

The New York City Council

Council Agenda

Stated Meeting

February 06, 2013

1:30 PM

Council Chambers - City Hall

1. Roll Call

2. Invocation

*Delivered by: Rev. Edison Bond, Citadel of Praise and Worship,
1700 Fulton Street, Brooklyn, NY 11213.*

*Motion to spread the invocation in full upon the record by
Council Member Vann.*

3. Adoption of Minutes

*Motion that the Minutes of the Stated Meeting of December 18,
2012 and January 9, 2013 be adopted as printed by Council
Member Lappin.*

4. Messages & Papers from the Mayor

M 1032-2013

Andrew Irving, Conflicts of Interest Board.

Communication from the Mayor - Submitting the name of

Andrew Irving to the Council for its advice and consent regarding his re-appointment to the New York City Conflicts of Interest Board.

Rules, Privileges & Elections

M 1033-2013 Submitting Preliminary Expense Budget for FY'14.

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2014, pursuant to Sections 225 and 236 of the New York City Charter.

Finance

M 1034-2013 Submitting Financial Plan Detail and Summary Book, Volumes I and II for FY's 2013-2017.

Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2013-2017, pursuant to Sections 101 and 213 of the New York City Charter.

Finance

M 1035-2013 Submitting Geographic Reports for Expense Budget for FY'14.

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2014, pursuant to Sections 100 and 231 of the New York City Charter.

Finance

M 1036-2013 Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for FY'14.

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2014, pursuant to Sections 100, 212 and 231 of the New York City Charter.

Finance

M 1037-2013 Submitting Contract Budget Report for FY'14.

Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2014, pursuant to Section 104

of the New York City Charter.

Finance

M 1038-2013 Submitting the Preliminary Capital Budget, FY14.

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2014, pursuant to Section 213 and 236 of the New York City Charter.

Finance

M 1039-2013 Submitting the Capital Commitment Plan, FY'14, Volumes 1, 2, & 3, and the Capital Commitment Plan, FY'12, Financial Summary.

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2014, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2012, Financial Summary, pursuant to Section 219 of the New York City Charter.

Finance

M 1040-2013 Submitting the Preliminary Ten-Year Capital Strategy, FY 2014-2023.

Communication from the Mayor – Submitting the Preliminary Ten-Year Capital Strategy, Fiscal Year 2014-2023.

Finance

M 1041-2013 Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for FY14 and the ensuing three fiscal years, and the maximum amo

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2014 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for

capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

Received, Ordered, Printed and Filed

5. Communications from City, County & Borough Offices

M 1042-2013 Landmarks, Sea Travelers Marina, 2875 Flatbush Ave, Brooklyn (20135320 PNK)

Communication from the Mayor – Transmitting proposed amendment to a maritime lease between the New York City Department of Small Business Services and Sea Travelers Realty Inc. d/b/a Sea Travelers Marina for certain city owned upland area and lands under water located in the Mill Basin area of Brooklyn, pursuant to Section 1301(2)(f) of the City Charter. This amendment would supersede the lease amendment adopted by the Council on September 12, 2012.

Landmarks, Public Siting and Maritime Uses

6. Petitions and Communications

None

7. Land Use Call-Ups

M 1043-2013 Sidewalk café, 230 W. 54th St, Manhattan (20135250 TCM)

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 230 West 54th Street, Community Board No. 5, Application no. 20135250 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

- M 1044-2013 Sidewalk café, 50 Wyckoff Ave, Brooklyn (20135222 TCK)**
By Council Member Reyna:
Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 50 Wyckoff Avenue, Community Board No. 4, Application no. 20135222 TCK shall be subject to review by the Council.
Coupled on Call-Up Vote

8. Communication from the Speaker

9. Discussion of General Orders

10. Reports of Special Committees

None

11. Reports of Standing Committees

Report of the Committee on Consumer Affairs

- Int 0985-2012-A Underground power lines.**
A Local Law in relation to underground power lines.
Amended and Coupled on Go

Report of the Committee on Environmental Protection

- Int 0075-2010-A Requiring city plantings to be stormwater tolerant so as to facilitate stormwater retention and filtration.**
A Local Law to amend the administrative code of the city of

New York, in relation to requiring city plantings to be stormwater tolerant so as to facilitate stormwater retention and filtration.

Amended and Coupled on Go

Int 0399-2010-A Increasing native biodiversity in public landscapes.

