

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, MARCH 28, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Wednesday, March 28, 2012, 3:02 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Member Rivera.

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

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

There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Dr. LaKeesha Walrond, Executive Pastor, First Corinthian Baptist Church, 1912 Adam Clayton Powell Jr. Blvd, New York, NY 10026.

Let us pray.
Gracious God, we come to you

with grateful hearts.
We're so thankful
for your presence in this place today.
We thank you for your never ending love,
and how you continue to keep us.
Because of you, and in spite of us.
We thank you
that as we engage in this conversation,
that you will lead us in a way
that our hearts and mind will be focused
on what's good and what's right and what's best.
We pray that you remind us
that although we are chosen for greatness,
we are also called to serve.
And in the spirit of service,
that we've come that we might live lives
that you've created us to live,
that we might love beyond the limits
of our own prejudices,
and that we might serve graciously,
with dignity and with honor.
We love you, God,
and we lift this prayer
in your holy name,
and we say together, Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual:

Trayvon Martin, 17, of Miami, Florida, an unarmed high school student visiting his father's fiancée's house in Sanford, Florida, was shot and killed on February 26, 2012 while walking from a convenience store through a gated community. The shooter, reportedly a self-styled vigilante, disregarded the explicit instructions of the 911 operator to stand down and not take any action - this individual has not been arrested and has been allowed to carry his gun for over a month. The Speaker (Council Member Quinn) noted that this moment of silence first and foremost marks the life that was cut short of Trayvon Martin and offered everyone's deepest sympathies to his mother, Sybrina, and his father, Tracy. She continued that the Council also stood in this moment of silence to express its outrage in regard to the manner of his death as well as to the course of the police investigation, and in addition, to express its support for the Federal Department of Justice effort to investigate this case. The Speaker (Council Member Quinn) thanked Council Members Mark-Viverito and James for sponsoring a supportive resolution and organizing a related press conference and hoodie event earlier in the day. The Speaker (Council Member Quinn) also thanked Council Member Rose, Chair of the Committee on Civil Rights, for holding an emergency meeting of her committee that morning. At this point, the floor was yielded to Council Members Mark-Viverito, James, and Rose who all spoke in respectful memory of Trayvon Martin and for the need for pursuing justice in this case.

ADOPTION OF MINUTES

Council Member Reyna moved that the Minutes of the Stated Meeting of February 29, 2012 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-771

Communication from the Public Advocate - Submitting the name of Michelle de la Uz to the Council for its advice and consent regarding her appointment to the City Planning Commission, Pursuant to Section 31 and 192(a) of the City Charter.

Referred to the Committee on Rules, Privileges & Elections.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 18-A

Report of the Committee on Finance 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 establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.

The Committee on Finance, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 209), respectfully

REPORTS:

I. Background*A. History of Prevailing Wage*

Prevailing wage laws require entities working under a government contract to pay the “prevailing” wage for each job that is at least the median or locally prevailing wage and any fringe benefits paid on similar projects in the region. Historically, prevailing wage laws have applied to public works jobs. Wage standards have been used for many years in both New York and nationally to promote decent wages and benefits – both across the labor market and, in particular, when taxpayer funds are used to subsidize businesses. Prevailing wage standards aim to ensure that publicly subsidized jobs should not act to drive down wages that other private employers in the industry are currently paying.

In 1931, Congress enacted the Davis Bacon Act, which ensures that all [federal government](#) construction contracts, and most contracts for federally assisted construction over \$2,000, must include provisions for paying workers on-site no less than the locally [prevailing wages](#) and [benefits](#) paid on similar projects.¹ If there is no single rate for at least 50% of workers in that occupation, then the prevailing wage is the average rate paid in the area for that occupation.

In 1965, Congress passed the Service Contract Act, which requires [general contractors](#) and [subcontractors](#) performing services on prime contracts in excess of \$2,500 to pay service [employees](#), for work as janitors, security guards and cafeteria workers, no less than the [wage rates](#) and [fringe benefits](#) found prevailing in the locality as determined by the [United States Department of Labor](#), or the rates contained in a predecessor contractor's [collective bargaining agreement](#).² Currently, there are 32 states with state prevailing wage legislation.³

B. Prevailing Wage in New York State

New York, like many states, enacted its first prevailing wage legislation prior to action of the federal government. In 1921, New York enacted section 220 of the New York State Labor Law, which requires prevailing wage law for construction contractors on public work projects. Under section 220, prevailing wage is defined as the wage paid under collective bargaining agreements between *bona fide* labor organizations and private employers, if such agreements apply to at least 30% of workers in a specified trade.⁴ Employers who might wish to challenge the prevailing

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¹ See 40 U.S.C. § 3141 *et seq.*

² See 41 U.S.C. §§ 351–358.

³ Alaska, Arkansas, California, Connecticut, Delaware, D.C., Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. See State Prevailing Wage Law, Associated Builders and Contractors website, available at http://www.abc.org/Government_Affairs/Issues/ABC_Priority_Issues/Davis_Bacon_Act_Prevailing_Wage/State_Prevailing_Wage_Laws.aspx (last accessed March 26, 2012).

⁴ Pursuant to paragraph 5 of section 220 of the New York State Labor law, prevailing wage is defined as “the rate of wage paid in the locality, as hereinafter defined, by virtue of collective

wage schedule have the burden of proving that in any specific trade less than 30% of workers are covered by collective bargaining agreements. The New York State Department of Labor is charged under state law with updating and enforcing prevailing wage requirements, except in New York City where the Bureau of Labor Law of the New York City Office of the Comptroller has that responsibility.⁵

In 1971, New York enacted Labor Law § 230, which similarly established prevailing wage standards for building service workers contracted by state and local governments in New York.

In 2007, New York State amended the “421-a” program, which provides subsidies for new apartment, coop and condo construction in the city, to attach prevailing wage standard requirements. The amendment provided that certain new residential development that benefits from the 421-a program within certain areas in the city must pay building service workers the prevailing private sector rate and provide on-site affordable housing.⁶

C. Prevailing Wage in New York City and other municipalities

New York City, in 2002, passed Local Law 38 of 2002, which imposed prevailing and living and wage standards to covered building service workers, food service workers, homecare workers, day care service workers, Head Start workers, and persons providing services to persons with cerebral palsy, that were employed under contracts with city agencies.

