<sup>nd</sup> Anti-Aircraft Drive**

Introduced by Council Member Wills

The 452<sup>nd</sup> Anti-Aircraft Artillery was an all-African-American anti-aircraft artillery unit of the United States Army during WWII comprised of approximately 1,000 soldiers. The unit was credited with having shot down 88 German warplanes which is the highest number of such kills credited to an all-African-American unit during the war.

**Section 59. 2<sup>nd</sup> Lt. Harry A. Sheppard Corner**

Introduced by Council Member Wills  
October 24, 1917 – July 22, 2003

Harry A. Sheppard enlisted in the Army Air Corps on April 1, 1941 and became one of the first African-Americans accepted for aircraft maintenance training in the Air Corps and to be assigned to the 99<sup>th</sup> Pursuit Squadron. He served with the Tuskegee Airmen and flew 123 combat missions. He earned the Legion of Merit, the Distinguished Service Medal and Air Medal with 13 oak leaf clusters.

**Section 60. Cathay Williams Blvd.**

Introduced by Council Member Wills  
September 1844 – 1892

Cathay Williams was the first African-American female to enlist, and the only documented to serve in the United States Army posing as a man, under the pseudonym William Cathay. She was born into slavery in Independence, Missouri in 1842. She worked as a house slave for William Johnson, a wealthy planter in Jefferson City, Missouri until his death. Shortly after the Civil War broke out she was freed by Union soldiers and soon went to work for the Federal Army as a paid servant. While working in this capacity, she served Colonel Thomas Hart Benton while he was in Little Rock, Arkansas as well as General Philip Sheridan and his staff, experiencing military life first hand. On November 15, 1866, Cathay Williams enlisted in the United States Army using the name William Cathay. She informed her recruiting officer that she was a 22-year-old cook. He described her as 5' 9", with black eyes, black hair and black complexion. An Army surgeon examined Cathay and determined the recruit was fit for duty, thus sealing her fate in history as the first documented black woman to enlist in the Army even though U.S. Army regulations forbade the enlistment of women. She was assigned to the 38<sup>th</sup> United States Infantry and traveled throughout the west with her unit. The traveling took a toll on her and seemingly her health was suffering, as she was recorded as being in four different hospitals on five separate occasions. Amazingly, during these various hospitalizations, it was never discovered that she was female. Over her two year stint in the Army, she participated in regular garrison duties but there is no record that she ever saw direct combat while she was enlisted. Though seemingly not well regarded by her commanding officer, she was honorably discharged with the legacy of being the first and only female Buffalo Soldier to serve.

**Section 61. Flt. Officer Lawrence A. Brown Corner**

Introduced by Council Member Wills  
September 7, 1909 – March 4, 2012

Flight Officer Lawrence A. (Bubba) Brown was involved in the Red Tail Project of the Tuskegee Airmen. He was drafted into the United States Army in 1942 and spent WWII serving in a segregated unit in North Africa, Sicily and Italy. He was a flight officer and one of the original Tuskegee Airmen. He was wounded in Italy and spent 18 months recovering in Army hospitals. After his discharge, he worked in the Minnesota Department of Revenue as a tax auditor. From 1966 to 1968, as an accountant, he helped set up an income tax withholding system in Uganda, East Africa under a contract with the United States Agency for International Development. He was one of the three original founders of the Ronald McDonald House in Minneapolis, which opened its first house in 1979. He was a volunteer coach and mentor at Phyllis Wheatley and also tutored in the Minneapolis Public Schools.

**Section 62. Jose Pena Gomez Boulevard**

Introduced by Council Member Cabrera  
March 6, 1937 – May 10, 1998

Jose Pena Gomez was a three-time candidate for President of the Dominican Republic, the leader of the Dominican Revolutionary Party and former Mayor of Santo Domingo. He was born in Valverde to parents of Haitian descent and was orphaned as an infant when Rafael Trujillo, the military dictator of the Dominican Republic, ordered a massacre in which more than 10,000 Haitians and Dominicans of Haitian descent in the border area were killed and additional thousands fled across the border. He was raised by a peasant family and gave him their name. When he was 15, he became an instructor in a literacy program for poor children in his native province and later worked as a teacher in rural and night schools. He also studied political science at universities in Costa Rica and Puerto Rico, and became the press secretary of the leftist Dominican Revolutionary Party, and later its secretary-general. The Dominican Revolutionary Party's leader was Juan Bosch who led the opposition to the Trujillo dictatorship. When Bosch was elected president in 1962, Jose Pena Gomez had emerged as a protege. Juan Bosch was ousted by a coup in 1963 which led to a civil war and an American invasion of the Dominican Republic. Pena Gomez eventually had to leave the country and took refuge in France to study political science and constitutional and labor law for two years at the University of Paris. He also studied political science in courses at Harvard University and Michigan State University. While in exile, he was involved in efforts to obtain international condemnation of human rights violations in the Dominican Republic. In 1982, he was elected mayor of Santo Domingo. He also traveled from Santo Domingo to New York and Washington to advocate on behalf of Dominican migrant workers' rights.

**Section 63. Dylan Smith Way**

Introduced by Council Member Ulrich  
Died December 23, 2012

Dylan Smith was a Queens lifeguard who used his surfboard to save six people during Hurricane Sandy. He rescued the six people by using a homemade rope bridge and his surfboard to get the people away from fires spreading across the Rockaway Peninsula. He was selected as People Magazine's Heroes of 2012. He drowned in a surfing accident in Puerto Rico.

**Section 64. The REPEAL of Section 23 of Local Law number 50 for the year 2013.** This section repeals Section 23 of Local Law number 50 for the year 2013.

**Section 65. The REPEAL of Sections 8, 11 and 26 of Local Law number 131 for the year 2013.** This section repeals Sections 8, 11 and 26 of Local Law number 131 for the year 2013.

(The following is the text of the Fiscal Impact Statement for Int. No. 388:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO No.

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to the naming of sixty-three thoroughfares and public places:

SPONSOR: By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Barron, Cabrera, Chin, Deutsch, Dickens, Dromm, Espinal, Ferreras, Gibson, Greenfield, Ignizio, Johnson, King, Koo, Koslowitz, Lander, Levine, Matteo, Mendez, Miller, Palma, Reynoso, Rodriguez, Rose, Ulrich, Vacca, Vallone, Williams and Wills

In relation to the naming of 63 thoroughfares and public places, Rev. Dr. Shellie Sampson, Jr. Way, Borough of the Bronx, Sister Thomas, S.C. Way, Borough of the Bronx, Dominican Sisters of Sparkill Place, Borough of the Bronx, Lillie F. Martin Lane, Borough of Brooklyn, El Grito de Lares, Borough of the Bronx, Dashane Santana Way, Borough of Manhattan, Ed Eisenberg Way, Borough of Brooklyn, Bishop Dr. Ezra Nehemiah Williams Way, Borough of Manhattan, Manny "The Wrong Man" Balestrero Way, Borough of Queens, Msgr. John T. Peyton Avenue, Borough of Brooklyn, P. O. Robert M. Ehmer Place, Borough of Queens, Professor William H. Pease, Jr. Way, Borough of Queens, Bishop Wenzell P. Jackson Place, Borough of the Bronx, Angelo "Chubby" Campanella Way, Borough of Brooklyn, Rabbi Weissmandl Way, Borough of Brooklyn, NYPD Sgt. Peter J. McPolin, Jr. Way, Borough of Staten Island, Police Officer Brian Murray Way, Borough of Manhattan, Stan Brooks Way, Borough of Manhattan, Phyllis Gonzalez Way, Borough of Manhattan, Sergeant Keith A. Ferguson Way, Borough of the Bronx, Daniel Carter Beard Memorial Square, Borough of Queens, Sergei Dovlatov Way, Borough of Queens, Jon Kest Way, Borough of Brooklyn, George Carlin Way, Borough of Manhattan, Barnard College 125th Year Anniversary, Borough of Manhattan, Msgr. Gerald J. Ryan Blvd., Borough of Manhattan, Revs. Norm and Peg Eddy Way, Borough of Manhattan, Simeonette Mapes Way, Borough of Staten Island, Father Damien's Way, Borough of Manhattan, Marie Christopher Way, Borough of Manhattan, Rev. Charlie W. Mixon Way, Borough of Queens, Bishop Roderick R. Caesar Sr. Way, Borough of Queens, Jahi Williams-Simmons Way, Borough of the Bronx, Lt. Richard A. Nappi Way, Borough of Brooklyn, Altigracia Diloné Levat Way, Borough of Manhattan, Emmett W. Bassett Way, Borough of Manhattan, Kenneth Cubas Way, Borough of Staten Island, Sergeant Gerard J. Dunne, U. S. Army Way, Borough of Queens, Commander William G. Clancy Lane, Borough of the Bronx, Benjamin Fried Boulevard, Borough of Queens, Salman Hamdani Way, Borough of Queens, Private First Class Errol Millard Way, Borough of Brooklyn, Major Fred O. "Blue Eagle" Wilson Square, Borough of Queens, 2nd Lt. Victor Terrelonge Corner, Borough of Queens, 2nd Lt. Haldane King Corner, Borough of Queens, 2nd Lt. William M. "Wild Bill" Wheeler Way, Borough of Queens, General Benjamin Oliver Davis, Jr. Blvd., Borough of Queens, 99th Flying Training Squadron Drive, Borough of Queens, 761st Tank Battalion Avenue, Borough of Queens, 555th Parachute Infantry Battalion Lane, Borough of Queens, 332nd Fighter Group Corner, Borough of Queens, Buffalo Soldiers Square, Borough of Queens, 26th Regiment United States Colored Troops Drive, Borough of Queens, 369th Infantry Regiment "Harlem Hellfighters" Lane, Borough of Queens, 2nd Lt. August Harvey Martin Street, Borough of Queens, 2nd Lt. Samuel Lynn Corner, Borough of Queens, 92nd Infantry Division Avenue, Borough of Queens, 452nd Anti-Aircraft Drive, Borough of Queens, 2nd Lt. Harry A. Sheppard Corner, Borough of Queens, Cathay Williams Blvd., Borough of Queens, Flt. Officer Lawrence A. Brown Corner, Borough of Queens, Jose Pena Gomez Boulevard, Borough of the Bronx, Dylan Smith Way, Borough of Queens and the repeal of section 23 of local law number 50 for the year 2013 and sections 8, 11 and 26 of local law number 131 for the year 2013.

Preconsidered Intro

1

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

New Name	Present Name	Limits
Rev. Dr. Shellie Sampson, Jr. Way	None	At the northernmost intersection of 163 <sup>rd</sup> Street and Rev. James Polite Avenue
Sister Thomas, S.C Way	Southern Boulevard	Between Longwood Avenue and Barretto Street
Dominican Sisters of Sparkill Place	Hoe Avenue	Between East 167 <sup>th</sup> Street and Home Street
Lillie F. Martin Lane	Snediker Avenue	Between Livonia Avenue and Pitkin Avenue
El Grito de Lares	None	At the intersection of Kingsbridge Road and Morris Avenue
Dashane Santana Way	None	North side of the intersection of Clinton Street and Delancey Street
Ed Eisenberg Way	None	At the southwest corner of Kensington Street and Oriental Boulevard
Bishop Dr. Ezra Nehemiah Williams Way	East 120 <sup>th</sup> Street	Between 5 <sup>th</sup> Avenue and Madison Avenue
Manny "The Wrong Man" Balestrero Way	73 <sup>rd</sup> Street	Between 41 <sup>st</sup> Avenue and Woodside Avenue
Msgr. John T. Peyton Avenue	Shepherd Avenue	Between Atlantic Avenue and Pitkin Avenue
P. O. Robert M. Ehmer Place	None	At the intersection of 95 <sup>th</sup> Street and 43 <sup>rd</sup> Avenue
Professor William H. Pease, Jr. Way	None	At the intersection of 104 <sup>th</sup> Street and 35 <sup>th</sup> Avenue
Bishop Wenzell P. Jackson Place	Nelson Avenue	Between West 167 <sup>th</sup> Street and West 168 <sup>th</sup> Street
Angelo "Chubby" Campanella Way	None	At the northwest corner of 77 <sup>th</sup> Street and 21 <sup>st</sup> Avenue
Rabbi Weissmandl Way	50 <sup>th</sup> Street	Between 14 <sup>th</sup> Avenue and 15 <sup>th</sup> Avenue
NYPD Sgt. Peter J. McPolin, Jr. Way	None	At the northeast corner of Keegans Lane and Greencroft Avenue underneath the Giffords Lane street sign
Police Officer Brian Murray Way	None	At the southwest corner of Bleeker Street and Charles Street
Stan Brooks Way	None	At the southeast corner of 43 <sup>rd</sup> Street and 10 <sup>th</sup> Avenue
Phyllis Gonzalez Way	None	At the southwest corner of 29 <sup>th</sup> Street and 9 <sup>th</sup> Avenue
Sergeant Keith A. Ferguson Way	Ely Avenue	Between Hammersley Avenue and Adeo Avenue
Daniel Carter Beard Memorial Square	None	At the intersection of Farrington Street and Northern Boulevard
Sergei Dovlatov Way	None	At the intersection of 63 <sup>rd</sup> Drive and 108 <sup>th</sup> Street
Jon Kest Way	Nevins Street	Between Livingston Street and Flatbush Avenue
George Carlin Way	West 121 <sup>st</sup> Street	Between Broadway and Morningside Drive
Barnard College 125 <sup>th</sup> Year Anniversary	None	At the intersection of 116 <sup>th</sup> Street and Broadway
Msgr. Gerald J. Ryan Blvd.	East 138 <sup>th</sup> Street	Between Jackson Avenue and Willis Avenue
Revs. Norm and Peg Eddy Way	None	At the northeast and southeast corners of 100 <sup>th</sup> Street and 2 <sup>nd</sup> Avenue

Preconsidered Intro 2

Simeonette Mapes Way	None	At the intersection of Forest Hill Road and Travis Avenue
Father Damien's Way	33 <sup>rd</sup> Street	Between 1 <sup>st</sup> Avenue and 2 <sup>nd</sup> Avenue
Marie Christopher Way	None	At the intersection of Stanton Street and Pitt Street
Rev. Charlie W. Mixon Way	None	At both intersections of Springfield Boulevard and 113 <sup>th</sup> Avenue
Bishop Roderick R. Caesar Sr. Way	None	At the intersection of Guy R. Brewer Boulevard and 110 <sup>th</sup> Avenue
Jahl Williams-Simmons Way	None	At the intersection of Newbold Avenue and Virginia Avenue and at the intersection of Newbold Avenue and the Cross Bronx Expressway Service Road
Lt. Richard A. Nappi Way	Morgan Avenue	Between Gratian Street and Thames Street
Altagracia Diloné Levat Way	166 <sup>th</sup> Street	Between St. Nicholas Avenue and Audubon Avenue
Emmett W. Bassett Way	162 <sup>nd</sup> Street	Between Edgecomb Avenue and St. Nicholas Avenue
Kenneth Cubas Way	None	At the intersection of Dongan Street and Richmond Terrace
Sergeant Gerard J. Dunne, U. S. Army Way	Rockaway Point Boulevard	Between Beach 221 <sup>st</sup> Street and Beach 222 <sup>nd</sup> Street
Commander William G. Clancy Lane	None	At the northeast corner of City Island Avenue and Cross Street
Benjamin Fried Boulevard	None	At the northeast corner of Bell Boulevard and 43 <sup>rd</sup> Avenue
Salman Hamdani Way	204 <sup>th</sup> Street	Between 35 <sup>th</sup> Avenue and 34 <sup>th</sup> Avenue
Private First Class Errol Millard Way	East 51 <sup>st</sup> Street	Between Beverly Road and Clarendon Road
Major Fred O. "Blue Eagle" Wilson Square	None	At the southwest corner of Tuskegee Airmen Way and Sutphin Boulevard
2 <sup>nd</sup> Lt. Victor Terrelongue Corner	None	At the northeast corner of Tuskegee Airmen Way and Sutphin Boulevard
2 <sup>nd</sup> Lt. Haldane King Corner	None	At the northeast corner of Tuskegee Airmen Way and 150 <sup>th</sup> Street
2 <sup>nd</sup> Lt. William M. "Wild Bill" Wheeler Way	None	At the southeast corner of Tuskegee Airmen Way and 153 <sup>rd</sup> Street
General Benjamin Oliver Davis, Jr. Blvd.	None	At the southwest corner of Tuskegee Airmen Way and 154 <sup>th</sup> Street
99 <sup>th</sup> Flying Training Squadron Drive	None	At the north corner of Tuskegee Airmen Way and 154 <sup>th</sup> Street
761 <sup>st</sup> Tank Battalion Avenue	None	At the north corner of Tuskegee Airmen Way and 156 <sup>th</sup> Street
555 <sup>th</sup> Parachute Infantry Battalion Lane	None	At the southeast corner of Tuskegee Airmen Way and 157 <sup>th</sup> Street
332 <sup>nd</sup> Fighter Group Corner	None	At the intersection of Union Hall Street and Tuskegee Airmen Way
Buffalo Soldiers Square	None	At the intersection of Tuskegee Airmen Way and 160 <sup>th</sup> Street
26 <sup>th</sup> Regiment United States Colored Troops Drive	None	At the southwest corner of Tuskegee Airmen Way and 159 <sup>th</sup> Street
369 <sup>th</sup> Infantry Regiment "Harlem Hellfighters" Lane	None	At the north corner of Tuskegee Airmen Way and 159 <sup>th</sup> Street
2 <sup>nd</sup> Lt. August Harvey Martin Street	None	At the north corner of Tuskegee Airmen Way and 160 <sup>th</sup> Street

Preconsidered Intro 3

2 <sup>nd</sup> Lt. Samuel Lynn Corner	None	At the northwest corner of Tuskegee Airmen Way and 148 <sup>th</sup> Street
92 <sup>nd</sup> Infantry Division Avenue	None	At the southwest corner of Tuskegee Airmen Way and 155 <sup>th</sup> Street
452 <sup>nd</sup> Anti-Aircraft Drive	None	At the southwest corner of Tuskegee Airmen Way and 156 <sup>th</sup> Street
2 <sup>nd</sup> Lt. Harry A. Sheppard Corner	None	At the southeast corner of Tuskegee Airmen Way and 150 <sup>th</sup> Street
Cathy Williams Blvd.	None	On the northwest and southwest corners of Tuskegee Airmen Way and Guy R. Brewer Boulevard
Ft. Officer Lawrence A. Brown Corner	None	On the north corner of Tuskegee Airmen Way and 153 <sup>rd</sup> Street
Jose Pena Gomez Boulevard	None	At the intersection of Burnside Avenue and University Avenue
Dylan Smith Way	None	At the intersection of Beach 130 <sup>th</sup> Street and Newport Avenue

EFFECTIVE DATE: This local law shall take effect immediately upon 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 FY15
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$18,113	\$18,113
Net	\$0	\$18,113	\$18,113

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

IMPACT ON EXPENDITURES: This legislation would require approximately 63 signs at \$37.50 each and an additional \$15,750 for the installation of these signs. The total cost of enacting this legislation would be approximately \$18,113.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Chima Obichere, Unit Head  
 ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director  
 Rebecca Chasan, Assistant Finance Counsel  
 Tanisha Edwards, Finance Chief Counsel

HISTORY: This bill will be voted out of the Parks and Recreation Committee as a Preconsidered Intro on June 23, 2014. Following a successful vote, the Preconsidered intro will be introduced and then voted on by the Full Council on June 26, 2014.