A Local Law to amend the administrative code of the city of New York, in relation to increasing native biodiversity in public landscapes.

Amended and Coupled on Go

Int 0887-2012-A Creation of a renewable energy systems web portal.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a renewable energy systems web portal.

Amended and Coupled on Go

Report of the Committee on Land Use

Res 1656-2013 LU 719 - UDAAP, 1416 Eastern Parkway Extension to the disposition area, creating a new project area, 1416 Eastern Parkway Extension & 1413 Pitkin Ave, Brooklyn (20135098 HAK)

Application no. 20135098 HAK, submitted by New York City Department of Housing Preservation and Development, subject to Council review and action pursuant to Article 16 of the General Municipal Law, for a proposed project approval modifying a previously approved Urban Action Development Area Project (Res 1034 of 2011) by adding 1416 Eastern Parkway Extension to the disposition area, creating a new project area, and approving a real property tax exemption for property located at 1416 Eastern Parkway Extension (Block 1475, Lot 39) and 1413 Pitkin Avenue (Block 1475, Lot 78) in the Borough of Brooklyn, Community Board 16, Council District 41.

Coupled on Go

Res 1657-2013 LU 749 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120396 ZMM)

Application No. C 120396 ZMM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing an M1-5 district to a C6-2 district to facilitate a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6.

Coupled on Go

Res 1658-2013 LU 750 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120397 ZSM)

Application No. C 120397 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743(a)(1) and 74-743(a)(2) of the Zoning Resolution to modify the applicable district bulk regulations for a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).

Coupled on Go

Res 1659-2013 LU 751 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120398 ZSM)

Application No. C 120398 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow

an enclosed attended accessory parking garage with a maximum capacity of 285 parking spaces on portions of the ground floor and mezzanine level of a proposed mixed-use development on the westerly portion of the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).

Coupled on Go

Res 1660-2013

LU 752 - Landmarks, East Village/Lower East Side Historic District, Manhattan (20135179 HKM (N 130097 HKM))

Application no. 20135179 HKM (N 130097 HKM) pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the East Village/Lower East Side Historic District (List No. 460, LP-2446), Borough of Manhattan, Community Board 3, Council District 2.

Coupled on Go

Res 1661-2013

LU 753 - Sidewalk café, 10 Downing St, Manhattan (20135162 TCM)

Application no. 20135162 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Naco NYC LLC, d/b/a El Toro Blanco, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Coupled on Go

12. General Orders Calendar

T2010-0002 **Commissioner of Deeds**
Coupled on Go

Coupled on General Order Calendar

Consumer Affairs

Int 0985-2012-A **Underground power lines.**
A and GO

Environmental Protection

Int 0075-2010-A **Requiring city plantings to be stormwater tolerant so as to facilitate stormwater retention and filtration.**
A and GO

Int 0399-2010-A **Increasing native biodiversity in public landscapes.**
A and GO

Int 0887-2012-A **Creation of a renewable energy systems web portal.**
A and GO

Land Use

Res 1656-2013 **LU 719 - UDAAP, 1416 Eastern Parkway Extension to the disposition area, creating a new project area, 1416 Eastern Parkway Extension & 1413 Pitkin Ave, Brooklyn (20135098 HAK)**
GO

Res 1657-2013 **LU 749 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120396 ZMM)**

GO

Res 1658-2013 **LU 750 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120397 ZSM)**
GO

Res 1659-2013 **LU 751 - Zoning, West 58th St, Eleventh Ave, West 57th St and Twelfth Ave, Manhattan (120398 ZSM)**
GO

Res 1660-2013 **LU 752 - Landmarks, East Village/Lower East Side Historic District, Manhattan (20135179 HKM (N 130097 HKM))**
GO

Res 1661-2013 **LU 753 - Sidewalk café, 10 Downing St, Manhattan (20135162 TCM)**
GO

General Order Calendar

T2010-0002 **Commissioner of Deeds**
GO

13. Introduction & Reading of Bills **See Attached**

14. Discussion of Resolutions

15. Resolutions

Res 0982-2011-A **Increase funding for research on stroke prevention and treatment.**

Resolution calling upon the United States Congress and the President of the United States to increase funding for research

on stroke prevention and treatment.

Amended and Adopted by the Committee on Health

Res 1647-2013 **Commending Governor Cuomo and the NYS Legislature for enacting the NY Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013.**

Resolution commending Governor Cuomo and the New York State Legislature for enacting the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 and urging other states to pass similar gun control legislation.