Over the last decade, other cities, including Pittsburgh, Pennsylvania, Philadelphia, Pennsylvania, and Newark, New Jersey have passed laws ensuring prevailing wages are paid to certain workers, notably building service workers: 1) who work in city buildings; 2) who work at a project that is receiving city economic development assistance; 3) in city service contracts; or 4) whose employers receive city economic development assistance.⁷

Recently, New York City, without legislation, but through agreements with developers who wish to build city development projects in the city, has begun to include prevailing wage standards for building service workers in some city-subsidized economic development projects. The first major city subsidized economic development to include a prevailing wage requirement was the Greenpoint-Williamsburg waterfront in Brooklyn. Coney Island and Willet’s Point followed shortly thereafter. The success of these standards over the past few years is clear. They have not inhibited these deals from going forward, nor have they prevented the city from finding developers for such projects.

II. Building Service Workers and Prevailing Wage in New York City

Generally, a building service worker is any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.⁸ Building service work has traditionally been viewed as a gateway to the middle class for New York City residents, particularly for immigrants.

Every year, the New York City Comptroller determines the prevailing wage schedule for building service employees. The prevailing wages for each employee vary based on the size, age & condition of the building/project in which the employee works, and the building service employee’s tenure. The chart below reflects the different categories of building service employees for which the Comptroller sets prevailing wage schedules.

Chart 1: Prevailing Wages determined by the Comptroller pursuant to section 230 of the NYS Labor law

Building Service Employee Classification	Wage Rate/Fringe Rate (Highest)	Wage Rate/Fringe Rate (Lowest)
Boiler Service Person/Tank Cleaner Mechanic (low pressure)	\$11.37 / \$5.57	N/A

bargaining agreements between bona fide labor organizations and employers of the private sector, performing public or private work provided that said employers employ at least thirty per centum of workers, laborers or mechanics in the same trade or occupation in the locality where the work is being performed. The prevailing rate of wage shall be annually determined in accordance herewith by the fiscal officer no later than thirty days prior to July first of each year, and the prevailing rate of wage for the period commencing July first of such year through June thirtieth, inclusive, of the following year shall be the rate of wage set forth in such collective bargaining agreements for the period commencing July first through June thirtieth, including those increases for such period which are directly ascertainable from such collective bargaining agreements by the fiscal officer in his annual determination. In the event that it is determined after a contest, as provided in subdivision six of this section, that less than thirty percent of the workers, laborers or mechanics in a particular trade or occupation in the locality where the work is being performed receive a collectively bargained rate of wage, then the average wage paid to such workers, laborers or mechanics in the same trade or occupation in the locality for the twelve-month period preceding the fiscal officer’s annual determination shall be the prevailing rate of wage. Laborers, workers or mechanics for whom a prevailing rate of wage is to be determined shall not be considered in determining such prevailing wage.”

Supplements are defined as “all remuneration for employment paid in any medium other than cash, or reimbursement for expenses, or any payments which are not “wages” within the meaning of the law, including, but not limited to, health, welfare, non-occupational disability, retirement, vacation benefits, holiday pay life insurance, and apprenticeship training.”

⁵ See Section 220 of Labor law.

⁶ See Chapter 618 of the Laws of 2007.

⁷ See section 17-107 of Philadelphia Administrative Code; see also Chapter 161 of the Pittsburgh Administrative Code; see also section 2:4-11 of the City of Newark Municipal Code.

⁸ See Section 230 (1) of Labor law; see also Proposed Int.18-A, §2, 6-130(a) (3).

Cleaner	\$24.77 / \$8.76	\$10.00 / \$1.50
Exterminator	\$23.82 / \$8.76	N/A
Fuel Oil	\$30.11 / \$17.92	\$18.85 / \$18.31
Gardener	\$24.25 / \$12.30	\$13.00 / \$11.05
Medical Waste Removal	\$22.80 / \$7.45	\$16.00 / \$7.45
Mover	\$22.70 / \$14.64	\$12.00 / none
Refuse Remover	\$29.83 / \$10.74	\$26.70 / \$10.74
Security Guard	\$27.50 / \$4.56	\$12.35 / \$4.56
Stationary Engineer	\$34.15 / \$15.44	\$26.07 / \$14.57
Window Cleaner	\$28.37 / \$8.68	\$26.12 / \$8.68

As previously stated, through state law, city law, and city policy, many building service workers in New York City are paid prevailing wages when working on public work projects.

In a step toward protecting the middle class, the Council introduced legislation that would provide prevailing wage to building service employees who work in certain projects and buildings.

III. May 11, 2010 Hearing on Proposed Int. 18-A

On May 11, 2010, the City Council Finance Committee held a hearing on Proposed Int. 18-A, a local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities. Representatives from the Administration, elected officials, and members of the public testified to express their support of, or opposition to, the bill.

Generally, proponents of the bill, including a Pittsburgh Council Member who sponsored the Pittsburgh Prevailing Wage legislation, expressed the overwhelming need to provide prevailing and competitive wages to a building service employee, a sector of employees that provide necessary services to hundreds of properties and projects throughout the city.⁹

Opponents of the bill expressed several concerns:

1. Small businesses, manufacturing firms, and not-for-profit organizations would have a difficult time paying the prevailing wage and therefore would relocate out of the city, or not enter the city at all;
2. Difficulty in managing and maintaining affordable housing projects;
3. New York City agencies would be viewed as a less desirable tenant and make it difficult for the City to lease space, since a lease to the city would trigger the prevailing wage requirement to building service workers;
4. The City would pay increased costs to lease space from landlords who pay prevailing wage as standard commercial leases contain escalation clauses that pass operational cost increases to tenants;
5. The prevailing wage bill gave the Comptroller, rather than the Mayor, the enforcement power of enforcing contract provisions in lease agreements and economic development agreements;
6. Requiring recipients of as of right benefits or discretionary financial assistance in excess of \$10,000 to pay prevailing would go beyond the realm of big developers the bill sought to principally target.¹⁰

IV. Amendments to Proposed 18-A

As a result of the hearing, extensive amendments to the legislation were made. Below is a summary of the amendments.