Fiscal Impact Schedule

Preconsidered Intro 4

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Rev. Dr. Shellie Sampson, Jr. Way	1	37.5	250	287.5
Sister Thomas, S.C Way	1	37.5	250	287.5
Dominican Sisters of Sparkill Place	1	37.5	250	287.5
Lillie F. Martin Lane	1	37.5	250	287.5
El Grito de Lares	1	37.5	250	287.5
Dashane Santana Way	1	37.5	250	287.5
Ed Eisenberg Way	1	37.5	250	287.5
Bishop Dr. Ezra Nehemiah Williams Way	1	37.5	250	287.5
Manny "The Wrong Man" Balestrero Way	1	37.5	250	287.5
Msgr. John T. Peyton Avenue	1	37.5	250	287.5
P. O. Robert M. Ehmer Place	1	37.5	250	287.5
Professor William H. Pease, Jr. Way	1	37.5	250	287.5
Bishop Wenzell P. Jackson Place	1	37.5	250	287.5
Angelo "Chubby" Campanella Way	1	37.5	250	287.5
Rabbi Weissmandl Way	1	37.5	250	287.5
NYPD Sgt. Peter J. McPolin, Jr. Way	1	37.5	250	287.5
Police Officer Brian Murray Way	1	37.5	250	287.5
Stan Brooks Way	1	37.5	250	287.5
Phyllis Gonzalez Way	1	37.5	250	287.5
Sergeant Keith A. Ferguson Way	1	37.5	250	287.5
Daniel Carter Beard Memorial Square	1	37.5	250	287.5
Sergei Dovlatov Way	1	37.5	250	287.5
Jon Kest Way	1	37.5	250	287.5
George Carlin Way	1	37.5	250	287.5
Barnard College 125 <sup>th</sup> Year Anniversary	1	37.5	250	287.5
Msgr. Gerald J. Ryan Blvd.	1	37.5	250	287.5
Revs. Norm and Peg Eddy Way	1	37.5	250	287.5
Simeonette Mapes Way	1	37.5	250	287.5
Father Damien's Way	1	37.5	250	287.5
Marie Christopher Way	1	37.5	250	287.5
Rev. Charlie W. Mixon Way	1	37.5	250	287.5
Bishop Roderick R. Caesar Sr. Way	1	37.5	250	287.5

Preconsidered Intro 5

Jahi Williams-Simmons Way	1	37.5	250	287.5
Lt. Richard A. Nappi Way	1	37.5	250	287.5
Altagracia Diloné Levat Way	1	37.5	250	287.5
Emmett W. Bassett Way	1	37.5	250	287.5
Kenneth Cubas Way	1	37.5	250	287.5
Sergeant Gerard J. Dunne, U. S. Army Way	1	37.5	250	287.5
Commander William G. Clancy Lane	1	37.5	250	287.5
Benjamin Fried Boulevard	1	37.5	250	287.5
Salman Hamdani Way	1	37.5	250	287.5
Private First Class Errol Millard Way	1	37.5	250	287.5
Major Fred O. "Blue Eagle" Wilson Square	1	37.5	250	287.5
2 <sup>nd</sup> Lt. Victor Terrelonge Corner	1	37.5	250	287.5
2 <sup>nd</sup> Lt. Haldane King Corner	1	37.5	250	287.5
2 <sup>nd</sup> Lt. William M. "Wild Bill" Wheeler Way	1	37.5	250	287.5
General Benjamin Oliver Davis, Jr. Blvd.	1	37.5	250	287.5
99 <sup>th</sup> Flying Training Squadron Drive	1	37.5	250	287.5
761 <sup>st</sup> Tank Battalion Avenue	1	37.5	250	287.5
555 <sup>th</sup> Parachute Infantry Battalion Lane	1	37.5	250	287.5
332 <sup>nd</sup> Fighter Group Corner	1	37.5	250	287.5
Buffalo Soldiers Square	1	37.5	250	287.5
26 <sup>th</sup> Regiment United States Colored Troops Drive	1	37.5	250	287.5
369 <sup>th</sup> Infantry Regiment "Harlem Hellfighters" Lane	1	37.5	250	287.5
2 <sup>nd</sup> Lt. August Harvey Martin Street	1	37.5	250	287.5
2 <sup>nd</sup> Lt. Samuel Lynn Corner	1	37.5	250	287.5
92 <sup>nd</sup> Infantry Division Avenue	1	37.5	250	287.5
452 <sup>nd</sup> Anti-Aircraft Drive	1	37.5	250	287.5
2 <sup>nd</sup> Lt. Harry A. Sheppard Corner	1	37.5	250	287.5
Cathay Williams Blvd.	1	37.5	250	287.5
Flt. Officer Lawrence A. Brown Corner	1	37.5	250	287.5
Jose Pena Gomez Boulevard	1	37.5	250	287.5
Dylan Smith Way	1	37.5	250	287.5
<b>TOTAL</b>	<b>63</b>	<b>\$2,362.50</b>	<b>\$15,750</b>	<b>\$18,112.50</b>

Preconsidered Intro

6

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 388:)

Int. No. 388

By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Barron, Cabrera, Chin, Deutsch, Dickens, Dromm, Espinal, Ferreras, Gibson, Greenfield, Ignizio, Johnson, King, Koo, Koslowitz, Lander, Levine, Matteo, Mendez, Miller, Palma, Reynoso, Rodriguez, Rose, Ulrich, Vacca, Vallone, Williams and Wills.

**A Local Law in relation to the naming of 63 thoroughfares and public places, Rev. Dr. Shellie Sampson, Jr. Way, Borough of the Bronx, Sister Thomas, S.C Way, Borough of the Bronx, Dominican Sisters of Sparkill Place, Borough of the Bronx, Lillie F. Martin Lane, Borough of Brooklyn, El Grito de Lares, Borough of the Bronx, Dashane Santana Way, Borough of Manhattan, Ed Eisenberg Way, Borough of Brooklyn, Bishop Dr. Ezra Nehemiah Williams Way, Borough of Manhattan, Manny "The Wrong Man" Balestrero Way, Borough of Queens, Msgr. John T. Peyton Avenue, Borough of Brooklyn, P. O. Robert M. Ehmer Place, Borough of Queens, Professor William H. Pease, Jr. Way, Borough of Queens, Bishop Wenzell P. Jackson Place, Borough of the Bronx, Angelo "Chubby" Campanella Way, Borough of Brooklyn, Rabbi Weissmandl Way, Borough of Brooklyn, NYPD Sgt. Peter J. McPolin, Jr. Way, Borough of Staten Island, Police Officer Brian Murray Way, Borough of Manhattan, Stan Brooks Way, Borough of Manhattan, Phyllis Gonzalez Way, Borough of Manhattan, Sergeant Keith A. Ferguson Way, Borough of the Bronx, Daniel Carter Beard Memorial Square, Borough of Queens, Sergei Dovlatov Way, Borough of Queens, Jon Kest Way, Borough of Brooklyn, George Carlin Way, Borough of Manhattan, Barnard College 125<sup>th</sup> Year Anniversary, Borough of Manhattan, Msgr. Gerald J. Ryan Blvd., Borough of Manhattan, Revs. Norm and Peg Eddy Way, Borough of Manhattan, Simeonette Mapes Way, Borough of Staten Island, Father Damien Way, Borough of Manhattan, Marie Christopher Way, Borough of Manhattan, Rev. Charlie W. Mixon Way, Borough of Queens, Bishop Roderick R. Caesar Sr. Way, Borough of Queens, Jahi Williams-Simmons Way, Borough of the Bronx, Lt. Richard A. Nappi Way, Borough of Brooklyn, Altagracia Diloné Levat Way, Borough of Manhattan, Emmett W. Bassett Way, Borough of Manhattan, Kenneth Cubas Way, Borough of Staten Island, Sergeant Gerard J. Dunne, U. S. Army Way, Borough of Queens, Commander William G. Clancy Lane, Borough of the Bronx, Benjamin Fried Boulevard, Borough of Queens, Salman Hamdani Way, Borough of Queens, Private First Class Errol Millard Way, Borough of Brooklyn, Major Fred O. "Blue Eagle" Wilson Square, Borough of Queens, 2<sup>nd</sup> Lt. Victor Terrelonge Corner, Borough of Queens, 2<sup>nd</sup> Lt. Haldane King Corner, Borough of Queens, 2<sup>nd</sup> Lt. William M. "Wild Bill" Wheeler Way,**

**Borough of Queens, General Benjamin Oliver Davis, Jr. Blvd., Borough of Queens, 99<sup>th</sup> Flying Training Squadron Drive, Borough of Queens, 761<sup>st</sup> Tank Battalion Avenue, Borough of Queens, 555<sup>th</sup> Parachute Infantry Battalion Lane, Borough of Queens, 332<sup>nd</sup> Fighter Group Corner, Borough of Queens, Buffalo Soldiers Square, Borough of Queens, 26<sup>th</sup> Regiment United States Colored Troops Drive, Borough of Queens, 369<sup>th</sup> Infantry Regiment "Harlem Hellfighters" Lane, Borough of Queens, 2<sup>nd</sup> Lt. August Harvey Martin Street, Borough of Queens, 2<sup>nd</sup> Lt. Samuel Lynn Corner, Borough of Queens, 92<sup>nd</sup> Infantry Division Avenue, Borough of Queens, 452<sup>nd</sup> Anti-Aircraft Drive, Borough of Queens, 2<sup>nd</sup> Lt. Harry A. Sheppard Corner, Borough of Queens, Cathay Williams Blvd., Borough of Queens, Flt. Officer Lawrence A. Brown Corner, Borough of Queens, Jose Pena Gomez Boulevard, Borough of the Bronx, Dylan Smith Way, Borough of Queens and the repeal of section 23 of local law number 50 for the year 2013 and sections 8, 11 and 26 of local law number 131 for the year 2013.**

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. Shellie Sampson, Jr. Way	None	At the northernmost intersection of 163 <sup>rd</sup> Street and Rev. James Polite Avenue

§2. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sister Thomas, S.C Way	Southern Boulevard	Between Longwood Avenue and Barretto Street

§3. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dominican Sisters of Sparkill Place	Hoe Avenue	Between East 167 <sup>th</sup> Street and Home Street

§4. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lillie F. Martin Lane	Snediker Avenue	Between Livonia Avenue and Pitkin Avenue

§5. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
El Grito de Lares	None	At the intersection of Kingsbridge Road and Morris Avenue

§6. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dashane Santana Way	None	North side of the intersection of Clinton Street and Delancey Street

§7. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ed Eisenberg Way	None	At the southwest corner of Kensington Street and Oriental Boulevard

§8. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Bishop Dr. Ezra Nehemiah Williams Way	East 120 <sup>th</sup> Street	Between 5 <sup>th</sup> Avenue and Madison Avenue

§9. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Manny “The Wrong Man” Balestrero Way	73 <sup>rd</sup> Street	Between 41 <sup>st</sup> Avenue and Woodside Avenue

§10. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Msgr. John T. Peyton Avenue	Shepherd Avenue	Between Atlantic Avenue and Pitkin Avenue

§11. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
P. O. Robert M. Ehmer Place	None	At the intersection of 95 <sup>th</sup> Street and 43 <sup>rd</sup> Avenue

§12. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Professor William H. Pease, Jr. Way	None	At the intersection of 104 <sup>th</sup> Street and 35 <sup>th</sup> Avenue

§13. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Bishop Wenzell P. Jackson Place	Nelson Avenue	Between West 167 <sup>th</sup> Street and West 168 <sup>th</sup> Street

§14. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Angelo “Chubby” Campanella Way	None	At the northwest corner of 77 <sup>th</sup> Street and 21 <sup>st</sup> Avenue

§15. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Rabbi Weissmandl Way	50 <sup>th</sup> Street	Between 14 <sup>th</sup> Avenue and 15 <sup>th</sup> Avenue

§16. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
NYPD Sgt. Peter J. McPolin, Jr. Way	None	At the northeast corner of Keegans Lane and Greencroft Avenue underneath the Giffords Lane street sign

§17. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Police Officer Brian Murray Way	None	At the southwest corner of Bleeker Street and Charles Street

§18. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Stan Brooks Way	None	At the southeast corner of 43 <sup>rd</sup> Street and 10 <sup>th</sup> Avenue

§19. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Phyllis Gonzalez Way	None	At the southwest corner of 29 <sup>th</sup> Street and 9 <sup>th</sup> Avenue

§20. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Sergeant Keith A. Ferguson Way	Ely Avenue	Between Hammersley Avenue and Adee Avenue

§21. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Daniel Carter Beard Memorial Square	None	At the intersection of Farrington Street and Northern Boulevard

§22. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Sergei Dovlatov Way	None	At the intersection of 63 <sup>rd</sup> Drive and 108 <sup>th</sup> Street

§23. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Jon Kest Way	Nevins Street	Between Livingston Street and Flatbush Avenue

§24. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
George Carlin Way	West 121 <sup>st</sup> Street	Between Broadway and Morningside Drive

§25. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Barnard College 125 <sup>th</sup> Year Anniversary	None	At the intersection of 116 <sup>th</sup> Street and Broadway

§26. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Msgr. Gerald J. Ryan Blvd.	East 138 <sup>th</sup> Street	Between Jackson Avenue and Willis Avenue

§27. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Revs. Norm and Peg Eddy Way	None	At the northeast and southeast corners of 100 <sup>th</sup> Street and 2 <sup>nd</sup> Avenue



§28. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Simeonette Mapes Way	None	At the intersection of Forest Hill Road and Travis Avenue

§29. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Father Damien Way	33 <sup>rd</sup> Street	Between 1 <sup>st</sup> Avenue and 2 <sup>nd</sup> Avenue

§30. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Marie Christopher Way	None	At the intersection of Stanton Street and Pitt Street

§31. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Rev. Charlie W. Mixon Way	None	At both intersections of Springfield Boulevard and 113 <sup>th</sup> Avenue

§32. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Bishop Roderick R. Caesar Sr. Way	None	At the intersection of Guy R. Brewer Boulevard and 110 <sup>th</sup> Avenue

§33. The following street name, in the Borough of Bronx, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Jahi Williams-Simmons Way	None	At the intersection of Newbold Avenue and Virginia Avenue and at the intersection of Newbold Avenue and the Cross Bronx Expressway Service Road

§34. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Lt. Richard A. Nappi Way	Morgan Avenue	Between Grattan Street and Thames Street

§35. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Altagracia Diloné Levat Way	166 <sup>th</sup> Street	Between St. Nicholas Avenue and Audubon Avenue

§36. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Emmett W. Bassett Way	162 <sup>nd</sup> Street	Between Edgecomb Avenue and St. Nicholas Avenue