Preconsidered - Adopted by the Committee on Finance

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Int 0999-2013 *By Council Member Comrie Jr.*

A Local Law to amend the administrative code of the city of New York, in relation to parking permits for poll workers.

Transportation

Int 1000-2013 *By Council Members Dromm and Weprin*

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to collect and report data related to the unlawful posting of printed material.

Sanitation and Solid Waste Management

Res 1647-2013 *By Council Member Gennaro and The Speaker (Council Member Quinn)*

Resolution commending Governor Cuomo and the New York State Legislature for enacting the New York Secure

Ammunition and Firearms Enforcement (SAFE) Act of 2013 and urging other states to pass similar gun control legislation.
Preconsidered - Finance

Int 1001-2013 *By Council Member Greenfield*

A Local Law to amend the administrative code of the city of New York, in relation to advance posting of temporary tow-away zones.

Transportation

Int 1002-2013 *By Council Member Halloran III*

A Local Law in relation to renaming one thoroughfare in the Borough of Queens, Ryan Court, and to amend the official map of the city of New York accordingly.

Parks and Recreation

Res 1648-2013 *By Council Member King and The Speaker (Council Member Quinn)*

Resolution in support of granting the officers of the Co-op City Department of Public Safety peace officer status.

Public Safety

Res 1649-2013 *By Council Member Koppell*

Resolution recognizing October 11 as the “Day of the Girl Child” in New York City.

Women’s Issues

Res 1650-2013 *By Council Member Levin*

Resolution calling upon the Environmental Protection Agency and President Obama to fully enforce the Clean Air Act by regulating greenhouse gases in order to avert the potentially catastrophic effects of climate change.

Environmental Protection

Res 1651-2013 *By Council Member Recchia Jr.*

Resolution concerning amendments to the District Plan of the Hub Third Avenue Business Improvement District that add services and modify existing services in the district, add a capital improvement program in the district, change the method of assessment upon which the district charge is based, and increase the maximum total amount to be expended for improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Hub Third Avenue Business Improvement District.

Finance

Res 1652-2013 *By Council Member Recchia Jr.*

Resolution concerning an amendment to the District Plan of the Myrtle Avenue Business Improvement District that authorizes additional services and modifies existing services for the district, and setting the date, time and place for the public hearing of the local law authorizing additional services and modifying existing services for the district.

Finance

Res 1653-2013 *By Council Member Rodriguez*

Resolution calling on the Federal Government to support H.R. 3086, the Fair Wages for Workers with Disabilities Act of 2011, which phases out the issuance of special wage certificates under the Fair Labor Standards Act of 1938.

Civil Service and Labor

Res 1654-2013 *By Council Member Vallone Jr.*

Resolution calling upon the New York State Legislature to amend the New York State General Business Law to classify price gouging as a class A misdemeanor.

Consumer Affairs

Res 1655-2013 *By Council Members Vallone Jr., Recchia Jr. and The Speaker
(Council Member Quinn)*

Resolution calling upon the United States Congress to introduce and pass legislation that would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow aid to be given to houses of worship affected by Hurricane Sandy.

Preconsidered - Finance

LU 0761-2013

By Council Member Comrie Jr.

Application no. 20135320 PNK, pursuant to § 1301 (2) (f) of the New York City Charter concerning the proposed amendment to a maritime lease between the New York City Department of Small Business Services and Sea Travelers Realty, Inc. d/b/a Sea Travelers Marina for certain City-owned upland area and lands underwater located at 2875 Flatbush Avenue (Block 8591, parts of Lot 125 and 175), Borough of Brooklyn, Community Board 18, Council District 46.

Landmarks, Public Siting and Maritime Uses

LU 0762-2013

By Council Member Comrie Jr.

Application no. 20135250 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of On 54th LLC, d/b/a Café Americaia, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 230 West 54th Street, Borough of Manhattan, Community Board 5, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226 of the Administrative Code.

Zoning and Franchises

LU 0763-2013

By Council Member Comrie Jr.

Application no. 20135222 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Heavy Woods LLC, d/b/a Heavy Woods, for a revocable consent to establish, maintain and operate an

unenclosed sidewalk café located at 50 Wyckoff Avenue, Borough of Brooklyn, Community Board 4, Council District 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226 of the Administrative Code.

Zoning and Franchises