Under Proposed Int. 18-A, those receiving either of two forms of funding from the City are required to pay prevailing wage to building service employees in buildings that they own or manage: 1) those receiving government financial assistance; and 2) those leasing space to the City.

A. Workers Covered

The prior version of the bill included superintendents in the definition of building service employees. This bill now conforms the definition of building service

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⁹ See Hearing Transcript for Proposed Int. 18-A, dated May 11, 2010.

¹⁰ See *id.*

employee to section 230 of the New York State Labor law and excludes superintendents in the definition of a building service employee.¹¹

B. Financial Assistance Recipients/Covered Developers/City Development Projects

1. New Terms:

• In the prior version of the bill, the term “financial assistance recipient” was used to describe a developer working on a city development project (undefined) who received funds from the city. This term has been changed to “covered developer.”¹²

• The prior version of the bill made no reference to a city development project. This bill adds such a term, and, generally, defines such term as a project intended for economic development, job retention or growth purposes, for which a covered developer receives financial assistance for such project that is at least 100,000 square feet for commercial office space and at least 100 units for residential projects.¹³

2. Financial Assistance Type:

The prior version of the bill imposed prevailing wage when a financial assistance recipient (now termed “covered developer”) was in receipt of financial assistance that included both as-of-right benefits (statutory benefits) and discretionary benefits. This bill limits financial assistance that would trigger prevailing wage to discretionary benefits.¹⁴

3. Financial Assistance Threshold:

The prior version of the bill imposed prevailing wage when a financial assistance recipient (now termed “covered developer”) received more than \$10,000 in financial assistance. This bill increases the financial assistance threshold to \$1 million.¹⁵

4. Exclusions:

The prior version of the bill did not exempt any financial assistance recipients from the prevailing wage requirement, other than not-for-profit organizations whose highest paid employee earned a salary of less than \$100,000 per year. The bill now makes the following exclusions:

- Small businesses (businesses with more than \$5 million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity);¹⁶
- Business Improvement Districts¹⁷;
- Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than 130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI and at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities)¹⁸;
- All not-for-profit organizations¹⁹;
- Manufacturers²⁰; and
- Health and Hospital Corporation projects.²¹

C. Leases/Covered Lessors

1. Lease Threshold:

The prior version of the bill required the covered lessor to pay prevailing wage to building service workers whenever the city/contracting agency was a tenant in its commercial office building that was at least 10,000 square feet, irrespective of the amount of square footage occupied by the City in such building. The bill now triggers prevailing wage only when the City leases at least 10,000 square feet of commercial office space and at least 51% of such space is occupied by the City; or, if the building is in Staten Island or in the area outside the 421-A Geographic Exclusion Area, then prevailing wage is triggered when at least 80% of such space is leased by the city/contracting agency.²²

2. Requirement in lease:

The prior version of the bill required the lease in which the city was a tenant to contain a provision that prevailing wage must be paid to building service workers who occupy space in the leased building. Failure to do so constituted a material breach of the lease. The bill now removed such provisions and instead requires covered lessors to, prior to entering the lease, certify that prevailing wage will be, or have been, paid to building service workers.²³

D. Duration of Prevailing Wage Requirement

The prior version of the bill did not specify the length of time that the prevailing wage requirement would be in effect. The bill now specifies that the prevailing wage

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¹¹ See Proposed Int.18-A, §2, §6-130(a) (3).

¹² See Proposed Int.18-A, §2, §6-130(a) (8).

¹³ See Proposed Int.18-A, §2, §6-130(a) (4).

¹⁴ See Proposed Int.18-A, §2, §6-130(a) (10).

¹⁵ See *id.*

¹⁶ See Proposed Int.18-A, §2, §6-130(a) (8).

¹⁷ See *id.*

¹⁸ See Proposed Int.18-A, §2, §6-130(a) (1) and (a)(4).

¹⁹ See Proposed Int.18-A, §2, §6-130(a) (8).

²⁰ See *id.*

²¹ See Proposed Int.18-A, §2, §6-130(a) (4).

²² See Proposed Int.18-A, §2, §6-130(a) (11).

²³ See Proposed Int.18-A, §2, §6-130(b) (2).

requirement will be required for the duration of written agreement between the city or city economic development entity and covered developer; the term of financial assistance; or 10 years from date the city development project opens, whichever is longer.²⁴

E. Reporting/Notice

The prior version of the bill required a notice that building service employees are entitled to prevailing wage to be posted at all city development projects and leased buildings in English only. The bill now requires such notice to also be posted in Spanish.²⁵

Additionally, the bill now requires covered lessors and covered developers to maintain payroll records for 6 years and include such payroll information in the annual certification to the Comptroller that prevailing wage has been or will be paid to building service workers.²⁶

F. Enforcement Provisions²⁷

Under the prior version of the bill, the Comptroller had the authority to investigate violations and issue determinations or orders, including those requiring disclosure of records, direct payment of wages wrongly denied, or payment of civil penalties. The bill now requires the Comptroller to investigate, and report results to the Mayor, who is now charged with issuing determinations or orders, or referring matters to the Office of Administrative Trials and Hearings.

V. Summary of Proposed Int. 18-A

As set forth in greater detail below, the legislation (i) mandates the payment of prevailing wage to building service employees, and (ii) establishes a reporting and monitoring mechanism to enforce such requirement. Unless otherwise exempt, all covered developers and covered lessors would be required to (i) guarantee that building service employees that work on a city development project or in a space leased by the city comply with the prevailing wage requirement and (ii) maintain and report hours, wage, and benefit information of all building service employees who work on such properties.