§37. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Kenneth Cubas Way	None	At the intersection of Dongan Street and Richmond Terrace

§38. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Sergeant Gerard J. Dunne, U. S. Army Way	Rockaway Point Boulevard	Between Beach 221 <sup>st</sup> Street and Beach 222 <sup>nd</sup> Street

§39. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Commander William G. Clancy Lane	None	At the northeast corner of City Island Avenue and Cross Street

§40. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Benjamin Fried Boulevard	None	At the northeast corner of Bell Boulevard and 43 <sup>rd</sup> Avenue

§41. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Salman Hamdani Way	204 <sup>th</sup> Street	Between 35 <sup>th</sup> Avenue and 34 <sup>th</sup> Avenue

§42. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Private First Class Errol Milliard Way	East 51 <sup>st</sup> Street	Between Beverly Road and Clarendon Road

§43. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Major Fred O. "Blue Eagle" Wilson Square	None	At the southwest corner of Tuskegee Airmen Way and Sutphin Boulevard

§44. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. Victor Terrelonge Corner	None	At the northeast corner of Tuskegee Airmen Way and Sutphin Boulevard

§45. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. Haldane King Corner	None	At the northeast corner of Tuskegee Airmen Way and 150 <sup>th</sup> Street

§46. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. William M. "Wild Bill" Wheeler Way	None	At the southeast corner of Tuskegee Airmen Way and 153 <sup>rd</sup> Street

		Street
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§47. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
General Benjamin Oliver Davis, Jr. Blvd.	None	At the southwest corner of Tuskegee Airmen Way and 154 <sup>th</sup> Street

§48. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
99 <sup>th</sup> Flying Training Squadron Drive	None	At the north corner of Tuskegee Airmen Way and 154 <sup>th</sup> Street

§49. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
761 <sup>st</sup> Tank Battalion Avenue	None	At the north corner of Tuskegee Airmen Way and 156 <sup>th</sup> Street

§50. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
555 <sup>th</sup> Parachute Infantry Battalion Lane	None	At the southeast corner of Tuskegee Airmen Way and 157 <sup>th</sup> Street

§51. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
332 <sup>nd</sup> Fighter Group Corner	None	At the intersection of Union Hall Street and Tuskegee Airmen Way

§52. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Buffalo Soldiers Square	None	At the intersection of Tuskegee Airmen Way and 160 <sup>th</sup> Street

§53. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
26 <sup>th</sup> Regiment United States Colored Troops Drive	None	At the southwest corner of Tuskegee Airmen Way and 159 <sup>th</sup> Street

§54. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
369 <sup>th</sup> Infantry Regiment "Harlem Hellfighters" Lane	None	At the north corner of Tuskegee Airmen Way and 159 <sup>th</sup> Street

§55. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. August Harvey Martin Street	None	At the north corner of Tuskegee Airmen Way and 160 <sup>th</sup> Street

§56. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. Samuel Lynn Corner	None	At the northwest corner of Tuskegee Airmen Way and 148 <sup>th</sup> Street

§57. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
92 <sup>nd</sup> Infantry Division Avenue	None	At the southwest corner of Tuskegee Airmen Way and 155 <sup>th</sup> Street

§58. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
452 <sup>nd</sup> Anti-Aircraft Drive	None	At the southwest corner of Tuskegee Airmen Way and 156 <sup>th</sup> Street

§59. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
2 <sup>nd</sup> Lt. Harry A. Sheppard Corner	None	At the southeast corner of Tuskegee Airmen Way and 150 <sup>th</sup> Street

§60. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Cathay Williams Blvd.	None	On the northwest and southwest corners of Tuskegee Airmen Way and Guy R. Brewer Boulevard

§61. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Flt. Officer Lawrence A. Brown Corner	None	On the north corner of Tuskegee Airmen Way and 153 <sup>rd</sup> Street

§62. The following intersection name, in the Borough of Bronx, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Jose Pena Gomez Boulevard	None	At the intersection of Burnside Avenue and University Avenue

§63. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<u>New Name</u>	<u>Present Name</u>	<u>Limits</u>
Dylan Smith Way	None	At the intersection of Beach 130 <sup>th</sup> Street and Newport Avenue

§64. Section 23 of local law number 50 for the year 2013 is hereby REPEALED.

§65. Sections 8, 11 and 26 of local law number 131 for the year 2013 is hereby REPEALED.

§66. This local law shall take effect immediately.

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, June 23, 2014.

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

**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>
Saarah C. Medrano	645 East 5 <sup>th</sup> Street New York, N.Y. 10009	2
Ana L. Pena	453 East 160 <sup>th</sup> Street #4B Bronx, N.Y. 10451	17
Mercedes Henry	2230 Virgil Place Bronx, N.Y. 10473	18
Barney Chow	41-67 Judge Street #5E Elmhurst, N.Y. 11373	25
Erica O'Sullivan	86-15 Broadway #7A Elmhurst, N.Y. 11373	25
Jocelyn J. Boyd	223-39 113 <sup>th</sup> Avenue Queens, N.Y. 11429	27
Monique Michelle Evans	116-22 203 <sup>rd</sup> Street Queens, N.Y. 11412	27
Rakeysha M. Riley	134-14 Sutter Avenue Queens, N.Y. 11420	28
Anna M. Chetnik	61-24 62 <sup>nd</sup> Street Queens, N.Y. 11379	30
Jeana R. Sangirardi	137-24 96 <sup>th</sup> Place Queens, N.Y. 11417	32
Angela Collado	287 Division Avenue #3E Brooklyn, N.Y. 11211	33
Lara Schoenberg	51 Darnell Lane Staten Island, N.Y. 10309	51

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Jean Perone	530 Grand Street Blg E #1A New York, N.Y. 10002	1
Diane Acevedo	765 FDR Drive #3B New York, N.Y. 10009	2
Beverly Dubrino	457 FDR Drive #A702 New York, N.Y. 10002	2
Erundina Rivera	77 Columbia Street #14G New York, N.Y. 10002	2
Antonia Diaz	1806 1st Avenue #23F New York, N.Y. 10128	5
Avinand Jutagir	450 East 63 <sup>rd</sup> Street #9I New York, N.Y. 10065	5
Herbert Rosenberg	66 West 94 <sup>th</sup> Street #17E New York, N.Y. 10025	6
Christopher R. Guattino	312 East 119 <sup>th</sup> Street #1 New York, N.Y. 10035	8
Confesor Roman Rosa Jr.	461 East 136 <sup>th</sup> Street #1E Bronx, N.Y. 10454	8
Paul Hunter	50 West 132 <sup>nd</sup> Street #5A New York, N.Y. 10037	9
Thelma J. Brown	140 Erdman Place #10D Bronx, N.Y. 10475	12
Catrice Houser	1338 Franklin Avenue #2D Bronx, N.Y. 10456	16
Adalgisa Mena	1849 Sedgwick Avenue #14A	16

Dorothy Merritt	Bronx, N.Y. 10453 1010 Sherman Avenue #4J	16
Maria Ortiz	Bronx, N.Y. 10456 1594 Metropolitan Avenue #6E	18
Jackie E. Bonner	Bronx, N.Y. 10462 90-10 149 <sup>th</sup> Street #5L	19
Jocelyn Tesson	Jamaica, N.Y. 11435 14-29 154 <sup>th</sup> Street	19
George Filippidis	Queens, N.Y. 11357 47-02 111 <sup>th</sup> Street	21
Soumendu Bhattacharyya	Queens, N.Y. 11368 87-63 Francis Lewis Blvd #1A	23
Joseph R. Richardson	Queens, N.Y. 11427 118-37 219 <sup>th</sup> Street	27
Kiandra Venson	Jamaica, N.Y. 11411 186-18 Williamson Avenue	27
Harjinder Singh Duggal	Queens, N.Y. 11413 94-27 Lefferts Blvd	28
Zobida Ramnanan	Richmond Hill, N.Y. 11419 127-06 109 <sup>th</sup> Avenue	28
Simone Smith	South Ozone Park, N.Y. 11420 119-20 Union Turnpike #E4D2	29
Lisa Daye	Queens, N.Y. 11415 257-07 147 <sup>th</sup> Road	31
Concetta Catania	Rosedale, N.Y. 11422 266 Beach 140 <sup>th</sup> Street	32
Latasha Clanton	Queens, N.Y. 11694 102-00 Shorefront Parkway #9B	32
Anke M. Long	Queens, N.Y. 11694 6 Beach 219 <sup>th</sup> Street	32
Catherine E. Lyons	Breezy Point, N.Y. 11697 80-64 87 <sup>th</sup> Avenue	32
Monika Szoke-Ench	Queens, N.Y. 11421 160-11 90 <sup>th</sup> Street	32
Donna Maria Burno	Howard Beach, N.Y. 11414 245 Bond Street	33
Johanna Gonzalez-Batista	Brooklyn, N.Y. 11217 115 Butler Street #2	33
Kim Best	Brooklyn, N.Y. 11231 181A Halsey Street	36
Debbie Lawrence	Brooklyn, N.Y. 11216 109 Christopher Avenue #15E	37
Daisy Perez	Brooklyn, N.Y. 11212 197 Covert Street #a	37
Ileane Salomon	Brooklyn, N.Y. 11207 4201 7 <sup>th</sup> Avenue #2	38
Sheri Zlatnik	Brooklyn, N.Y. 11232 525 East 5 <sup>th</sup> Street	39
Herbert Marshel	Brooklyn, N.Y. 11218 570 Westminster Road #F8	40
Loraine Hopkinson	Brooklyn, N.Y. 11230 1880 Strauss Street	41
Yvonne Reeder-Anderson	Brooklyn, N.Y. 11212 2151 Pacific Street #B1	41
Debra Davis	Brooklyn, N.Y. 11233 539 Schroeders Avenue	42
Martin R. Hirschhorn	Brooklyn, N.Y. 11239 8417 5 <sup>th</sup> Avenue #2	43
Robert Howe	Brooklyn, N.Y. 11209 601 79 <sup>th</sup> Street #D20	43
Pofong Yu	Brooklyn, N.Y. 11209 8874 19 <sup>th</sup> Avenue	43
Denise Lewis-Alexander	Brooklyn, N.Y. 11214 518 East 35 <sup>th</sup> Street	45
Shelly-Ann O. Wilkinson	Brooklyn, N.Y. 11203 855 East 39 <sup>th</sup> Street	45
Esther Etedgui	Brooklyn, N.Y. 11210 2436 East 66 <sup>th</sup> Street	46
Philip Etedgui	Brooklyn, N.Y. 11234 2436 East 66 <sup>th</sup> Street	46
Dorothy Goldberg	Brooklyn, N.Y. 11234 1274 East 72 <sup>nd</sup> Street	46

Peter P. Massaro	1674 East 38 <sup>th</sup> Street Brooklyn, N.Y. 11234	46
Beverly Crandon-Hutson	2820 West 32 <sup>nd</sup> Street #4D Brooklyn, N.Y. 11224	46
Rose Madden	44 Bay 37 <sup>th</sup> Street #3 Brooklyn, N.Y. 11214	46
Phyllis Pomerantz	601A Surf Avenue #6B Brooklyn, N.Y. 11224	48
Eric Wollman	2209 East 28 <sup>th</sup> Street Brooklyn, N.Y. 11229	48
Diane E. Kent	67 Pendleton Place Staten Island, N.Y. 10301	49
Eleanor Rowe	240 Mill Road Staten Island, N.Y. 10306	50
J. Mary Wanamker	27 Park Street Staten Island, N.Y. 10306	50
Rose Fortunato	183 Brighton Street Staten Island, N.Y. 10307	51
Karen Lyon	120 Surfside Plaza Staten Island, N.Y. 10307	51
Erik Pistek	137 Crossfield Avenue Staten Island, N.Y. 10312	51
Teresa Pizzirusso	155 South Railroad Street Staten Island, N.Y. 10312	51
Anna Marie Profilio	174 McArthur Avenue Staten Island, N.Y. 10314	51

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

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

- (1) **Int 253-A -** Creation of a New York city identity card program.
- (2) **Int 388 -** A Local Law in relation to the naming of 63 thoroughfares and public places.
- (3) **L.U. 62 & Res 330 -** App. **C 140181 ZMM** West 51<sup>st</sup> and West 53<sup>rd</sup> Streets and 10<sup>th</sup> and 11<sup>th</sup> Avenues, Borough of Manhattan, Council District 3.
- (4) **L.U. 63 & Res 331 -** App. **N 140182 ZRM** Inclusionary Housing designated areas within Community District 4, Borough of Manhattan, Council District 3.
- (5) **L.U. 64 & Res 332 -** App. **C 140183 ZSM** Special Clinton District, Borough of Manhattan, Community District 4, Council District 3.
- (6) **L.U. 65 & Res 333 -** App. **C 140185 HAM** Borough of Manhattan, Community District 4, Council District 3.
- (7) **L.U. 71 & Res 334 -** App. **20145543 HAM** 51 East 122<sup>nd</sup> Street (Block 1748, Lot 1), Borough of Manhattan, Community District 11, Council District 9.
- (8) **L.U. 72 & Res 335 -** App. **20145539 HAK**, 2425, 2427 and 3216 Mermaid Avenue, 2816 West 16<sup>th</sup> Street and 3566 Canal Avenue, Brooklyn, CD 47 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (9) **L.U. 75 & Res 336 -** App. **C 140233 HAM** Borough of Manhattan, Community District 10, Council District 9.
- (10) **L.U. 76 & Res 337 -** App. **C 140238 PQM** Borough of Manhattan, Community District 10, Council District 9.
- (11) **L.U. 80 & Res 338 -** App. **20145598 HAM** Borough of the Manhattan, Community District 11, Council District 9.
- (12) **L.U. 83 & Res 339 -** App. **20145589 HAX** Borough of the Bronx, Community Districts 3 and 6, Council Districts 15 and 17.
- (13) **L.U. 86 & Res 340 -** App. **100202 ZMK** Borough of Brooklyn, Community Board 9, Council District 35.
- (14) **L.U. 87 & Res 341 -** App. **130208 ZMM** Borough of

- (15) **L.U. 88 & Res 342 -** Manhattan, Community Board 7, Community District 7.  
App. **140070 ZMM** Borough of Manhattan, Community Board 10, Council District 9.
- (16) **L.U. 90 & Res 343 -** App. **20145652 HAM** Borough of Manhattan, Community Board 11, Council District 9.
- (17) **L.U. 91 & Res 344 -** App. **20145653 HAM** Borough of Manhattan, Community Board 11, Council District 9.
- (18) **L.U. 92 & Res 345 -** App. **20145654 HAM** Borough of Manhattan, Community Board 11, Council District 9.
- (19) **L.U. 93 & Res 346 -** App. **C 140278 HAK** Borough of Brooklyn, Community District 16, Council District 41.
- (20) **L.U. 94 & Res 347 -** App. **140277 ZSK** Borough of Brooklyn, Community Board 16, Council District 41.
- (21) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. James) 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, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 253-A**:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Vallone, Weprin, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

**Negative** – Matteo, Ulrich and Ignizio – **3**.

**Abstention** – Maisel and Treyger – **2**.

The following was the vote recorded for **LU No. 88 & Res No. 342**:

**Affirmative** – Arroyo, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Weprin, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Abstention** – Barron and Williams – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 253-A and 388.*

**INTRODUCTION AND READING OF BILLS**

Res. No. 320

**Resolution calling on the state of New York to phase out Number 4 and Number 6 fuel oil in power plants in its plan to meet carbon dioxide**

**reduction goals as set by the Environmental Protection Agency's Clean Power Plan.**

By Council Members Constantinides, Chin, Cornegy, Koo and Rose.