The prevailing wage requirement will only apply to new leases, or existing leases that are renewed, modified, or amended after the enactment of Proposed Int. 18-A. In cases where the city has multiple leases in the same building, the provisions of Proposed Int. 18-A will not apply until the lease covering the largest amount of square footage at such building is extended, renewed, or modified.²⁸

In the case of city development projects, the prevailing wage requirement will only apply to new projects or existing projects that are renewed, modified, or amended after enactment of Proposed Int. 18-A and results in the grant of additional financial assistance.²⁹

A. Covered Workers

Proposed Int. 18-A would require covered lessors or covered developers to ensure that all building service employees performing building service work at the premise to which the lease pertains or at a city development project are paid the prevailing wage.³⁰ Proposed Int. 18-A defines a building service employee as “any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.”³¹

B. Covered Developers and Covered Lessors

The requirements of Proposed Int. 18-A apply when a covered developer or lessor: i) receives financial assistance valued at \$1 million or more for a city development project (project in which the purpose is for “improvement of real property, economic development, job retention and growth or other similar purposes for a project that is at least 100,000 square feet for commercial office space and at least 100 units for a residential project³²; or ii) leases to the City at least 10,000 square feet of commercial office space and the City leases at least 51% of such space in which building service employees are employed.³³ In cases where the building subject to the lease is located in Staten Island and outside the 421-A Geographic Exclusionary Area, the City must lease 80% of the space subject to the lease.³⁴

Financial assistance to covered developers does not include statutorily prescribed benefits; rather, it only includes discretionary benefits that may be negotiated or awarded at the discretion of the city or city economic development entity,³⁵ including but not limited to:

- Cash payments or grants;
- Bond financing;
- Tax abatements and exemptions;

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²⁴ See Proposed Int. 18-A, § 2, § 6-130(a) (4) and 6-130(b) (6).

²⁵ See Proposed Int. 18-A, § 2, § 6-130(b) (4) and 6-130(c) (4).

²⁶ See Proposed Int. 18-A, § 2, § 6-130(b) (3) and 6-130(c) (3).

²⁷ See Proposed Int. 18-A, § 2, § 6-130(d).

²⁸ See Proposed Int. 18-A, § 2, § 6-130(f).

²⁹ See Proposed Int. 18-A, § 2, § 6-130(g).

³⁰ See Proposed Int. 18-A, § 2, § 6-130(b) (1) and 6-130(c) (1).

³¹ See Proposed Int. 18-A, § 2, § 6-130(a) (3).

³² See Proposed Int. 18-A, § 2, § 6-130(a) (4).

³³ See Proposed Int. 18-A, § 2, § 6-130(a) (11).

³⁴ See *id.*

³⁵ Defined as a not-for-profit organization that administers economic development benefits on behalf of the city. See Proposed Int. 18-A, § 2, § 6-130(a) (5).

- Tax increment financing;
- Filing fee waivers;
- Energy cost reductions;
- Environmental remediation costs; and
- Additional itemized items.³⁶

Certain categories of covered developers would be exempt from the prevailing wage requirement including:

- Small businesses (businesses with more than \$5 million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity);³⁷
- Business Improvement Districts³⁸;
- Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than 130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI and at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities)³⁹;
- All not-for-profit organizations⁴⁰;
- Manufacturers⁴¹; and
- Health and Hospital Corporation projects.⁴²

In the case of leases, the prevailing wage requirement of this bill does not apply to leases between a not for profit corporation and the city.⁴³

Proposed Int. 18-A requires the city to maintain a list of covered developers and covered lessors, along with their contact information.⁴⁴

C. Certification by Covered Developers and Covered Lessors

Prior to commencing work at a city development project or entering into a lease with the City, and annually thereafter, every covered developer or covered lessor shall: i) in the case of a covered developer, provide to a city economic development entity and the Comptroller a certification that building service employees employed at a city development project will be paid, or have been paid, prevailing wage⁴⁵; or ii) in the case of a covered lessor, provide the contracting agency and the Comptroller a certification that building service employees in the building subject to the lease will be paid, or have been paid, the prevailing wage.⁴⁶ Such certification must be annexed to the lease.⁴⁷

The annual certifications must include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or leased building.⁴⁸ The certification must be certified by the covered developer or covered lessor’s chief executive or chief financial officer, or the designee of any such person. As the certifications contain confidential payroll data, the certification will not be made publicly available. Failure to provide the certification violates the bill’s provisions, and the Mayor can enforce compliance.⁴⁹

D. Discrimination⁵⁰

Discrimination or retaliation by a covered developer or covered lessor against a building service employee who makes a claim that he or she is owed the prevailing wage is prohibited under this legislation.

E. Records/Notice

1. Records

Covered lessors must submit copies of payroll data (days and hours worked, and wages paid) to contracting agency with every request for payment under lease. Both covered developers and covered lessors must maintain such payroll for at least 6 years.⁵¹ The Comptroller may inspect such records for certification accuracy.⁵² Failure to maintain such data will create a rebuttable presumption that the building service employees were not paid the prevailing wage.⁵³

2. Notice

At the start of the city development project or lease, the covered developer or covered lessor must post in a prominent location a notice, prepared by the Comptroller, that building service employees are entitled to prevailing wage pursuant to the requirement of this bill, and may request an investigation from the Comptroller if he or she believes a covered developer or covered lessor is in violation of the

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³⁶ See Proposed Int. 18-A, § 2, § 6-130(a) (10).

³⁷ See Proposed Int. 18-A, § 2, § 6-130(a) (8).

³⁸ See *id.*

³⁹ See Proposed Int. 18-A, § 2, § 6-130(a) (1) and (a)(4).

⁴⁰ See Proposed Int. 18-A, § 2, § 6-130(a) (8).

⁴¹ See *id.*

⁴² See Proposed Int. 18-A, § 2, § 6-130(a) (4).

⁴³ See Proposed Int. 18-A, § 2, § 6-130(a) (11).

⁴⁴ See Proposed Int. 18-A, § 2, § 6-130(b) (7) and § 6-130(c) (7).

⁴⁵ See Proposed Int. 18-A, § 2, § 6-130(c) (1).

⁴⁶ See Proposed Int. 18-A, § 2, § 6-130(b) (1).

⁴⁷ See Proposed Int. 18-A, § 2, § 6-130(b) (2).

⁴⁸ See Proposed Int. 18-A, § 2, § 6-130(b) (2) and § 6-130(c) (2).

⁴⁹ See *id.*

⁵⁰ See Proposed Int. 18-A, § 2, § 6-130(d).

⁵¹ See Proposed Int. 18-A, § 2, § 6-130(b) (3) and § 6-130(c) (3).

⁵² See Proposed Int. 18-A, § 2, § 6-130(b) (5) and § 6-130(c) (5).

⁵³ See Proposed Int. 18-A, § 2, § 6-130(b) (3) and § 6-130(c) (3).

prevailing wage requirement.⁵⁴ The notice shall include the Comptroller’s contact information, and shall be posted in English and Spanish.⁵⁵

F. Monitoring, Investigation, and Enforcement

1. Comptroller Monitoring and Investigation

The Comptroller is required to monitor the covered developers and covered lessors’ compliance with the provisions of Proposed Int. 18-A.⁵⁶ Upon a written complaint by a building service employee, or when the Comptroller has reason to believe that the prevailing wage requirement has been violated, then the Comptroller must conduct an investigation.⁵⁷ At the start of the investigation, the Comptroller may request the contracting agency or city economic development entity to withhold payment to a covered developer or covered lessor in order to safeguard the rights of the building service employees.⁵⁸ The Comptroller’s investigation cannot extend to work performed more than 3 years prior to the filing of a complaint, or start of the investigation, whichever is earlier.⁵⁹

The results of such investigation must be reported to the mayor, or in the case of covered developer, to the city economic development entity, which shall have the discretion to rescind the financial assistance awarded to such covered developer.⁶⁰ Beginning 12 months after the enactment of Proposed Int. 18-A, the Comptroller will be required to submit annual reports to the Council and Mayor summarizing and analyzing compliance (wage payment and investigations instigated) of this bill for the preceding year.⁶¹

2. Mayor Enforcement

Once the Mayor receives the investigation results from the Comptroller, the Mayor, after providing the covered developer or covered lessor with an opportunity to cure any violations, if applicable, shall issue an order, negotiate a settlement, or refer the matter to the Office of Administrative Trials and Hearings, or other appropriate agency.⁶² The Mayor shall have the discretion to impose the following remedies on covered developers or covered lessors found to have violated the prevailing wage requirement:

- Payment of unpaid wages, plus interest, from date of underpayment;
- Payment of unpaid wage plus a civil penalty (25% of unpaid wages or 50% if 2nd violation in 6 years);
- Require compliance with filing or disclosure provisions;
- Reinstatement of person terminated for discrimination; and
- Payment of wages that were suggested to be withheld from the covered developer or covered lessor by the Comptroller at start of the investigation.⁶³

Once a final disposition has been made in favor of a building service employee, and a covered developer or covered lessor has failed to comply with such disposition, the Mayor shall file an order with the clerk of the county of residence or place of business of the person found to be in violation.⁶⁴

G. Private Right of Action⁶⁵

A building service employee whose complaint was dismissed by the Comptroller or the Mayor may institute a civil action against the person found to have been in violation of the prevailing wage requirement. Such action must be in accordance with the New York Civil Practice Law and Rules relating to an action to recover upon a liability, penalty or forfeiture created or imposed by statute.

H. Effective Date

The bill takes effect 180 days after enactment.⁶⁶

I. Chart summarizing the notable provisions of Proposed Int. 18-A.

Chart 2: Summary of Proposed Int. 18-A

Population Covered	Building Service Employees performing building service work: <ul style="list-style-type: none"> • in connection with a city development project; or • in a building that is leased by the City Building Service Employee: Any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator
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for the Lower Ma_____

⁵⁴ See Proposed Int.18-A, §2, §6-130(b) (4) and § 6-130(c) (4).

⁵⁵ See id.

⁵⁶ See Proposed Int.18-A, §2, §6-130(d) (3).

⁵⁷ See id.

⁵⁸ See id.

⁵⁹ See Proposed Int.18-A, §2, §6-130(d) (8).

⁶⁰ See Proposed Int.18-A, §2, §6-130(d) (4),(5).

⁶¹ See Proposed Int.18-A, §2, §6-130(d) (1).

⁶² See Proposed Int.18-A, §2, §6-130(d) (6).

⁶³ See Proposed Int.18-A, §2, §6-130(d) (4).

⁶⁴ See Proposed Int.18-A, §2, §6-130(d) (7).

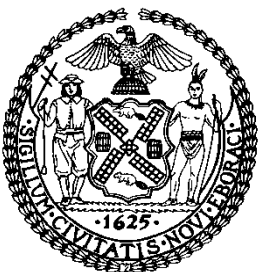
⁶⁵ See Proposed Int.18-A, §2, §6-130(e).

⁶⁶ See Proposed Int.18-A, §3.

	operator and starter, or window cleaner.
Who Pays?	1. Covered Developers receiving financial assistance from the City for a City Development Project. 2. Covered Lessors: Person or entity entering into a lease with the City.
City Development Project Threshold	<ul style="list-style-type: none"> • City Development Project (100,000sq feet or more for a commercial office space, or 100 units for a residential project) Exclusions: <ul style="list-style-type: none"> • Small businesses (businesses with more than \$5million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity) • Business Improvement Districts • Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than 130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI <u>and</u> at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities) • Not-for-profit organizations • Manufacturers • HHC projects
Financial Assistance Threshold for Covered Developers	\$1million of discretionary financial assistance for a city development project (awarded by EDC, includes sales tax exemptions, mortgage recording tax exemption, real estate tax exemption, tax exempt bond financing, and Energy Tax Savings.
Lease Threshold	City leases at least 10,000 square feet of commercial office space and 51% of such space is occupied by the City. <ul style="list-style-type: none"> • In Staten Island and outside the GEA, the City must lease 80% of the space subject to the lease.
Duration	Prevailing Wage will be required for the duration of written agreement between the City and a covered developer; the term of assistance; or 10 years from date of the date the project opens, whichever is longer
Certification of Wages Paid	Developers <ul style="list-style-type: none"> • Annual certification*, covered developers must submit to EDC and the Comptroller a certification that building service employees employed at a city development project will be paid, or have been paid, prevailing wage. • Copies of records (days, hours, and wages), must be certified by the CEO/CFO of covered developer, and maintained for 6 years (Comptroller may inspect records for certification accuracy) • Notice that prevailing wage must be paid must be in English and Spanish. Lessors <ul style="list-style-type: none"> • Annual certification*, annexed to lease, provided by the covered lessors to the contracting agency and the Comptroller ,that building service employees in the building subject to the lease will be paid, or have been paid, prevailing wage. • Copies of records (days, hours, and wages), must be submitted to contracting agency with each request for payment under lease, and maintained for 6 years (Comptroller may inspect records for certification accuracy). • Notice that prevailing wage must be paid must be