**Whereas**, On June 2, 2014, the Environmental Protection Agency (EPA) proposed regulations under the Clean Air Act known as the Clean Power Plan (CPP) to reduce CO<sub>2</sub> emissions from fossil fuel burning power plants by 30 percent below 2005 levels by 2030; and

**Whereas**, If the CPP is finalized through the rulemaking process, each state will need to put a plan into place to reduce CO<sub>2</sub> emissions by an amount prescribed by EPA for that state by 2030; and

**Whereas**, Although the EPA has provided a set of cost-effective tools for states to use in their plans, EPA recognizes and encourages states to include other strategies that they develop on their own to cost-effectively cut emissions; and

**Whereas**, Under a mandate established by the New York State Reliability Council and the New York Independent System Operator, approximately 80 percent of the electricity used in New York City must be generated in the city; and

**Whereas**, As a result, a significant number of power plants operate in the city; and

**Whereas**, Due to zoning, historical land use decisions, and needs of power plants such as access to water, these plants are often clustered together; and

**Whereas**, The production of electricity from the consumption of fossil fuels generates a number of pollutants, such as small particulate matter and oxides of nitrogen, that can negatively impact human health, including contributing to asthma attacks, heart disease, and cardiovascular disease; and

**Whereas**, These health problems are amplified where fossil fuel burning power plants have been clustered; and

**Whereas**, Number 4 and Number 6 fuel oil produce significantly greater amounts of CO<sub>2</sub> and other pollution than their alternatives, such as Number 2 fuel oil and natural gas, and therefore are more harmful to human health and greater contributors per unit of energy produced to climate change gases; and

**Whereas**, Number 2 fuel oil and natural gas are abundantly available; and

**Whereas**, Renewable energy, such as from wind or solar, could also be used to replace some of the electricity produced from burning fossil fuels; and

**Whereas**, The city of New York is currently in the process of phasing out Number 4 and Number 6 fuel oil from use in residential and commercial building boilers, replacing them with Number 2 fuel oil and natural gas because of the benefits to human health; and

**Whereas**, According to a report by Environmental Defense Fund titled "The Bottom of the Barrel: How the Dirtiest Oil Pollutes our Air and Harms Our Health, switching from Number 6 fuel oil to Number 2 fuel oil in boilers reduces PM<sub>2.5</sub> emissions by about 94 percent, SO<sub>2</sub> by about 68 percent, nitrogen oxides (NO<sub>x</sub>) by about 65 percent, and CO<sub>2</sub> by about 7 percent, and switching from Number 6 fuel oil to natural gas in boilers reduces PM<sub>2.5</sub> emissions by about 96 percent, SO<sub>2</sub> by over 99 percent, NO<sub>x</sub> by about 75 percent, and CO<sub>2</sub> by about 30 percent; and

**Whereas**, Con Edison recently converted three large steam plants that burned Number 6 fuel oil to natural gas, which cost about \$100 million but which, due to the low cost of natural gas, they expect will save \$240 million over five years; and

**Whereas**, Phasing out Number 4 and Number 6 oils would be a cost-effective way to reduce CO<sub>2</sub> and other emissions from power plants in New York City and elsewhere; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the state of New York to phase out Number 4 and Number 6 fuel oil in power plants in its plan to meet carbon dioxide reduction goals as set by the Environmental Protection Agency's Clean Power Plan.

Referred to the Committee on Environmental Protection.

Res. No. 321

**Resolution calling upon the New York City Housing Authority to provide an annual report to the City Council containing information concerning Section 3 and Resident Employment Program hiring.**

By Council Members Cumbo, Dickens, Arroyo, Chin, Cornegy, Koo, Mendez, Rose and Cohen.

**Whereas**, The New York City Housing Authority (NYCHA) is a public housing authority with 334 developments, 2,563 buildings and 178,557 public housing units, making it the largest public housing provider in North America; and

**Whereas**, NYCHA is home to approximately 4.8 percent of the City's population, including 175,587 families and 403,120 authorized residents; and

**Whereas**, Working families account for 47.2 percent of NYCHA families; and

**Whereas**, Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps provide economic and employment opportunities to low-and very-low income individuals; and

**Whereas**, Section 3 requires that recipients of HUD financial assistance, such as NYCHA, provide job training, employment and contracting opportunities for its residents; and

**Whereas**, All HUD funds received by NYCHA are subject to Section 3 requirements; and

**Whereas**, In order to comply with Section 3, HUD rules require that at least 30 percent of new hires for development, operation and modernization expenditures be public housing residents or low-and very-low income individuals; and

**Whereas**, In addition to complying with HUD's requirements, NYCHA's Resident Employment Program (REP) mandates that for contracts in excess of \$500,000, 15 percent of total labor costs be used to hire NYCHA residents; and

**Whereas**, In 2013, 241 NYCHA residents were hired through Section 3 and REP; and

**Whereas**, In 2014, NYCHA projects that 465 residents will be hired, including 326 Section 3 hires and 139 REP hires; and

**Whereas**, In order to increase transparency and accountability concerning Section 3 and REP resident hiring, NYCHA should provide an annual report to the City Council including the total number of public housing residents hired in the preceding calendar year, the types of opportunities afforded to such residents, including the duration of the opportunities and the total number of projected hires for the upcoming calendar year; and

**Whereas**, The report concerning Section 3 and REP hiring should be provided to the City Council on January 1st of each calendar year; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to provide an annual report to the City Council containing information concerning Section 3 and Resident Employment Program hiring.

Referred to the Committee on Public Housing.

Res. No. 322

**Resolution calling upon the New York City Housing Authority to ensure that all signs and notices posted in its developments are available in multiple languages and that translation services are accessible to all of its residents.**

By Council Members Cumbo, Arroyo, Chin, Constantinides, Cornegy, Eugene, Gentile, Koo, Mendez and Rose.

**Whereas**, The New York City Housing Authority ("NYCHA") is a public housing authority with 334 developments, 2,563 buildings and 178,557 public housing units, making it the largest public housing provider in North America; and

**Whereas**, NYCHA is home to approximately 4.8 percent of the City's population; and

**Whereas**, According to the Resident Data Summary, which provides statistical information on residents occupying NYCHA's developments, including an analysis of race, at least 46.2 percent of residents identify as black, 43.6 percent of residents identify as Hispanic, 4.9 percent of residents identify as White, 4.5 percent of residents identify as Asian and less than 1 percent of residents identify as some other race; and

**Whereas**, NYCHA residents are extremely diverse, they speak multiple languages and represent many countries and cultures around the world; and

**Whereas**, NYCHA's website, where residents can find information related to, for example, Community Center activities, senior activities, health services, and employment opportunities, is available in at least 35 different languages; and

**Whereas**, Additionally, residents can sign up to receive NYCHA Alerts by email, which automatically provide them with information about service outages and service restorations at their developments; and

**Whereas**, Many residents, particularly NYCHA's growing aging population, do not have access to computers or smart devices and rely heavily on information that is posted via signs and notices throughout their developments; and

**Whereas**, In order to communicate effectively with its residents and ensure that all residents can read and understand all signs and notices posted in their developments, NYCHA should at a minimum, make such signs and notices available in English, Spanish, Chinese, Russian and Creole where appropriate; and

**Whereas**, If necessary, NYCHA personnel should also be readily available to translate such signs and notices for residents that read and understand other languages; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to ensure that all signs and notices posted in its developments are available in multiple languages and that translation services are accessible to all of its residents.

Referred to the Committee on Public Housing.

Res. No. 323

**Resolution calling upon the New York City Housing Authority to ramp up recycling efforts at its developments by encouraging and assisting residents to recycle and securing space for the storage of source-separated recyclables at all of its developments in order to increase the Citywide recycling rate.**

By Council Members Cumbo, Richards, Arroyo, Chin, Constantinides, Johnson, Koo, Mendez and Rose.

**Whereas**, The New York City Housing Authority (“NYCHA”) is a public housing authority with 334 developments, 2,563 buildings and 178,557 public housing units, making it the largest public housing provider in North America; and

**Whereas**, NYCHA is home to approximately 4.8 percent of the City’s population; and

**Whereas**, At least 445 tons of refuse are generated at NYCHA developments per day; and

**Whereas**, The City’s residential recycling law requires residents to source separate paper, cardboard, metal, glass and plastic for recycling at all residential buildings in the City, including NYCHA developments; and

**Whereas**, In addition to source separation requirements for residents, the City’s residential recycling law also imposes a series of obligations on landlords including, but not limited to, informing residents of the City’s residential recycling law and providing a designated area for the storage of source-separated recyclables; and

**Whereas**, Recycling has a number of community and environmental benefits, including reducing the amount of waste sent to landfills, reducing greenhouse gas emissions and helping to sustain the environment for future generations; and

**Whereas**, The number of NYCHA developments with recycling programs, including suitable storage space for source-separated recyclables, is minimal and inadequate; and

**Whereas**, At least twenty NYCHA developments have started Resident Green Committees, which work to make their communities and the City a greener and more sustainable place to live, and developed recycling programs, including, identifying and securing space for the storage of source-separated recyclables; and

**Whereas**, According to NYCHA’s Green Agenda, NYCHA is fully committed to providing safe, affordable housing for its residents in a cost efficient and environmentally conscious manner; and

**Whereas**, Further, in NYCHA’s “The Power is in Your Hands, A Resident’s Guide to Saving Energy and the Environment,” which provides residents with information on saving energy and the environment, NYCHA encourages its residents to recycle; and

**Whereas**, The New York City Department of Sanitation (DSNY) publishes the City’s diversion rate, the amount of material that is diverted from disposal to recycling, on a monthly, quarterly and annual basis; and

**Whereas**, Similarly, NYCHA should track and maintain data pertaining to recycling diversion rates at its developments and institute a diversion rate goal on par to that of the DSNY; and

**Whereas**, The DSNY’s current diversion rate goal is 21 percent; and

**Whereas**, Information regarding NYCHA’s recycling rate should be made readily available to the public online; and

**Whereas**, NYCHA should encourage and assist its residents to create Resident Green Committees and secure space for the storage of source-separated recyclables at all of its developments in order to allow its residents an opportunity to meaningfully participate in and bolster the City’s recycling program; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to ramp up recycling efforts at its developments by encouraging and assisting residents to recycle and securing space for the storage of source-separated recyclables at all of its developments in order to increase the Citywide recycling rate.

Referred to the Committee on Public Housing.

Int. No. 390

By Council Members Deutsch, Constantinides, Gentile, Koo, Mendez, Koslowitz, Johns, Chin, Espinal, Rodriguez and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the labeling of temporary construction barriers and markers.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision b of section 19-121 of the administrative code of the city of New York is amended to read as follows:

4. All construction material and equipment, *including traffic cones, sandbags, barricades and other temporary barriers or markers that are intended to be left in the public right-of-way*, shall have printed thereon the name, address and telephone number of the owner thereof. *The department of buildings may enforce the provisions of this paragraph.*

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

Referred to the Committee on Transportation

Res. No. 324

**Resolution calling on the New York State Legislature to pass A.9742/S.7742 and the Governor to sign such legislation into law, which would create new provisions to prevent fraud in employment agencies by strengthening license procedures, general practice procedures, and enforcement.**

By Council Members Dromm, Espinal, Arroyo, Gentile, Johnson, Koo and Mendez.

**Whereas**, Employment agency abuse affects many people seeking employment in New York City and State on a daily basis; and

**Whereas**, There are approximately 300 licensed employment agencies in New York City; and

**Whereas**, Employment agencies are governed by the New York State General Business Law (“GBL”); and

**Whereas**, Unfortunately, the current provisions of the GBL offer insufficient protection for job seekers, especially low-wage workers; and

**Whereas**, For example, Section 185 of Article 11 of the GBL permits employment agencies to charge an advance fee prior to finding individuals employment, which potentially exposes the most vulnerable job seekers to employment agency fraud; and

**Whereas**, These agencies routinely accept advance fees from low-wage workers, fail to provide them employment in return, and keep the fee without providing a service; and

**Whereas**, A recent study conducted by New Immigrant Community Empowerment and the Urban Justice Center on individuals residing in Queens, New York found that 81% of survey respondents who used an employment agency to find work but were unable to find a job through the agency had been charged a fee; and

**Whereas**, Additionally, the study found that agencies do not inform job seekers that fees are refundable and, in violation of existing provisions, refuse to refund excess fees; and

**Whereas**, A.9742, introduced by Assemblyman Francisco P. Moya and pending in the New York State Assembly, and companion bill S.7742, introduced by State Senator Diane J. Savino and currently pending in the New York State Senate, seek to amend the GBL by strengthening license and general practice procedures and enhancing enforcement in an effort to prevent fraud by employment agencies; and

**Whereas**, A.9742/S.7742 would amend the GBL to more effectively deter employment agency abuse; facilitate better enforcement of the GBL; help empower job seekers to hold employment agencies accountable; and improve the job market for low-wage workers; and

**Whereas**, New York State should enact provisions that better serve individuals seeking to gain employment and become contributors to our State’s economy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass A.9742/S.7742 and the Governor to sign such legislation into law, which would create new provisions to prevent fraud in employment agencies by strengthening license procedures, general practice procedures, and enforcement.

Referred to the Committee on Consumer Affairs.

Res. No. 325

**Resolution calling upon MTA New York City Transit to install and operate photo cameras in each Access-A-Ride office as a service for their clientele, including seniors and persons with disabilities, who may otherwise face a substantial burden by having to travel to one location to obtain the required photograph and to another to submit the completed application.**

By Council Members Dromm, Chin, Cornegy, Eugene, Gentile, Koo, Mendez, Rose, Koslowitz and Cohen.

**Whereas**, The American with Disabilities Act (“ADA”) requires that all public transportation agencies in the United States provide paratransit services to people with physical or mental disabilities, who cannot use public bus or train service; and

**Whereas**, MTA New York City Transit provides paratransit service to approximately 170,000 New Yorkers with disabilities through the Access-A-Ride program; and

**Whereas**, In order to determine eligibility for Access-A-Ride, MTA New York City Transit requires applicants to have a face-to-face interview at an Access-A-Ride-approved assessment center; and

**Whereas**, Access-A-Ride applicants are required to bring a passport-sized photograph with their completed application when attending an evaluation; and

**Whereas**, If an applicant does not bring a photograph to the evaluation center, the application will not be accepted; and

**Whereas**, Making a separate trip to obtain a passport-sized photograph before traveling to an assessment center is an unnecessary burden for mobility-impaired Access-A-Ride applicants; and

**Whereas**, On-site digital photography for identification purposes is ubiquitous at many office locations, including at New York State Department of Motor Vehicles centers; and

**Whereas**, It would be much more convenient for seniors and people with disabilities to simply be able to fill out an application at home and travel directly to an Access-A-Ride evaluation center, without having to make a separate trip to have their photograph taken; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon MTA New York City Transit to install and operate photo cameras in each Access-A-Ride office as a service for their clientele, including seniors and persons with disabilities, who may otherwise face a substantial burden by having to travel to one location to obtain the required photograph and to another to submit the completed application.

Referred to the Committee on Transportation.

Int. No. 391

By Council Members Eugene, Chin, Cornegy, Ulrich and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to providing additional time to answer and/or pay any outstanding summonses, fines, or penalties for food and general vendor violations if such outstanding summonses, fines, or penalties are preventing the renewal of a food or general vendor license or permit.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision a of section 17-317 of title 17 of the administrative code of the city of New York is amended to read as follows:

2. the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have been found guilty of four or more violations of this subchapter or any rules promulgated pursuant thereto within a two-year period or have been found guilty of a violation of the provisions of part fourteen of the state sanitary code or of the New York city health code, or the applicant, licensee, permittee, its officers, directors, shareholders, members, managers, or employees have pending any unanswered summonses or unsatisfied fines or penalties for violation of this subchapter or any rules promulgated pursuant thereto. *Notwithstanding the aforementioned, the commissioner may renew a food vendor license or permit if, before such license or permit expires, a licensee or permittee, or its officers, directors, shareholders, members, managers or employees, submits a request in writing to the commissioner for additional time to answer any unanswered summonses for violation of this subchapter or the regulations promulgated thereto, or to pay the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto and: (i) answers any unanswered summonses for violation of this subchapter or any rules promulgated pursuant thereto within thirty days of the expiration date of the license or permit; or (ii) pays the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto within one hundred twenty days of the expiration date of the license or permit.*

§ 2. Subdivision b of section 20-456 of title 20 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner may refuse to issue or renew a license if the applicant has been found to have violated chapter one or subchapter one of chapter five of this title or the rules or regulations thereto, provided, however, that in the event of a conflict between the provisions of such chapter and subchapter and the provisions of this subchapter, the provisions of this subchapter shall prevail; has pending any unanswered summonses or unsatisfied fines or penalties for violation of this subchapter or the regulations promulgated thereto; or for any cause set forth in any other section of this chapter as a ground for suspension or revocation. *Notwithstanding the aforementioned, the commissioner may renew a general vendor license if before such license expires, the general vendor submits a request in writing to the commissioner for additional time to answer any unanswered summonses for violation of this subchapter or the regulations promulgated thereto, or to pay the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto and: (i) within thirty days of the expiration date of the license, a licensee answers any unanswered summonses for violation of this subchapter or the regulations promulgated thereto; or (ii) within one hundred twenty days of the expiration date of the license, a licensee pays the total dollar amount of any unsatisfied fine or penalty.*

§ 3. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 392

By Council Members Eugene, Chin, King, Koo, Rose, Koslowitz and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to a database on afterschool programs.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-404 to read as follows:

21-404 Database on afterschool programs. a. The department, in consultation with the department of parks and recreation, shall establish and maintain a public online searchable and interactive database on the city website that shall include summaries of all city-funded afterschool programs offered in the city of New York. Where such information is available, the department shall also include non-city funded afterschool programs in the database. The database shall include the program name, contact information, a description of the curriculum, age range of

the youth served, whether such program was funded through a city, state or federal agency, and links to the specific afterschool program's website.

b. The department shall provide a method to allow non-city funded afterschool programs to register for inclusion in such database.

c. The department shall also provide an interactive map on such city website displaying the locations of all afterschool programs listed in such database.

§2. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on Youth Services.

Int. No. 393

By Council Members Gentile, Constantinides, Cornegy, Koo, Lancman, Cohen and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to illegal residential conversions.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-210.1 of the administrative code of the city of New York, is amended to read as follows:

§28-210.1 Illegal residential conversions. It shall be unlawful, except in accordance with all requirements of this code, to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department or if applicable the environmental control board shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the buildings or structure with respect to which the violation occurred and the time period during which the violation was found to have existed. *Notwithstanding any other provision of law, the department or any other law enforcement entity acting to enforce this section shall be authorized to issue a summons or notice of violation for a violation of this section based on readily observable circumstantial evidence which evidence may be refuted before a court of competent jurisdiction or before the environmental control board prior to the imposition of a final determination. Examples of such circumstantial evidence include, but are not limited to, a greater number of mailboxes or mail receptacles servicing a dwelling than the number of legally authorized dwelling units in such dwelling; the existence of a greater number of operational utility meters servicing a dwelling for the same type of utility service than the number of legally authorized dwelling units in such dwelling, or a greater number of doorbells servicing a dwelling than the number of legally authorized dwelling units in such dwelling. A violation of this section which has been based on circumstantial evidence in accordance with this subdivision may not be deemed corrected unless the premises which is the subject of the violation has been inspected by the department.*

§2. Section 28-201.2.1 of the administrative code of the city of New York is amended by adding a new item 1.3. read as follows:

1.3. Any violation of section 28-210.1 or 28-210.2 deemed an immediately hazardous violation shall be punishable by a fine of not less than one thousand dollars.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 394

By Council Members Gentile, Koo, Ferreras and Rodriguez.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to consolidating the tribunal of the department of consumer affairs into the office of administrative trials and hearings.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions e and g of section 2203 of chapter 64 of the New York city charter are amended to read as follows:

e. The commissioner, in the performance of said functions, shall be authorized to hold public [and private] hearings, [administer oaths,] take testimony, serve subpoenas, receive evidence, and to receive, administer, pay over and distribute monies collected pursuant to a settlement agreement reached [in and] as a result of actions brought by the department to collect penalties or to provide redress for injuries to consumers for violations of laws relating to deceptive or unconscionable trade practices, or of related laws, or pursuant to a bond or trust fund requirement established by law or rule, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department.

f. The commissioner shall exercise the powers of a commissioner of public markets under the agriculture and markets law with respect to open air markets.

g. (1) Notwithstanding any inconsistent provision of law, the [department] *office of administrative trials and hearings* shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The [department] *office of administrative trials and hearings* shall have the *exclusive authority* [power] to render decisions and orders and to impose civil penalties for all such violations. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings pursuant to section 1049 of chapter 45-a of this charter*. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

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

(3) For the purposes of this subdivision, no act or practice shall be deemed a deceptive trade practice unless it has been declared a deceptive trade practice and described with reasonable particularity in A Local Law or in a rule or regulation promulgated by the commissioner.

(4) Notwithstanding *the aforementioned, pursuant to subdivision c of section 2203 of this chapter the commissioner shall have the authority to issue, renew, refuse to issue or renew, and upon notice and hearing suspend or revoke any license issued pursuant to title twenty of the administrative code of the city of New York* [any other inconsistent provision of law, powers conferred upon the department by this subdivision may be exercised by the office of administrative trials and hearings consistent with orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of this charter].

§ 2. Subdivisions d, e, f and g of section 20-104 of chapter one of title twenty of the administrative code of the city of New York are amended to read as follows:

d. The commissioner or the commissioner's designee shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities for which a license is or may be required, to take depositions on due notice, to serve interrogatories, to hold public [and private] hearings upon due notice, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.

e. (1) The commissioner shall be authorized, upon due notice and hearing pursuant to *subdivision g of section 2203 of chapter 64 of the New York city charter*, to suspend, revoke or cancel any license issued by him or her in accordance with the provisions of chapter two and to *bring an action that shall be adjudicated at the office of administrative trials and hearings* to impose or institute fines or civil penalties for the violation of (i) any of the provisions of chapter two of this title and regulations and rules promulgated under chapter two of this title and (ii) any of the provisions of any other law, rule or regulation, the enforcement of which is within the jurisdiction of the department including but not limited to subchapter one of chapter five of this title (the consumer protection law) and subchapter two of chapter five (the truth in-pricing-law); provided that such violation is committed in the course of and is related to the conduct of the business, trade or occupation which is required to be licensed pursuant to chapter two of this title. Except to the extent that dollar limits are otherwise specifically provided such fines or civil penalties shall not exceed five hundred dollars for each violation.

(2) The commissioner may arrange for the redress of injuries caused by such violations, and may otherwise provide for compliance with the provisions and purposes of chapter two of this title.

(3) The commissioner or the commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine or civil penalty or pending compliance with any other lawful order of the department.

(4) The commissioner shall be authorized to [impose a fine or civil penalty or to] suspend a license [or both] for [a] failure to appear at a hearing at the [department] *office of administrative trials and hearings* after due notice of such hearing. If a license has been suspended, it shall be returned to the department forthwith upon receipt of the order of suspension. Failure to surrender the license shall be grounds for a fine or civil penalty or revocation of the license.

(5) Any of the remedies provided for in this section shall be in addition to any other remedies provided under any other provision of law.

f. The commissioner, upon due notice and hearing pursuant to *subdivision g of section 2203 of chapter 64 of the New York city charter*, may require that persons licensed under chapter two of this title who have committed repeated, multiple or persistent violations of chapter two or any other law, rule or regulation the enforcement of which is within the jurisdiction of the department, conspicuously display at their place of business and in advertisements a notice (of a form, content and size to be specified by the commissioner), which shall describe the person's record of such violations; provided that, for each time such display is required, the commissioner may require that such notice be displayed for not less than ten nor more than one hundred days.

g. The commissioner may refuse to issue or renew any license issued in accordance with the provisions of chapter two of this title and may suspend or revoke any such license, after due notice and opportunity to be heard pursuant to *subdivision g of section 2203 of chapter 64 of the New York city charter*, upon the occurrence of any one or more of the following conditions:

1. Two or more judgments within a two-year period against the applicant or licensee for theft of identity as defined in section three hundred eighty-s of the general business law; or

2. One criminal conviction against the applicant or licensee for acts of identity theft or unlawful possession of personal identification information as defined in article one hundred ninety of the penal law; or

3. Two or more criminal convictions within a two-year period of any employees or associates of the applicant or licensee for acts of identity theft or unlawful possession of personal identification information as defined in article one hundred ninety of the penal law that are committed with the use of the applicant's or licensee's equipment, data, technology, or other similar resource. It shall be an affirmative defense that an applicant or licensee did not have reasonable grounds to believe the proscribed acts were taking place with the use of the licensee's equipment, data, technology, or other similar resource or that the proscribed acts were not taking place with the use of the applicant's or licensee's equipment, data, technology, or other similar resource.

§ 3. Subdivisions b, c, d, e, g and h of section 20-105 of chapter one of title twenty of the administrative code of the city of New York shall be amended to read as follows:

b. In addition to the enforcement procedures set forth in section 20-106 of this chapter, the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*, after notice and a hearing shall be authorized:

1. to impose fines upon any person in violation of subdivision a of this section of one hundred dollars per violation per day for each and every day during which such person violates such subdivision.

2. to order any person in violation of subdivision a of this section immediately to discontinue such activity at the premises on which such activity is occurring.

3. to order that such premises on which such activity is occurring be sealed, provided that such premises are primarily used for such activity.

4. to order that any devices, items or goods sold, offered for sale available for public use or utilized in the operation of a business and relating to such activity for which a license is required but has not been obtained pursuant to the provisions of chapter two shall be removed, sealed or otherwise made inoperable.

c. Orders of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* issued pursuant to this subdivision shall be posted at the premises on which unlicensed activity occurs in violation of this section.

d. Orders of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* issued pursuant to paragraph two, three or four of subdivision b of this section shall be stayed with respect to any person who, prior to service of the notice provided in subdivision b of this section, had submitted a full and complete application in proper form and accompanied by the requisite fee for a license or the renewal of a license while such application is pending.

e. Ten days after the posting of an order issued pursuant to paragraph two, three or four of subdivision b of this section and upon the written directive of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*, officers and employees of the department and officers of the New York city police department are authorized to act upon and enforce such orders.

f. Any devices, items or goods removed pursuant to the provisions of subdivision b of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such devices, items, or goods may be charged with reasonable costs for removal and storage payable prior to the release of such devices, items or goods to such owner or such other person.

g. The [commissioner] *chief administrative law judge of the office of administrative trials and hearings* shall order that any premises which are sealed pursuant to this section shall be unsealed and that any devices, items or goods removed, sealed or otherwise made inoperable pursuant to this section shall be released, unsealed or made operable upon:

1. payment of all outstanding fines and all reasonable costs for removal and storage, and

2. presentation of proof that a license has been obtained for such activity or, if such person or premises are for any reason ineligible to obtain a license, proof satisfactory to the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* that such premises, devices, items or goods will not be used in violation of this section.

h. It shall be a misdemeanor for any person to remove the seal on any premises or remove the seal or make operable any devices, items or goods sealed or otherwise made inoperable in accordance with an order of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*.

i. The owner or other person lawfully entitled to reclaim the devices, items or goods removed pursuant to this section shall reclaim such devices, items or goods. If such owner or such other person does not reclaim such devices, items or goods within ninety days of their removal, such devices, items or goods shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture the department shall, upon a public notice of at least five days, sell such forfeited devices, items or goods at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

j. In the event that any removal made pursuant to this section shall include any perishable items, goods or food products which cannot be retained in custody without such items, goods or food products becoming unwholesome, putrid, decomposed or unfit in any way, they may be delivered to the commissioner of health for disposition pursuant to the provisions of section 17-323 of this code.



k. The provisions of this section shall not be construed to apply to general vendors required to be licensed pursuant to subchapter twenty-seven of chapter two of this title.

§ 4. Subdivisions c and e of section 20-227.1 of subchapter six of chapter two of title twenty of the administrative code of the city of New York are amended to read as follows:

c. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivisions a or b of this section shall be commenced by service of a notice of violation which shall be returnable to the [adjudication division of the department] *office of administrative trials and hearings*. Such notice shall contain a statement that any hearing for a third violation or subsequent violations of this subchapter, the terms and conditions of a license and/or a revocable consent or rules promulgated by the commissioner under this subchapter at the same place of business within a two-year period shall also constitute a hearing for the suspension or revocation of a license.

d. The penalties provided by subdivisions a and b of this section shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

e. In addition to any other enforcement procedures authorized by this subchapter or any other provision of law or rule, the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* after notice and a hearing shall be authorized to order that any sidewalk café and the restaurant of which it is a portion be sealed for a period not to exceed thirty consecutive days. Such notice may be included with notice of any hearing for a second violation for operating an unlicensed sidewalk café as provided in subdivision a of this section, or a third violation of this subchapter, the terms and conditions of a license and/or a revocable consent or rules promulgated by the commissioner, as provided in subdivision b of this section. For purposes of this subdivision, any such violations at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. The procedures provided for in subdivisions c and e through j of section 20-105 of this title shall apply to an order by the commissioner for sealing of a sidewalk café and the restaurant of which it is a portion.

§ 4. Section 20-232 of subchapter seven of chapter two of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for revoking, a newsstand license may be revoked upon a finding by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* that the location listed in the license was not utilized for a period of two consecutive months or more or that the licensee is not using the stand primarily for the sale of newspapers and periodicals.

§ 5. Subdivision two of section 20-616 of subchapter three of chapter four of title twenty of the administrative code of the city of New York is amended to read as follows:

2. Any person violating this subchapter shall be subject to a civil penalty of not less than one hundred dollars and not more than two hundred fifty dollars. A proceeding to recover any civil penalty pursuant to this subchapter shall be commenced by the service of a notice of hearing that shall be returnable to the *office of administrative trials and hearings* [tribunal of the department].

§ 6. Section 20-625 of subchapter three of chapter four of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-265. Hearing authority. a. Notwithstanding any other provision of law, the [department] *office of administrative trials and hearings* shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter and any rules promulgated thereunder. The [department] *office of administrative trials and hearings* shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-624 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*. The penalties provided for in section 20-624 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

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

§ 7. Subdivisions c, d and e of section 20-674 of subchapter five of chapter four of title twenty of the administrative code of the city of New York are amended to read as follows:

c. (1) If, after providing due notice and an opportunity to be heard, the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* finds that a person has violated any of the provisions of section 20-673.2 of this subchapter or any rule or regulation promulgated thereunder, he or she shall be authorized to issue and serve upon such person an order requiring such person to cease and desist from engaging in the prohibited activity. Such order shall become final (i) upon the expiration of the time allowed for filing any administrative

appeal which may be available and for commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules or (ii) upon the exhaustion of all appeals arising out of the proceedings described in item (i) of this paragraph. Any person who violates an order of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* issued hereunder after it has become final shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars for each violation.

(2) Any person who violates the provisions of section 20-673.2 of this subchapter or any rules or regulations promulgated thereunder with actual knowledge or knowledge fairly implied on the basis of objective circumstances that the act or practice underlying the violation is unfair or deceptive shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; provided, however, that in order for any retailer to be held liable under this paragraph for violating any of the provisions of subdivisions d or e of such section 20-673.2, such retailer shall be shown to have had actual knowledge that the act or practice underlying the violation is unfair or deceptive. In determining the amount of any civil penalty imposed under this paragraph, the following shall be considered: the degree of culpability; any history of prior such conduct; ability to pay; effect on ability to continue to do business; and such other matters as justice may require.

d. In the case of a violation through continuing failure to comply with any of the provisions of this subchapter, any rules or regulations promulgated thereunder, or any order of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* issued pursuant to subdivision c of this section, each day of the continuance of such failure shall be treated as a separate violation.

e. The civil penalties prescribed by the provisions of this section may be imposed by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* after due notice and an opportunity to be heard have been provided or may be recovered in a civil action in the name of the city, commenced in a court of competent jurisdiction. In any civil action commenced to recover civil penalties for violation of a final order of the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* issued pursuant to subdivision c of this section, the supreme court of New York is empowered to grant such injunctive or equitable relief as the court deems appropriate in the enforcement of such final order.

§ 8. Section 20-687 of subchapter eight of chapter four of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-687. Powers of the commissioner. (a) The commissioner shall receive and evaluate complaints and initiate his or her own investigations relating to these matters and, *upon due notice and hearing, the chief administrative law judge of the office of administrative trials and hearings may take appropriate action related thereto including stop-sale and stop-removal orders [where necessary and proper].*

(b) The [commissioner] *chief administrative law judge of the office of administrative trials and hearings* shall have the power after reasonable notice and hearing, to determine the reasonableness of any statement or representation as to the date and conditions of storage affixed pursuant to section 20-685 of this subchapter.

§ 9. Section 20-699.6 of subchapter twelve of chapter four of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-699.6. Hearing authority. Notwithstanding any other provision of law, the [department] *office of administrative trials and hearings* shall be authorized[, after October 1, 2005,] upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter. The [department] *office of administrative trials and hearings* shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-699.2 of this subchapter for each such violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

(2) All such proceedings shall be commenced by the service of a notice of violation returnable to the *office of administrative [tribunal of the department] trials and hearings*. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. In addition to serving the notice on the person being charged, where written authorization is filed with the department, the department shall deliver by first class mail a copy of the notice to the corporate headquarters or wholesale supplier of such person.

§ 10. Subdivision c of section 20-703 of subchapter one of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

c. Upon a finding by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings* of repeated, multiple or persistent violation of any provision of this subchapter or of any rule or regulation promulgated thereunder, the city may, except as hereinafter provided, bring an action to compel the defendant or defendants in such action to pay in court all monies, property or other things, or proceeds thereof, received as a result of such violations; to direct that the amount of money or the property or other things recovered be paid into an account established pursuant to section two thousand six hundred one of the civil practice law and rules from which shall be paid over to any and all persons who purchased the goods or services during the period of violation such sum as was paid by them in a transaction involving the prohibited acts or practices, plus any costs incurred by such claimants in making and pursuing their complaints; provided that if such claims exceed the sum recovered into the account, the awards to consumers

shall be prorated according to the value of each claim proved; to direct the defendant or defendants, upon conviction, to pay to the city the costs, and disbursements of the action and pay to the city for the use of the commissioner the costs of his or her investigation leading to the judgment; or if not recovered from defendants, such costs are to be deducted by the city from the grand recovery before distribution to the consumers; and to direct that any money, property, or other things in the account and unclaimed by any persons with such claims within one year from creation of the account, be paid to the city, to be used by the commissioner for further consumer law enforcement activities. Consumers making claims against an account established pursuant to this subdivision shall prove their claims to the commissioner in a manner and subject to procedures established by the commissioner for that purpose. The procedures established in each case for proving claims shall not be employed until approved by the court, which shall also establish by order the minimum means by which the commissioner shall notify potential claimants of the creation of the account. Restitution pursuant to a judgment in an action under this subdivision shall bar, pro tanto, the recovery of any damages in any other action against the same defendant or defendants on account of the same acts or practices which were the basis for such judgment, up to the time of the judgment, by any person to whom such restitution is made. Restitution under this subdivision shall not apply to transactions entered into more than five years prior to commencement of an action by the commissioner. Before instituting an action under this subdivision, the commissioner shall give the prospective defendant written notice of the possible action, and an opportunity to demonstrate in writing within five days, that no repeated, multiple, or persistent violations have occurred.