	in English and Spanish. *Failure to provide certification violates bill provisions, and Mayor can enforce certification requirements.
Reporting	Comptroller reporting: Annual reports to the Council and the Mayor summarizing and analyzing compliance (wage payment and investigations instigated) of this bill for the preceding year.
Enforcement	Mayor Enforcement: Comptroller investigates, and reports results to the Mayor, who then issues an order or refer matter to OATH. Remedies <ul style="list-style-type: none"> • Payment of unpaid wages, plus interest, from date of underpayment; or • Payment of unpaid wage plus civil penalty (25% of unpaid wages or 50% if 2nd violation in 6 years); or • Require compliance with filing or disclosure provisions; or • Reinstatement of person terminated for discrimination; or • Payment of wages withheld at start of investigation; or • Private Right of Action: Must be filed within 3 years
Local Law Effective Date	180 days after enactment (October 2012)

(The following is the text of the Fiscal Impact Statement for Int. No. 18-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 18-A

COMMITTEE:
Finance

TITLE: A local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.

SPONSOR: By Council Members Mark-Viverito, Barron, Brewer, Cabrera, Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mendez, Palma, Reyna, Sanders Jr., Van Bramer, Williams, Vann, Chin, Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy, Gentile, Crowley, Vacca, Seabrook, Garodnick, Comrie, Ulrich and the Public Advocate (Mr. de Blasio)

SUMMARY OF LEGISLATION: Intro 18-A would add a new section (§ 6-130) to Chapter 1 of Title 6 of the City’s Administrative Code, relating to Contracts and Purchases. The legislation mandates the payment to certain building service employees of a prevailing wage (a combination of wages and benefits) and establishes a reporting and monitoring mechanism to enforce such requirement. Unless otherwise exempt (see the committee report for the specific exemptions), all covered developers and covered lessors would be required to certify that building service employees that work on a city economic development project or in a space leased by the City are paid the prevailing wage, and to maintain and report hours, wage, and benefit information of all building service employees who work on such properties.

The prevailing wage requirement will only apply to new leases, or existing leases that are renewed, modified, or amended after the enactment of Proposed Int. 18-A. In cases where the City has multiple leases in the same building, the provisions of Proposed Int. 18-A will not apply until the lease covering the largest amount of square footage at such building is extended, renewed, or modified. Lessors would be covered if the City leases at least 10,000 square feet and 51 percent of the space. In leases located either in Staten Island or outside the current 421-A Geographic Exclusion Area, the City must lease at least 80 percent of the space for the building to be covered by the provisions in this bill.

In the case of city development projects, the prevailing wage requirement will apply to non-exempt projects, as defined in the bill, that receive at least \$1 million in discretionary financial assistance for a commercial project of 100,000 square feet or more, or a residential project of 100 units or more. The provisions apply to new projects, or to existing projects that are renewed, modified, or amended after enactment of Proposed Int. 18-A if they also receive additional financial assistance upon renewal.

EFFECTIVE DATE: This legislation would take effect 180 days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2028

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY28
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$206,394	\$543,935	\$2,318,382
Net	-\$206,394	-\$543,935	-\$2,318,382

IMPACT ON REVENUES: There will be no direct impact on revenue.

IMPACT ON EXPENDITURES: As leases are renewed, it is expected that the cost of the leases will rise to reflect the higher building expenses to pay building service workers the prevailing wage. However, many of the buildings the City leases office space in will not be directly impacted by this bill, either because the City does not lease a qualifying amount and percentage of office space in it, or the buildings already have union representation which ensures that the building service workers are paid a prevailing wage. In those buildings there will be no fiscal impact from this bill at renewal. The remaining buildings will see slightly higher lease costs to cover the higher wages for building service workers. This is estimated to be \$206,393 in fiscal year 2013, and to eventually total about \$2.3 million after all current leases have renewed by Fiscal 2028, which represents less than 1 percent of the \$395 million the City spends on office leases in Fiscal 2012.

The fiscal impact of the component that covers economic development projects is expected to be minimal. Since the prevailing wage requirement is limited to negotiated benefits, the fiscal impact will be a function of the mix of projects, partners chosen for those projects, and the specific terms of the negotiated deals as determined by City’s Economic Development Corporation (EDC) and the Department of Housing Preservation & Development (HPD). Therefore, it is expected that the bill’s impact will mostly fall on that mix of projects, partners and terms, rather than on the City’s budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: City Treasury

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Citywide Administrative Services
New York City Economic Development Corporation
New York City Department of Housing Preservation & Development

ESTIMATE PREPARED BY: Raymond Majewski, Deputy Director/Chief

Economist

Nathaniel Toth, Deputy Director
 Anthony Brito, Senior Legislative Financial Analyst
 Emre Edev, Senior Legislative Financial Analyst

HISTORY: Introduced by City Council and referred to the Committee on Finance as Int. 18 on February 3, 2010. A hearing was held by the Committee on May 11, 2010 and the bill was amended and laid over. This legislation will be voted by the Committee on March 28, 2012 as Proposed Int. No. 18-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 18-A:)

Int. No. 18-A

By Council Members Mark-Viverito, Barron, Brewer, Cabrera, Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mendez, Palma, Reyna, Sanders, Van Bramer, Williams, Vann, Chin, Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy, Gentile, Crowley, Vacca, Seabrook, Garodnick, Comrie, Levin, Ulrich and the Public Advocate (Mr. de Blasio).

A local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that the City, as a promoter of economic development, commits significant resources, including millions of dollars in subsidies and incentives, for development projects across the city. Further, as a tenant, the City spends millions of tax dollars each year leasing space for City agencies from private landlords. Building service work has traditionally been a gateway to the middle class for New York City residents, particularly for immigrants. The Council is concerned, however, that in some cases, those who benefit from city leases or economic development incentives do not ensure that the building service employees they employ or utilize receive the prevailing wage. This failure has the potential to destabilize neighborhoods and to undermine the City's middle class tax base. The intention of the Council in enacting this section is to ensure that funding provided, in whole or part, by the City is not used to this effect.