§ 11. Subdivision c of section 20-760 of subchapter thirteen of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

c. A proceeding to recover any civil penalty pursuant to this subchapter shall be commenced by the service of a notice of violation which shall be returnable to the *office of administrative [tribunal of the department] trials and hearings*. The *office of administrative [tribunal of the department] trials and hearings* shall have the power to impose civil penalties for violation of this subchapter.

§ 12. Subdivision c of section 20-762 of subchapter thirteen-A of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

c. Any person who violates subdivision b of this section shall be liable for a civil penalty of one thousand dollars for a first violation and a civil penalty of two thousand dollars for each subsequent violation within one year. Each sale, lease or rental, or attempt to sell, lease or rent, a motorized scooter shall be deemed a separate violation. Authorized employees of the department, the police department, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of hearing that shall be returnable before the *office of administrative [tribunal of the department] trials and hearings*. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

§ 13. Subdivision b of section 20-777 of subchapter fourteen of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation that shall be returnable to the *office of administrative [tribunal of the department of consumer affairs] trials and hearings*.

§ 14. Section 20-784 of subchapter fifteen of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-784 Hearing authority. (1) Notwithstanding any other provision of law, the [department] *office of administrative trials and hearings* shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter. The [department] *office of administrative trials and hearings* shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-783 of this subchapter for each such violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

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

§ 15. Section 20-811 of subchapter sixteen of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-811 Hearing authority. a. Notwithstanding any other provision of law, the [department] *office of administrative trials and hearings* shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter and any rules promulgated thereunder. The [department] *office of administrative trials and hearings* shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-810 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative*

*trials and hearings*. The penalties provided for in section 20-810 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

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

§ 16. Section 20-819 of subchapter seventeen of chapter five of title twenty of the administrative code of the city of New York is amended to read as follows:

§ 20-819 Hearing authority. a. Notwithstanding any other provision of law, the [department] *office of administrative trials and hearings* shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of the provisions of this subchapter and any rules promulgated thereunder. The [department] *office of administrative trials and hearings* shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-818 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the [commissioner] *chief administrative law judge of the office of administrative trials and hearings*. The penalties provided for in section 20-818 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All proceedings under this subchapter shall be commenced by the service of a notice of violation returnable to the *office of administrative [tribunal of the department] trials and hearings*. Notice of any third violation for engaging in a violation of section 20-816 shall state that premises may be ordered sealed after a finding of a third violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§ 17. Subdivision a of section 20-904 of chapter six of title twenty of the administrative code of the city of New York is amended to read as follows:

a. Any person who violates section 20-901 of this chapter shall be subject to a civil penalty of not less than one thousand dollars nor more than ten thousand dollars for each violation; provided, however, that the commissioner shall issue a written warning in lieu of a [civil penalty] *violation* where the commissioner finds that such person violated such section due to his or her reasonable belief that the percentage of billings for no-fault motor vehicle insurance medical claims filed by his or her clinic or clinics was not at or above fifty percent during the preceding twelve months.

§ 18. Subdivisions c and d of section 20-924 of chapter eight of title twenty of the administrative code of the city of New York are amended to read as follows:

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the *office of administrative [tribunal of the department] authorized to adjudicate violations of this chapter] trials and hearings*.

d. The [department] *office of administrative trials and hearings* shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.

§ 19. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner of the department of consumer affairs and the chief administrative law judge of the office of administrative trials and hearings shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

**Resolution calling on the New York State Assembly to pass A.2717, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.**

By Council Members King, Dickens, Eugene and Rose.

**Whereas**, People with criminal arrest records often face difficulties in applying for and obtaining employment, housing and other opportunities, even if they were never convicted of a crime; and

**Whereas**, A criminal arrest record can stay with an individual for life unless the record is sealed or expunged; and

**Whereas**, New York State doesn't currently allow for the expungement of criminal records and only allows for the sealing of certain arrest records and records of misdemeanor convictions; and

**Whereas**, People in New York State who have been falsely arrested, whose cases were dismissed, or who were innocent should not be hampered by an arrest record for any purpose and should be allowed to petition that such records be expunged; and

**Whereas**, A.2717, introduced by Assembly Member Keith Wright and currently pending in the New York State Assembly, would amend the Criminal Procedure Law to allow individuals an opportunity to petition a court for the expungement of records of arrest, investigation, detention and computer databases for certain qualifying cases; and

**Whereas**, A.2717 would allow an individual who has been arrested with or without warrant to petition a court to request for an order to expunge any and all records of arrest investigation, computer databases, and records of detention pursuant to that voidable arrest; and

**Whereas**, In accordance with A.2717, such request to the court would have to be made no later than thirty days after the date on which the arrest becomes a voidable arrest; and

**Whereas**, A.2717 would define voidable arrest to mean any arrest resulting in the following conditions, (i) the person was released without the filing of formal charges (ii) a determination that the arrest was without probable cause, or (iii) dismissal of proceedings against the person; and

**Whereas**, A.2717 would establish penalties for individuals who knowingly fail to expunge records as directed by the court, or who, knowing the records are expunged, use the information for financial gain or willful destruction of a person's character; and

**Whereas**, Enactment of this law would provide certain individuals an opportunity to expunge their records and be free from the burdens of having an arrest record; and

**Whereas**, The New York State Assembly should pass this bill and the New York State Senate should introduce and pass a companion bill to allow people falsely or wrongfully accused of crimes and arrested to move on with their lives; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass A.2717, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 395

By Council Members Lancman, Cornegy, Mendez and Rodriguez.

**A Local Law to require the department of consumer affairs to conduct a retrospective review of existing sidewalk cafe violations.**

*Be it enacted by the Council as follows:*

Section 1. *Retrospective review of existing sidewalk cafe violations. The department of consumer affairs shall conduct a retrospective review of the provisions of the administrative code and the rules of the city of New York that establish violations related to sidewalk cafes and are enforced by the department of consumer affairs. Such review shall examine existing sidewalk cafe violations for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to the violation prior to the imposition of a penalty or fine. Upon the completion of such retrospective review and within 120 days of the enactment of this local law, a report shall be submitted to the mayor and the speaker regarding the department's findings. Such report shall include:*

*(1) a description of each sidewalk cafe violation for which the agency recommends that a cure period or other opportunity for ameliorative action be provided prior to the imposition of a penalty or fine, and the basis for such conclusion; and*

*(2) a list of all other existing sidewalk cafe violations established by the department's rules for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties*

*subject to enforcement prior to the imposition of a penalty or fine. This list shall identify, either by individual violation or on an aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.*

§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 396

By Council Members Lander, Arroyo, Koo, Mendez, Koslowitz and Rodriguez.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to curb cuts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 27-313 of the administrative code of the city of New York is amended to read as follows:

(f) Curb cuts. The lowering of any curb or the change of grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk shall be constructed in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter or as required by the commissioner. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. The owner shall maintain every part of such driveway in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, *or where the curb cut is inconsistent with the requirements of the zoning resolution of the city of New York*, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk as required by the department of transportation. Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section twenty-nine hundred four of the New York city charter in the enforcement of this section.

§ 2. Section 3202.2.2.4.1 of the New York city building code is amended to read as follows:

3202.2.2.4.1 Curb cut removal. Vehicular access curb cuts that can no longer serve as vehicular access across a curb or sidewalk shall be removed and the curb and sidewalk shall be restored in accordant with standards of the Department of Transportation. The commissioner may order such removal and restoration. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, *or where a curb cut is inconsistent with any requirement of the building code or the New York City Zoning Resolution*, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk in accordance with standards of the Department of Transportation. Upon the failure of the owner to comply with any of the orders provided for in Section 3202.2.2.4, in such cases where the restoration of such curb cuts are needed to facilitate department of transportation work, the commissioner may inform the commissioner of transportation of such failure to comply and may request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section 2903(b)(7) of the New York City Charter in the enforcement of this section.

§ 3. Items 3 and 4 of section 28-104. 8.1 of the administrative code of the city of New York are amended and new item 5 is added to read as follows:

3. A professional certification; [and]

4. A statement certifying compliance with the New York city energy conservation code[.]; *and*

5. *A statement certifying (i) that, where the proposed construction would cause any abutting curb cut to be in noncompliance with any requirement in the zoning resolution or in this code, construction documents include plans to restore the curb and sidewalk of such curb cuts as required by the department of transportation, or (ii) that the proposed construction would not render any curb cut abutting the property to be in noncompliance with the zoning resolution or this code.*

§ 4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 397

By Council Members Lander, Gentile, Koo, Lancman, Mendez, Rose, Cohen and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of drinking fountains adjacent to public parks and greenstreets.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 *Drinking fountains and parks.* a. For purposes of this section, “greenstreets” shall mean a location under the jurisdiction of the commissioner that is used as a pedestrian thoroughfare that is not inside of or adjacent to a park.

b. The commissioner shall on a regular basis, beginning on January first two thousand fifteen and no less than every five years thereafter, complete an evaluation of the need for drinking fountains on locations under the jurisdiction of the commissioner, that are adjacent to non-park land, including both greenstreets and the perimeters of public parks. Such evaluation shall consider both the proximity of existing sources of public drinking water and how heavily trafficked such locations are by pedestrians and bicyclists. At the conclusion of each evaluation, the commissioner shall report to the council on the seventy-five such locations, as identified by the commissioner, that would most benefit from the installation of drinking fountains for public use.

c. Prior to July first, two thousand fifteen, no less than twenty-five drinking fountains available for public use shall be installed and maintained at locations identified by the commissioner in the report issued pursuant to subdivision b of this section. Every five years hence, the department shall install and maintain no less than twenty-five additional drinking fountains for public use, at locations identified by the commissioner pursuant to subdivision b. Anytime after July second, two thousand twenty-five, the commissioner may determine not to install any further drinking fountains under this section and shall inform the speaker of the council in writing of such determination and the reasons therefor.

§2. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Parks and Recreation.

Int. No. 398

By Council Members Lander, Koo, Rose and Rodriguez.

**A Local Law to amend the administrative code of the city of New York in relation to the noise control code and manufacturing districts.**

Be it enacted by the Council as follows:

Section 1. Section 24-227 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) In any proceeding under this section it shall be an affirmative defense that the receiving property dwelling unit was not lawfully occupied at the time of the violation where both the receiving property dwelling unit and the subject sound source are located within a manufacturing district, as that term is defined in the zoning resolution of the city of New York.

§ 2. This law shall take effect immediately upon enactment.

Referred to the Committee on Environmental Protection.

Int. No. 399

By Council Members Menchaca, Constantinides, Koo and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to warning notice for missing bicycle equipment.**

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 *Missing Bicycle Equipment.* Any notices of violation issued by a city agency to a bicyclist operating a bicycle without equipment required in the vehicle and traffic law or this code shall be canceled upon the satisfactory demonstration to the agency that issued such notice of violation that such bicycle contains such equipment in good working order within forty eight hours following the issuance of such notice of violation.

§2. This local law shall take effect ninety days following enactment into law except that all appropriate agencies shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 400

By Council Members Menchaca, Arroyo, Constantinides, Koo, Mendez and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending parking rules when fuel rationing is in effect.**

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

§ 19-163.3 *Suspension of parking rules during fuel rationing.* Alternate side of the street parking rules shall be suspended during periods when fuel rationing is required in the city by a local emergency order promulgated under section twenty-four of the executive law, an executive order promulgated under section twenty-nine-a of the executive law or is otherwise lawfully required, provided that the department may reinstate alternate side of the street parking rules after consulting with the department of sanitation.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 401

By Council Members Menchaca, Koo, Mendez, Rose and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation and the department of transportation to study the installation of bike share stands in or near parks.**

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§ 19-190 *Study of possible bike share in parks.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

1. “bike share” shall mean a bike share program in New York city that has been established pursuant to an agreement between the department and a private entity;
2. “parks” shall mean any park under the jurisdiction of the department of parks and recreation.

b. On or before January 1, 2016, the department, in conjunction with the department of parks and recreation shall produce a report on the possible installation of bike share stations in or near parks. Such report shall include, but not be limited to, the examination of regulatory barriers to the installation of bike share stations in or near parks, the financial benefits and costs associated with installation of bike share stations in or near parks, and the potential usage of the bike share program in or near parks. Such report shall be presented to the speaker of the council and posted on the department’s website upon completion.

§2. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Transportation.

Res. No. 327

**Resolution calling upon the New York City Department of Citywide Administrative Services to move the Brooklyn Housing Court to a more modern and accommodating space once its lease expires.**

By Council Members Menchaca, Koo and Cohen.

**Whereas**, According to the *New York Times*, the Brooklyn Housing Court currently averages approximately 3,000 visitors per day and hears almost 80,000 cases per year, making it the second busiest housing court in the City of New York following the housing court in the Bronx; and

**Whereas**, According to various sources the current facility is inadequate to handle such a high volume of people, is often overcrowded, and frequently has broken elevators and inadequate air-conditioning, and is inaccessible to those with disabilities; and

**Whereas**, The situation is so bad that a top court administrator has reportedly referred to the Brooklyn Housing Court as a “horrible courthouse,” and;

**Whereas**, The building’s landlord was on then Public Advocate Bill De Blasio’s list of worst landlords; and

**Whereas**, The Department of Citywide Administrative Services (DCAS) is tasked with identifying and acquiring real estate on behalf of City agencies, and has been looking for a suitable site for the Brooklyn Housing Court over the last two years; and

**Whereas**, The lease for the building will expire at the end of May 2014 and DCAS has so far been unable to secure a new site and the landlord is attempting to keep the court housed in its current location by claiming he would invest money to ensure that the elevators run properly and acquire better air-conditioning; and

**Whereas**, The landlord should have made these repairs long ago, has already made it clear that he is unreliable and should not be rewarded for his failings by obtaining another long-term lease with the City; and

**Whereas**, If the City is unable to find a suitable alternative location before the current lease expires, the City should only enter into a short-term lease with provisions that allow the City to break the lease once a suitable location is found; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Administrative Services to move the Brooklyn Housing Court to a more modern and accommodating space once its lease expires.

Referred to the Committee on Governmental Operations.

Int. No. 402

By Council Members Palma, Rodriguez, Chin, Gentile, Rose and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a small business lease program for establishing an environment for fair negotiations in the commercial lease renewal process in order to determine reasonable lease terms.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council hereby finds that the City's small business sector remains vulnerable at a time when New York City is more dependent than ever on small businesses for job growth and revenues. The New York City commercial rental market has been negatively influenced by speculators for such an extended period of time that the interest of small businesses and job creation, and the broader general economic interest of the City, are being harmed. An unacceptable number of established small businesses are being forced out of business solely as a result of the commercial lease renewal process. The present commercial rental market provides no means for tenants to mediate disputes between tenants and landlords to arrive at fair and reasonable lease renewal terms. The absence of legal protection for the interests of commercial tenants in the lease renewal process has unnecessarily accelerated the closing of small businesses and resulted in lost jobs, tax revenues and community instability. It is the intent of the City Council, through this legislation, to be known as the "Small Business Jobs Survival Act," to give small businesses rights in the commercial lease renewal process, and therefore, a measure of predictability of future costs through a two-step procedure of mediation and, if necessary, arbitration for negotiating commercial lease renewals and rentals. This process would create a fair negotiating environment, which would result in more reasonable and fair lease terms to help small businesses survive and encourage job retention and growth in the City of New York.

§2. Title twenty-two of the administrative code of the city of New York is amended by adding a new chapter nine to read as follows:

**CHAPTER 9**

**COMMERCIAL LEASE ARBITRATION AND MEDIATION**

§22-901 *Scope.* This chapter shall apply only to all commercial lease renewals for a commercial premises. On any occasion wherein a landlord and tenant are required to negotiate the terms of a lease renewal for commercial uses the provisions of this chapter shall apply. The provisions of this chapter shall apply to any landlord and current tenant whose lease expired on or after January first, two thousand fifteen.

§22-902 *Definitions.* a. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate to implement the provisions of this chapter pursuant to §22-903 of this chapter.

b. "Arbitrator" shall mean the person chosen by the parties or by the American Arbitration Association, or any other recognized arbitration organization, to resolve a dispute between a landlord and a tenant concerning a commercial lease renewal or the rent to be charged for the commercial premises.

c. "Commercial premises" shall mean a building or space in the city of New York occupied for non-residential purposes pursuant to a valid commercial lease.

d. "Landlord" shall mean any owner, lessor, sublessor or other person entitled to receive rent for the use or occupancy of any commercial premises, or an agent thereof.

e. "Mediator" shall mean any person, agreed upon by the parties to the dispute or chosen by the American Arbitration Association or any other recognized mediation or arbitration association, to act as an intermediary between the parties. The mediator shall not offer a binding decision concerning the matter in dispute.

f. "Negotiation" shall mean the process of conferring with one another through conferences, discussions and compromise, to arrive at a mutually agreeable settlement.

g. "Rent" shall mean any and all consideration, including but not limited to pass-alongs, received by the landlord in connection with the use or occupancy of any commercial premises.

h. "Services" shall mean those facilities which enhance the use of the commercial premises, including, but not limited to, repairs, maintenance, painting, heat, hot and cold water, utilities, elevator service, security devices and patrols, furnishings, storage, janitorial and landscaping services, refuse removal, insurance protection, parking spaces and facilities in common areas of the building or parcel in which the rental unit is located.

i. "Tenant" shall mean tenant, subtenant, lessee, sublessee, or any other persons lawfully entitled to use or occupancy of any commercial premises.

§22-903 *Designation of Administering Agency.* The mayor or his designee shall designate an agency to implement the provisions of this chapter and shall report such designation to the speaker of the council.

§22-904 *Manner of Service.* All papers and notices which, by the terms of this chapter are required to be served, shall be served by a process server, or shall be sent by first class mail and certified mail, return receipt requested or by any express mail service.

§22-905 *Rental Guidelines.* a. All leases of commercial premises may be renewed at the option of a tenant who did not lose the right to renew a lease under the grounds described in subdivision (d) of this section. Such lease renewals shall be for a minimum term of ten years, provided however, that at the tenant's option, and with the written approval of the landlord, a lease of shorter or longer duration may be selected.

b. No period of lease extension required by this chapter shall extend beyond the landlord's lawful ability to rent the premises to the tenant, where such ability is limited by:

(1) the obligation to rent the premises to a third party pursuant to a bona fide lease entered into prior to the effective date of this chapter;

(2) the exercise by a third party of a bona fide option to rent the premises provided that such option was given prior to the effective date of this chapter; or

(3) any other lawful reason arising prior to such effective date.

c. Any landlord whose obligations under this chapter are limited by the provisions of this section shall not be required to negotiate or to arbitrate as otherwise provided for in this chapter but shall remain obligated to negotiate and to arbitrate a renewal lease for such period of time for which the landlord has a lawful ability to rent the commercial premises to the tenant. The landlord shall provide notice to the tenant one hundred eighty days before the termination of the lease of the basis on which the lease cannot be extended for a full ten-year term.

d. A tenant shall lose the right of renewal and a landlord may refuse to renew a lease only on the following grounds:

(1) The tenant has persistently delayed rent payments without cause. For the purpose of this subdivision, "cause" is defined as the withholding or rental payments by the tenant due to the alleged violations of the rental agreement by the landlord. In order for the landlord to be excused from renewal on this ground, the landlord must have served the tenant at least three prior notices during the term of the lease to the tenant for demand of payment within thirty days, and then show that the lessee has not paid within such thirty day period. The landlord shall not serve such notice unless the rent payment was in arrears for a minimum of fifteen days;

(2) The tenant uses the commercial premises in a manner substantially different from that described in the lease;

(3) The tenant conducts or permits any form of illegal activity on the premises;

(4) The tenant has substantially breached any substantive obligation under the current lease and has failed to cure such breach within thirty days following written notice to cure by the landlord;

(5) Upon the termination of the current tenancy, the landlord intends, in good faith, to demolish or substantially reconstruct the premises or a substantial part thereof, or to carry out substantial work or construction on the commercial premises or substantial part thereof which he or she could not reasonably do without obtaining possession of the commercial premises. The landlord shall notify the tenant of his decision to reoccupy the commercial premises at least one year prior to the termination of the lease. In the event that the lessor fraudulently invokes this justification for a refusal to renew a commercial lease, the defrauded tenant may collect treble damages for any loss suffered as a result of such action;

(6) The current tenancy was created by the subletting of the property, whereby the prime tenant did not notify the landlord by certified mail of the subtenant's existence and did not obtain the written consent of the landlord. This ground is void if the landlord and tenant had agreed in the lease to allow subleasing rights without the consent of the landlord and all obligations of the prime tenant on the issue, were in compliance;

(7) It has been determined by the administering agency or by a civil court of competent jurisdiction that the tenant is a gross and persistent violator of New York city tax laws, of any license obligations related to the use of the premises or of any laws of the city of New York;

(8) Upon the termination of the current tenancy, the landlord intends to occupy the retail premises in order to carry out its own business, which cannot be the same type of business that the current tenant is operating, unless the landlord compensates the tenant at fair market value as determined by an arbitrator as restitution for the loss of such tenant's business. The landlord shall notify the tenant of such landlord's decision to reoccupy the premises at least one hundred eighty days prior to the termination of the lease. In the event that the landlord fraudulently invokes this justification for a refusal to renew a commercial lease, the defrauded tenant may collect treble damages for any loss suffered as a result of such action.

e. The following procedure shall apply for lease renewals: (1) Where the landlord agrees to renew the lease of the current tenant, such landlord shall notify the tenant at least one hundred eighty days prior to the expiration of the lease of such landlord's willingness to negotiate the renewal of the commercial lease agreement. If the landlord and tenant agree, they may at any time renegotiate a new lease, with any agreed to terms and conditions, not inconsistent with the provisions of this chapter. The tenant is to continue rent payments as set forth in the lease until the parties reach an agreement on a lease renewal or until a decision is otherwise rendered through the arbitration or mediation processes described in the provisions of this subdivision. The first ninety days of the one hundred eighty-day period is for the purpose of negotiations. Alternatively, if there is a dispute, either party may

compel the other party to the dispute to use that ninety-day period, or any part thereof, for the purposes of mediation. If either the landlord or tenant chooses mediation, he or she shall notify the other party that a mediation session is requested. The parties shall choose a mediator who is agreeable to both the landlord and tenant, or if no such person is agreeable, then the American Arbitration Association shall appoint a mediator. The mediator shall notify the landlord and tenant, no more than ten days after his or her appointment, of the date, time, place and rules of the hearing. The mediator shall follow his or her customary rules and may render an opinion concerning the dispute, which shall not be binding on the parties. If after ninety days of negotiation and any mediation sessions, the landlord and tenant do not reach an agreement on a new lease, then the tenant is to notify the American Arbitration Association, within fourteen days of the expiration of the first ninety day period, that an arbitration hearing is requested. Failure by the tenant to notify the American Arbitration Association within fourteen days of the expiration of the first ninety day period shall result in the forfeiture of the tenant's right of renewal.

(2) Where the landlord refuses to renew a lease with the current tenant, such landlord is to notify the tenant a minimum of one hundred eighty days before the expiration of the lease that such landlord is not going to renew the tenant's lease and state the reason or reasons for such denial in detail. Failure of the landlord to give such notice shall subject the parties to the provisions of paragraph (3) of this subdivision. The landlord is to furnish the tenant with all pertinent data supporting such reason or reasons. If the tenant still wishes to challenge the refusal to renew the lease and apply for a renewal of the lease, then the tenant must notify the landlord within thirty days after the receipt of the landlord's notice of such tenants intent to challenge the refusal and seek arbitration on the issue of renewal. The tenant shall then notify the administering agency and the American Arbitration Association or any other recognized arbitration organization within fourteen days after notification by the tenant to the landlord that a hearing is requested to determine whether the landlord's grounds for refusal are valid.

(3) If an arbitration hearing is requested pursuant to either paragraphs (1) or (2) of this subdivision:

(a) The landlord and tenant shall choose the arbitrator from a list of arbitrators provided by the American Arbitration Association. If they cannot agree on the selection of the arbitrator within thirty days of the tenant's notice to such association that a hearing is requested, the tenant shall notify within fourteen days such organization of the parties' failure to make a selection and such arbitration organization shall determine the arbitrator within five days of receipt of such notice from the tenant.

(b) The arbitrator shall notify both parties of the date, place, time and rules of the hearing within sixty days of receipt by the arbitration association of the request for a hearing. The hearing shall take place in the borough where the commercial premises are located unless otherwise agreed to by the landlord and tenant. The landlord and tenant shall furnish the arbitrator with all relevant documentation, and the arbitrator shall conduct a preliminary meeting prior to the hearing to review the data and familiarize himself or herself with the case. The matters the arbitrator shall determine during the preliminary meeting shall include, but not be limited to, the need to inspect the space and the need to hire expert consultants to certify the accuracy of data. The arbitrator may seek to conduct an inspection of the space after notifying both parties at least three days in advance of the inspection and informing them of their right to be present during the inspection.

(c) The hearing before the arbitrator may be recorded by digital, tape or video device. Such recording shall be transcribed upon the request of any party who posts in advance the estimated cost of the transcription. Either party may provide, at their expense, a reporter to transcribe the hearing. The official record of the hearing shall include all documents and offers of proof presented to the arbitrator, the written decision of the arbitrator and any transcript of the hearing. The landlord and tenant will each be given adequate time to present testimony, witnesses, pictures, videos, documents, including charts, comparable rent data and any other relevant data. Each party shall be allowed to confront and cross-examine adverse witnesses. The arbitrator can choose to investigate any aspect of the case to help arrive at a decision.

(d) For a dispute brought before an arbitrator under paragraph (1) of this subdivision, such arbitrator shall render a written determination setting the rent to be paid during a renewal period of ten years, together with the basis for the determination of the rent, and shall notify the parties of such determination no later than thirty days after the hearing has been concluded. Failure to notify the parties within thirty days shall not affect the enforceability of such determination. Such determination shall be based on (i) the cost of maintenance and operation of the entire property including land and building improvements, including all service debt such as mortgages, (ii) the kind, quality and quantity of services furnished by the landlord, (iii) the condition of the space including capital improvements made by the tenant, (iv) current interest rates on bank deposits and United States government bonds, (v) the current fair market rates for comparable properties in the area in which the property is located, (vi) the lease history and any relevant sublease history, (vii) the longevity of the business, (viii) the location of the business, (ix) the extent to which the business is bound to its particular location, (x) the size of the space, (xi) the cost of leasing similar premises within a one mile radius of the property, (xii) the past five year rental market history within a one mile radius of the property, and (xiii) all other relevant factors. The arbitrator shall consider that each small business and landlord relationship should be dealt with on a case-by-case basis. Where the commercial premises is located in a mixed-use building with less than twenty-five residential units, the arbitrator shall give special consideration to the criteria listed in items (i) and (ii) of this subparagraph. Within thirty days of

the hearing, the arbitrator shall send the decision as to the rent price to the parties involved by certified mail.

(e) For a dispute brought before an arbitrator under paragraph (2) of this subdivision, such arbitrator shall render a written determination stating the basis for such determination and notifying the parties of such determination no later than thirty days after the hearing has been concluded. Failure to render a timely, written determination and to notify parties within thirty days shall not affect the enforceability of such determination. Such determination shall be based on (i) appropriate laws applicable to commercial spaces; (ii) the terms of the lease and compliance therewith; (iii) rental guidelines as set forth by the administering agency; and (iv) any other relevant and material factors that the arbitrator shall deem proper. If the arbitrator decides in favor of the landlord, then the tenant shall have until the end of the current lease to vacate. If the arbitrator decides in favor of the tenant, the parties shall have twenty days upon receipt of the arbitrator's decision to renegotiate the lease consistent with the arbitrator's decision. If the parties cannot agree on the rent to be charged for the commercial premises, the tenant shall notify the arbitrator within ten days. The arbitrator shall then render a written determination setting the rent to be paid during the renewal period of the lease, together with the basis for the determination of the rent, and shall notify the parties of such determination no later than twenty days after receiving notice of the parties' inability to renegotiate the rent and send such decision to the parties involved by certified mail. Failure to notify the parties within twenty days shall not affect the enforceability of such determination. Such determination shall be based on (i) the cost of maintenance and operation of the entire property including land and building improvements, including all service debt such as mortgages, (ii) the kind, quality and quantity of services furnished by the landlord, (iii) the condition of the space including capital improvements made by the tenant, (iv) current interest rates on bank deposits and United States government bonds, (v) the current fair market rates for comparable properties in the area in which the property is located, (vi) the lease history and any relevant sublease history, (vii) the longevity of the business, (viii) the location of the business, (ix) the extent to which the business is bound to its particular location, (x) the size of the space, (xi) the cost of leasing similar premises within a one mile radius of the property, (xii) the past five year rental market history within a one mile radius of the property, (xiii) the rental guidelines as set forth by the administering agency; and (xiv) all other relevant factors. The arbitrator shall consider that each small business and landlord relationship should be dealt with on a case-by-case basis. Where the commercial premises is located in a mixed-use building with less than twenty-five residential units, the arbitrator shall give special consideration to the criteria listed in items (i) and (ii) of this subparagraph. The costs of arbitration shall be borne equally by the landlord and tenant.

(f) The arbitrator's decision setting the rent price shall be final and binding on both parties except as provided herein, and they shall enter into a lease incorporating such rent which lease does not diminish any services provided by the landlord pursuant to the existing lease. Such renewal lease shall be entered into by the termination date of the current lease and shall commence at the time of expiration of the existing lease. If, however, the tenant elects not to pay the rent set by the arbitrator, then the landlord and tenant shall not enter into a new lease agreement or renew the existing lease.

(g) If, pursuant to subparagraph 3(f) of this subdivision, the tenant elects to not pay the rent set by the arbitrator, the tenant will be allowed to remain in possession at a rent no greater than a ten percent increase of the average rent charged during the final twelve months of the last rental agreement between the landlord and tenant from the termination date of the existing lease until such date on which the tenant shall remove his or her property from the premises as provided herein. In the event the landlord receives a written bona fide offer from a prospective tenant to rent the premises, the landlord must first offer the current tenant the option of entering into a lease at the rent and other terms agreed to by the prospective tenant to the landlord. The landlord is to notify the tenant of such offer within three days of receipt of such written bona fide offer. If the tenant declines to pay the rent or fails to accept the offer within fourteen days of receipt of the landlord's notification to the tenant of such offer, then the tenant has thirty days, from the date such notice is received, to remove property from the commercial premises provided that the lease has expired. If the tenant accepts the option of first refusal, the landlord and tenant shall enter into a lease based upon the terms of the bona fide offer received by the landlord from the prospective tenant.

§22-906 Security deposits. Security deposits shall not exceed an amount equal to two months rent. All security deposits shall be placed in escrow in an interest-bearing account at a federally insured bank located in New York state. The tenant shall be notified in writing of the location of such escrow account. Interest paid on the account shall be paid in full to the tenant upon termination of the lease. The amount of interest paid to the tenant shall equal the interest paid by such federally insured bank less one percent for the landlord's administrative costs.

§22-907 Retaliation. No landlord shall in any way retaliate against any tenant for the tenant's assertion or exercise of any rights under this chapter. Any such retaliation may subject the landlord to a suit for actual and punitive damages, injunctive relief, and attorney's fees. Proof of retaliation by the landlord occurring prior to or during the arbitration proceeding shall be considered by the arbitrator in making a determination as to the rent to be paid.

§22-908 Waiver. No provision in any lease, rental agreement, or agreement made in connection therewith which waives or diminishes any right of tenant under this chapter is valid.

§22-909 Evaluation. At the end of each year, the administering agency shall report to the mayor and the council on the effectiveness of this chapter in carrying out the purposes set forth in the legislative findings. The recommendations should

take into account the existing commercial rental market which includes among other factors the inflation and interest rates. This report shall also identify any other positive or negative effects of the law.

§22-910 Penalties. a. A landlord or tenant may seek injunctive relief mandating arbitration and/or appropriate damages against any landlord or tenant who fails to submit voluntarily to arbitration or otherwise fails to act in good faith.

b. Any and all legal expenses incurred by one party as a result of its attempt to compel the other party to comply with the provisions of this chapter may be awarded to the appropriate party by the arbitrator or a civil court of competent jurisdiction.

§22-911 Inconsistency with other laws. In the event of any inconsistency with any other laws of the city of New York, this law shall take precedence.

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

§4. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Small Business.

Int. No. 403

By Council Members Reynoso, Dickens, Koo, Rose and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding guidance counselors in schools.**

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 Chapter 3 to title 21-A to read as follows:

**Chapter 3. Reporting on Guidance Counselors**

§21-951 Annual reporting on guidance counselors. a. For the purposes of this section, the term "guidance counselor" shall mean any personnel, licensed or certified by New York state as school counselors, psychologists or social workers, hired to provide individual or group counseling assistance to students in the elementary, middle or high school grades, within the city school district of the city of New York.

b. Not later than the fifteenth of December of the year 2014 and annually thereafter, the department shall submit to the council and post on the department's website a report on information regarding guidance counselors for the current school year. Such report shall include, but not be limited to; (i) The number of guidance counselors in each school, (ii) the guidance counselor to student ratio in each school, (iii) whether the guidance counselor is providing counseling assistance to more than one co-located school in a school building, and (iv) the number of students served by each guidance counselor and the nature and scope of the counseling received by each student, including but not limited to, academic counseling, college preparatory and career counseling. Such report shall also include the number of guidance counselors in the absent teacher reserve pool, information regarding the department's efforts to recruit guidance counselors for grades seven through twelve and, information regarding any guidance memorandums issued by the department regarding college preparedness. Such report shall include demographic information for students in each school, including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for free and reduced price lunch.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

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

Referred to the Committee on Education.