§2: Title 6 of the administrative code of the city of New York is amended by adding a new section 6-130 to read as follows:

§ 6-130 *Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities.*

a. *Definitions.* For purposes of this section, the following terms shall have the following meanings:

(1) "Affordable housing project" means a project where not less than fifty percent of the residential units are affordable for households earning up to one hundred thirty percent of the area median income or in which all residential units are affordable to households earning up to one hundred sixty five percent of the area median income provided that at least twenty percent of units are affordable to households earning no more than fifty percent of area median income and at least one-third of residential units are occupied at the time of execution of the financial assistance, and where no more than thirty percent of the total square footage of the project area is used for commercial activities, defined as the buying, selling or otherwise providing of goods or services, or other lawful business or commercial activities otherwise permitted in mixed-use property.

(2) "Building service work" means work performed in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(3) "Building service employee" means any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(4) "City development project" means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) is expected to be larger than 100,000 square feet, or, in the case of a residential project, larger than 100 units; and (b) has received or is expected to receive financial assistance. City development project shall not include an affordable housing project, nor shall it include a project of the Health and Hospitals Corporation. A project will be considered a "city development project" for ten years from the date the financially assisted project opens, or for the duration of any written agreement between a city agency or city economic

development entity and a covered developer providing for financial assistance, whichever is longer.

(5) "City economic development entity" means a not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits on behalf of the City pursuant to paragraph b of subdivision one of section 1301 of the New York city charter.

(6) "Comptroller" means the comptroller of the city of New York.

(7) "Contracting agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(8) "Covered developer" means any person receiving financial assistance in relation to a city development project, or any assignee or successor in interest of real property that qualifies as a city development project. "Covered developer" shall not include any not-for-profit organization. Further, a covered developer shall not include a business improvement district; a small business; nor shall it include an otherwise covered developer whose industry conducted at the project location is manufacturing, as defined by the North American Industry Classification System.

(9) "Covered lessor" means any person entering into a lease with a contracting agency (10) "Financial assistance" means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of one million dollars or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption, shall be deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. Financial assistance shall include only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

(11) "Lease" means any agreement whereby a contracting agency contracts for, or leases or rents, commercial office space or commercial office facilities of 10,000 square feet or more from a non-governmental entity provided the City, whether through a single agreement or multiple agreements, leases or rents no less than fifty-one percent of the total square footage of the building to which the lease applies, or if such space or such facility is entirely located within the geographic area in the borough of Staten Island, or in an area not defined as an exclusion area pursuant to section 421-a of the real property tax law on the date of enactment of the local law that added this section, then no less than eighty percent of the total square footage of the building to which the lease applies. Such agreements shall not include agreements between not-for-profit organizations and a contracting agency.

(12) "Not-for-profit organization" means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code.

(13) "Prevailing wage" means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the New York state labor law. As provided under section 231 of the New York state labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments under rules and regulations established by the comptroller.

(14) Small business means an entity that has annual reported gross revenues of less than five million dollars. For purposes of determining whether an employer qualifies as a small business, the revenues of any parent entity, of any subsidiary entities, and of any entities owned or controlled by a common parent entity shall be aggregated.

b. *Prevailing Wage in Buildings Where the City Leases Space Required.*

(1) Covered lessors shall ensure that all building service employees performing building service work at the premises to which a lease pertains are paid no less than the prevailing wage.

(2) Prior to entering into a lease, or extension, renewal, amendment or modification thereof, and annually thereafter for the term of the lease the contracting agency shall obtain from the prospective covered lessor, and provide to the comptroller, a certification, executed under penalty of perjury, that all building service employees employed in the building to which the lease pertains or under contract with the covered developer to perform building service work in such building will be and/or have been paid the prevailing wage for the term of the lease. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at such building which shall be available for inspection by the city. Such certification shall be certified by the chief executive or chief financial officer of the covered lessor, or the designee of any such person. The certification shall be annexed to a part of any prospective lease. A violation of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

(3) Each covered lessor shall be required to submit copies of records, certified under penalty of perjury to be true and accurate, for the building service employees performing services in the building or buildings to each contracting agency with every request for payment under the lease. Such records shall include the days and hours worked, and the wages paid and benefits provided to each building service employee. The covered lessor may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Each covered lessor shall maintain original payroll records for each building service employee reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the building service work is performed. Failure to maintain such records as required shall create a rebuttable presumption that the building service employee was not paid the wages and benefits as required under this section. Upon the request of the comptroller or the city, the covered lessor shall provide a certified original payroll record.

(4) No later than the day on which the term of the lease begins to run, a covered lessor shall post in a prominent and accessible place at each building to which the lease pertains and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notices shall be provided in English and Spanish. Such notice shall remain posted for the duration of the lease and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered lessors' obligations under this section, and the city shall in turn provide those written notices to covered lessor.

(5) The comptroller or the city may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.

(6) The requirements of this section shall apply for the term of the lease.

(7) The city shall maintain a list of covered lessors that shall include the address of the building to which the lease pertains. Such list shall be updated and published as often as is necessary to keep it current.

c. Prevailing Wage in City Development Projects Required.

(1) Covered developers shall ensure that all building service employees performing building service work in connection with a city development project are paid no less than the prevailing wage.

(2) Prior commencing work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all building service employees employed at a city development project by the covered developer or under contract with the covered developer to perform building service work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section by the party committing the violation of such provision.

(3) Each covered developer shall maintain original payroll records for each building service employee reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the building service work is performed. The covered developer may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Failure to maintain such records as required shall create a rebuttable presumption that the building service employees were not paid the wages and benefits required under this section. Upon the request of the comptroller or the city, the covered developer shall provide a certified original payroll record.

(4) No later than the day on which any work begins at any city economic development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city economic development project and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller

and a statement advising building service employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notices shall be provided in English and Spanish. Such notice shall remain posted for the duration of the lease and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered developers' obligations under this section, and the city shall in turn provide those written notices to covered developers.