Int. No. 404

By Council Members Richards, Constantinides, Torres, Williams, Rose and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring annual air-quality testing in certain dwellings.**

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-108.1 to read as follows:

§ 24-108.1 Air-quality testing in certain dwellings required. a. For purposes of this section, "subsidized unit" means a dwelling unit, as defined by section 27-2004 of the housing maintenance code, that satisfies one of the following conditions:

1. The occupancy of such unit is restricted pursuant to an affordable housing program.

2. The unit is part of a New York city housing authority development.

b. On or before December thirty-first, two thousand fifteen, and once a year thereafter, the department shall test the air inside all multiple dwellings and garden-type maisonette dwelling projects that contain one hundred or more dwelling units and in which the proportion of subsidized units equals or exceeds eighty percent of the total number of dwelling units, for the presence of the pollutants, including but not limited to the following: particulate matter; pesticides; carbon monoxide; nitrogen dioxide; sulfur dioxide; volatile organic compounds, including but not limited to benzene and formaldehyde; polycyclic aromatic hydrocarbons; mycotoxins; and radon, except that the department need only test for radon in areas located on or below the second above-ground floor of a multiple dwelling.

c. For each multiple dwelling to which this section applies, the department shall conduct testing according to the following procedure:

1. Pursuant to criteria that the department shall establish by rule, the department shall identify a statistically valid number of individual dwelling units for testing.

2. The department shall compile a list, in random order, of all dwelling units.

3. Proceeding according to the order of the list compiled pursuant to paragraph two of this subdivision, employees of the department shall attempt to gain consent to enter such dwelling units in order to test the air quality therein. If such employees are unable to gain consent to enter a dwelling unit, they shall proceed to the next dwelling unit identified on such list. Such employees shall proceed in this manner until they have tested the indoor air quality of a number of units equal to the number identified in paragraph one of this subdivision.

d. Unless otherwise permitted by law, an employee of the department may not enter a dwelling unit without the consent of a tenant of such unit who is eighteen years of age or older.

e. No person may prevent entry or access into a public area of a multiple dwelling by an authorized employee of the department who presents appropriate credentials.

f. On or before January thirty-first, two thousand sixteen, and each January thirty-first thereafter, the department shall submit to the mayor and the council a report on the air quality in multiple dwellings tested pursuant to this section for the preceding calendar year. The department shall include in its annual report recommendations for legislation, policy, budget initiatives and other measures the city can take to improve air quality in such multiple dwellings.

§ 2. Subdivision g of section 24-190 of the administrative code of the city of New York is amended to read as follows:

(g) Any person convicted of violating any of the provisions of this code or any regulation of the board not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for twenty days or both for the first offense, and by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than thirty days or both for a second offense, and by a fine of not less than four hundred dollars nor more than five thousand dollars or by imprisonment for not more than four months or both for a third or subsequent offense. A person convicted of violating subdivision e of section 24-108.1 of this code shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment for thirty days or both.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 405

By Council Members Rosenthal, Mendez and Rodriguez (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code city of New York, in relation to foldable bicycle access in passenger elevators.**

Be it enacted by the Council as follows:

Section 1. Section 28-504.1 of the administrative code of the city of New York is amended to read as follows:

§28-504.1 Applicability. This article shall apply to buildings, the main occupancy of which is offices, that (i) are in existence on the effective date of this article, or for which a permit has been issued but which have not yet been completed, and (ii) are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York, and (iii) have either (a) a passenger elevator, or (b) a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter thirty-five of the New York city building code, or is operated by a freight elevator operator[, and (iii) are not subject to the bicycle parking provisions of

sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York]. It shall be presumed that if a freight elevator is available for carrying freight, it is available for carrying bicycles. *It shall also be presumed that if a passenger elevator is available for carrying passengers, it is available for carrying bicycles specifically designed to fold up into a compact assembly that are fully folded.*

§ 2. Subdivision 2 of section 28-504.3 of the administrative code of the city of New York is amended to read as follows:

2. A plan shall be completed on a form provided by the department of transportation and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and such other information as the department may require. The plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such building. *The plan shall also provide, at a minimum, that access be made available to passenger elevators for bicycles specifically designed to fold up into a compact assembly that are fully folded.* Bicycle access shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

§ 3. Section 28-504.3 of the administrative code of the city of New York is amended to add a new subdivision 4 to read as follows:

4. *All plans filed subsequent to January 1, 2015, shall include the minimum requirements in subdivision 2 of this section upon filing; all plans filed prior to January 1, 2015, shall be amended to include the minimum requirements in subdivision 2 of this section as applicable and such amended plan shall be filed on or before July 1, 2015.*

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

Referred to the Committee on Housing and Buildings.

Res. No. 328

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would prohibit any driver who causes critical injury or death to someone else while committing a traffic infraction or crime from continuing to drive.**

By Council Members Rosenthal and Chin.

**Whereas**, In 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City; and

**Whereas**, In January 2014, 9-year-old Cooper Stock was killed on the Upper West Side of Manhattan by a taxi driver who was given a summons for failing to yield but was legally allowed to continue driving a taxi; and

**Whereas**, In May 2014, the New York City Council passed legislation, commonly known as Cooper's Law, which would allow the Taxi and Limousine Commission (TLC) to summarily suspend the TLC license of a driver who is issued a summons for or charged with one or more traffic related violations or crimes in a crash that results in a critical injury or death and which would result in the revocation of such license upon conviction of the traffic infraction or crime and a finding that the infraction or crime was a cause of the critical injury or death; and

**Whereas**, An individual's New York State driver's license can be suspended if that individual owes more than \$10,000 in past-due taxes, however, a driver who causes someone's death due to the violation of a traffic law, as in the case of Cooper Stock, is very often allowed to continue driving legally; and

**Whereas**, Due to the extremely serious nature of traffic collisions which result in critical injury or death, and in the interest of the safety of all road users, a state "Cooper's Law" that applies to the Department of Motor Vehicles-issued licenses of all drivers should be enacted; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would prohibit any driver who causes criminal injury or death to someone else while committing a traffic infraction or crime from continuing to drive.

Referred to the Committee on Transportation.

Int. No. 406

By Council Members Ulrich, Treyger, Chin, Cornegy, Gentile, Koo, Mendez, Rose, Matteo and Rodriguez.

**A Local Law in relation to the creation of a Hurricane Sandy monitor to oversee the multi-agency investigation, review, and auditing of all funding received, allocated and spent in relation to the recovery and rebuilding from Hurricane Sandy.**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. Whenever used in this section:

- i. "Commissioner" shall mean the commissioner of investigation.
- ii. "Department" shall mean the department of investigation.

iii. "Hurricane Sandy" shall mean the storm that struck the city of New York on October twenty-ninth, two thousand twelve.

b. The commissioner shall, for the duration of this section as described in subdivision f, investigate, review, audit and make recommendations relating to the allocation, spending and reimbursement of funds, from both non-City and City sources, related to Hurricane Sandy recovery. This will include, but not be limited to, investigating instances of waste, fraud, abuse or potential mismanagement as well as making recommendations on the operations, policies, programs and practices of agencies when using such funds, with a goal towards increasing the efficiency of recovery programs and maximizing the amount of aid received by those affected by Hurricane Sandy.

c. Not later than ninety days after the effective date of the local law that created this section, the commissioner shall report to the council regarding the identity and qualifications of the individual responsible for overseeing the implementation of the duties described in subdivision b of this section. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in subdivision b of this section, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in subdivision b of this section, shall be provided to the council.

d. The department shall establish and maintain a telephone hotline, and the department's website shall provide a link, for individuals to report any instances of waste, fraud, abuse or potential mismanagement of funds related to Hurricane Sandy recovery. City agencies receiving Hurricane Sandy related reimbursements from non-City sources or agencies overseeing Hurricane Sandy recovery programs shall, where appropriate, provide information to both the public and to their own employees on how to report instances of waste, fraud, abuse or potential mismanagement of those funds to the department of investigation.

e. For any investigation made pursuant to subdivision b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the relevant agencies upon completion. All such reports or statements of finding shall be posted on the department's website no later than ten days after it is delivered to the mayor, council and relevant agencies.

f. Beginning one year after the date on which all of the known or anticipated Hurricane Sandy recovery funding from non-city sources has been allocated, spent and received as reimbursement, where reimbursement can be reasonably expected, the commissioner may, at the commissioner's discretion, make a determination that the duties required by subsection b have been completed and shall report such determination to the council. Sixty days following the report to the council of that determination, the duties of subsection b and of this local law generally shall cease to be required.

§2. This local law shall take effect immediately.

Referred to the Committee on Recovery and Resiliency.

Res. No. 329

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6137, the Veterans' Education Through SUNY Credits Act.**

By Council Members Ulrich, Dickens, Gentile, Koo, Mendez and Rose.

**Whereas**, The Department of Veterans Affairs (VA) estimates that New York City is home to roughly 200,000 veterans; and

**Whereas**, As the United States (U.S.) deescalates operations abroad and reduces the size of the active duty military, greater numbers of service members will return home to the New York metropolitan area in the subsequent months and years; and

**Whereas**, Many of these newly-returned veterans will utilize G.I. education benefits and enroll at local community colleges and four-year universities; and

**Whereas**, According to the VA, the number of Iraq and Afghanistan veterans pursuing post-secondary education opportunities has grown from almost 420,000 in 2001 to more than 1 million in 2013; and

**Whereas**, Veterans endure arduous and demanding training throughout their military careers and develop a wide range of skill sets; and

**Whereas**, According to the National Conference of State Legislatures, 26 states have passed legislation directing public colleges and universities to adopt policies for recognizing military-acquired skills and learning; and

**Whereas**, Currently, New York does not have a statewide standard mandating public colleges and universities to award academic credit to students who are veterans for their military experiences, training and coursework; and

**Whereas**, The State University of New York (SUNY) and the City University of New York (CUNY) are public institutions of higher education; and

**Whereas**, In January of 2014, State Senator Timothy M. Kennedy introduced S.6137, also known as the Veterans' Education Through SUNY Credits Act; and

**Whereas**, This legislation directs the SUNY Board of Trustees to adopt a policy requiring each SUNY and CUNY institution to award academic credit to a



student, who is also a veteran and discharged from service under conditions other than dishonorable, for courses that were part of the student’s military training or service; and

**Whereas**, Additionally, under the legislation, no fee, tuition, or other charge would be assessed against a veteran who qualifies for such academic credit; and

**Whereas**, Student veterans grapple with daunting challenges including socialization, tuition costs, and other hurdles that can exacerbate the transition from a soldier to a civilian; and

**Whereas**, The Veterans’ Education Through SUNY Credits Act legislation would ease the transition of veterans into campus life and rightfully acknowledge their military experiences and training with college credit; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.6137, the Veterans’ Education Through SUNY Credits Act.

Referred to the Committee on Veterans.

Int. No. 407

By Council Members Vacca, Constantinides, Gentile, Johnson, Koo, Mendez, Rose, Koslowitz, Cohen and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to notice of changes to capital projects implemented by the department of parks and recreation.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

*§18-142 Notice of changes to capital projects. Within thirty days of implementing any change order to any contract for a capital project, as defined in section 5-101 of the administrative code, under the jurisdiction of the department, the department shall provide written notification of such change order by facsimile, regular mail, electronic mail or by personal delivery to each council member, if any, who allocated funds for such capital project.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 408

By Council Members Vallone, Arroyo, Constantinides, Koo, Richards and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to any park equal or greater than 1 acre.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

*§19-190 Installation of speed humps on roadways adjacent to parks. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:*

*1. “Park” shall mean any park under the jurisdiction of the department of parks and recreation that is equal to or greater than one acre.*

*2. “Speed hump” shall mean any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.*

*b. Notwithstanding the provisions of sections 19-183 and 19-185 of this chapter, the department shall install a speed hump on all roadways adjacent to any park that is equal or greater than one acre.*

*c. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner’s judgment, endanger the safety of motorists or pedestrians or not be consistent with the department’s guidelines regarding the installation of speed humps.*

§2. This local law shall take effect on January 1, 2015, provided, however that the commissioner of department of transportation in consultation with the commissioner of department of parks and recreation may promulgate rules prior to such enactment date.

Referred to the Committee on Transportation.

L.U. No. 98

By Council Member Greenfield:

**Application no. 140275 ZMQ submitted by Hunters Point 49 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from M1-4 to M1-5/R7X and establishing the Special Long Island City District on Block 61, Lots 50, 55 and p/o 5, and Block 72, Lot p/o 1, Borough of Queens, Community Board 2, Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 99

By Council Member Greenfield:

**Application no. 140274 ZRQ submitted by Hunters Point 49 LLC 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 XI, Chapter 7 to enlarge the Special Long Island City Mixed Use District, and to modify sidewalk café provisions and expand the Hunters Point Subdistrict boundaries therein, Borough of Queens, Community Board 8, Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 100

By Council Member Greenfield:

**Application no. 20145586 HKM (N 140373 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Park Avenue Historic District (Designation List 472, LP-2547), Borough of Manhattan, Community Board 8, Council District 5, as a historic district.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Friday, June 27, 2014**

**★ Deferred**

~~Committee on TRANSPORTATION.....10:00 A.M.~~

~~Int 20 — By Council Members Rodriguez, Chin, Dickens, Gentile, King, Koo, Levin, Reynoso, Mendez, Constantinides, Deutsch, Greenfield, Lancman, Rosenthal, Palma, Cornegy, Kallos, Johnson, Richards, Espinal, Williams, Levine, Vacca, Ferreras, Torres, Barron, Eugene, Arroyo, Miller, Cabrera, Rose, Dromm, Cohen, Koslowitz, Maisel, Wills, Crowley, Vallone, Menchaca and Ulrich — A Local Law to amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.~~

~~Int 295 — By Council Members Garodnick, Johnson, Chin, Cohen, Constantinides, Crowley, Dickens, Gentile, King, Koo, Lancman, Lander, Levine, Miller, Richards, Rose, Vallone, Cornegy, Espinal, Palma, Cumbo, Barron, Maisel, Wills, Rosenthal, Koslowitz, Deutsch, Ferreras, Menchaca, Dromm, Torres, Treyger, Vacca, Rodriguez, Kallos and Ulrich — A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.~~

~~Committee Room — City Hall .....Ydanis Rodriguez, Chairperson~~

**Monday, June 30, 2014**

**★ Addition**

Committee on TRANSPORTATION.....10:00 A.M.

Int 20 - By Council Members Rodriguez, Chin, Dickens, Gentile, King, Koo, Levin, Reynoso, Mendez, Constantinides, Deutsch, Greenfield, Lancman, Rosenthal, Palma, Cornegy, Kallos, Johnson, Richards, Espinal, Williams, Levine, Vacca, Ferreras, Torres, Barron, Eugene, Arroyo, Miller, Cabrera, Rose, Dromm, Cohen, Koslowitz, Maisel, Wills, Crowley, Vallone, Menchaca and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.

Int 295 - By Council Members Garodnick, Johnson, Chin, Cohen, Constantinides, Crowley, Dickens, Gentile, King, Koo, Lancman, Lander, Levine, Miller, Richards,

Rose, Vallone, Cornegy, Espinal, Palma, Cumbo, Barron, Maisel, Wills, Rosenthal, Koslowitz, Deutsch, Ferreras, Menchaca, Dromm, Torres, Treyger, Vacca, Rodriguez, Kallos and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.  
Committee Room – City Hall.....Ydanis Rodriguez, Chairperson

**Monday, July 21, 2014**

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING  
& MARITIME USES** .....**11:00 A.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS  
& CONCESSIONS**..... **1:00 P.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Inez Dickens, Chairperson

**Tuesday, July 22, 2014**

Committee on **LAND USE**.....**11:00 A.M.**  
**All items reported out of the subcommittees**  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
Committee Room – City Hall ..... David G. Greenfield, Chairperson

**Thursday, July 24, 2014**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, July 24, 2014.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int No. 369, adopted by the Council at the May 29, 2014 Stated Meeting, was signed into law by the Mayor on June 11, 2014 as Local Law No. 20 of 2014. Int Nos. 43-A, 46-A, 80-A, 140-A, 167-A, 168-A, 171-A, 238-A, 272-A, 277-A, all adopted by the Council at the May 29, 2014 Stated Meeting, were signed into law by the Mayor on June 23, 2014 as, respectively, Local Laws Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 of 2014.*

*Int No. 12-A (adopted by the Council at this June 26, 2014 Stated Meeting) and Int No. 389 (adopted by the Council at the June 25, 2014 Recessed Meeting), were signed into law by the Mayor on July 1, 2014 as, respectively, Local Law Nos. 32 and 33 of 2014. Int No. 388, adopted by the Council at this June 26, 2014 Stated Meeting, was signed into law by the Mayor on July 9, 2014 as Local Law No. 34 of 2014. Int No. 253-A, adopted by the Council at this June 26, 2014 Stated Meeting, was signed into law by the Mayor on July 10, 2014 as Local Law No. 35 of 2014.*