(5) The comptroller, the city or the city economic development entity may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.

(6) The requirements of this section shall apply for the term of the financial assistance, for ten years from the date that the financially assisted project opens, or for the duration of any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance, whichever is longer.

(7) The city shall maintain a list of covered developers that shall include, where a written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance is targeted to particular real property, the address of each such property. Such list shall be updated and published as often as is necessary to keep it current.

d. Enforcement.

(1) No later than October 1, 2012, the mayor or his or her designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. Beginning twelve months after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement of this section during the preceding year.

(2) In addition to failure to comply with subdivisions b and c of this section, it shall be a violation of this section for any covered lessor or covered developer to discriminate or retaliate against any building service employee who makes a claim that he or she is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this section.

(3) The comptroller shall monitor covered lessors' and covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a building service employee, a former building service employee, or a building service employee's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section 235 of the state labor law, request that the relevant contracting agency or entity withhold any payment due to the covered lessor or covered developer in order to safeguard the rights of the building service employees.

(4) The comptroller shall report the results of such investigation to the mayor or his or her designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered lessor or covered developer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the mayor, or his or her designee, impose the following on the covered lessor covered developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the building service employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, the mayor, or his or her designee, may impose a civil penalty in an amount not exceeding fifty percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered lessor or covered developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered lessor or covered developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

(5) In addition to the provisions provided in subparagraph a of this paragraph, in the case of a covered developer, based upon the investigation provided in this paragraph, the comptroller shall also report the results of such investigation to the city economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.

(6) Before issuing an order, determination, or any other disposition, the mayor, or his or her designee, as applicable, shall give notice thereof, together with a copy

of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor, or his or her designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

(7) When a final disposition has been made in favor of a building service employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the mayor, or his or her designee, as applicable, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the mayor, or his or her designee, as applicable, shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor, or his or her designee, as applicable, in the same manner and with like effect as that prescribed by the state civil practice law and rules for the enforcement of a money judgment.

(8) In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or his or her designee, as applicable, shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

e. Civil Action.

(1) Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the comptroller or the mayor with respect to such claim. In an action brought by a building service employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his/her reasonable attorneys' fees and costs.

(2) Notwithstanding any inconsistent provision of paragraph 1 of this subdivision where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.

(3) A civil action commenced under this section shall be commenced in accordance with subdivision 2 of section 214 of New York civil practice law and rules,

(4) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(5) Notwithstanding any inconsistent provision of this section or of, any other general, special or local law, ordinance, city charter or administrative code, a building service employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount which should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the building service employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages or benefits received by the employee are received under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

f. Application to existing leases. Nothing contained herein shall operate to impair any existing lease, except that extension, renewal, amendment or modification of such lease occurring on or after the enactment of the local law that added this section shall make the entire lease subject to the conditions specified in this section; provided however, in cases where a contracting agency has multiple leases at the same building with a non-governmental entity, the provisions of this section shall not apply until the lease covering the largest amount of square footage at such building is extended, renewed, amended, or modified.

g. Application to existing city development projects. The provisions of this section shall not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the covered developer subject to the conditions specified in section.

h. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

i. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits, or protections to

covered employees. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

§ 3. This local law shall take effect in one hundred eighty days.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M 772

Report of the Committee on Finance in favor of approving the Operating Budget of the Council of The City of New York - Fiscal Year 2013.

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

March 20, 2012

TO: Honorable Christine C. Quinn
Speaker

Honorable Domenic Recchia
Chairman, Finance Committee

FROM: Charles E. Meara
Chief of Staff

Marcello Testa
Fiscal Officer

SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK

Precon. (M- 772) The Operating Budget of the Council of The City of New York

Precon. (M- 773) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York

INITIATION: Pursuant to section 243 of the New York City Charter, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included are a budget for Council contractual services, and a resolution for the approval of a lump-sum OTPS unit of appropriation.

Accordingly, this Committee recommends its adoption.

R1

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

Res. No. 1269

Resolution approving the Fiscal Year 2013 Operating Budget of the Council of the City of New York.

By Council Member Recchia.

Resolved, By the Council of the City of New York, pursuant to the provisions of section 243 of the New York City Charter, that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

ATTACHMENT:

FISCAL YEAR 2013

THE OPERATING BUDGET

OF THE COUNCIL OF THE CITY OF NEW YORK

Submitted pursuant to
Section 243 of the
New York City Charter

Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into two categories, one for members, one for central staff (see Appendix A) and one for each standing committee. A separate resolution approving the central staff's lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for member budget total \$292,336, with Committee Chairs receiving \$332,336.

Staff from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations divisions are specifically assigned to each committee, subcommittee, select committee and task force. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration. (Please refer to the statements of programmatic objectives).

Staff from the following Divisions are assigned to these Committees, Subcommittees and Select Committees:

General Counsel	
Rules, Privileges and Elections	Drug Abuse (<i>Subcommittee</i>)
Standards & Ethics	Small Business
State & Federal Legislation	Transportation
	Veterans
	Women's Issues
	Youth Services
Governmental Affairs	
Civil Rights	
Consumer Affairs	
Contracts	
Fire & Criminal Justice Services	Infrastructure
General Welfare	Community Development
Governmental Operations	Economic Development
Immigration	Environmental Protection
Juvenile Justice	Housing & Buildings
Oversight & Investigation	Lower Manhattan Redevelopment
Public Safety	Parks & Recreation
	Public Housing
Finance	Sanitation & Waste Management
Finance	Technology
	Waterfronts
Human Services	Land Use
Aging	Land Use
Senior Centers (<i>Subcommittee</i>)	Landmarks, Public Siting & Maritime
Civil Services and Labor	Uses (<i>Subcommittee</i>)
Cultural Affairs, Libraries & International	Planning, Dispositions & Concessions
Intergroup Relations	(<i>Subcommittee</i>)
Libraries (<i>Select Committee</i>)	Zoning & Franchises (<i>Subcommittee</i>)
Education	
Health	
Higher Education	
Mental Health, Mental Retardation	
Alcoholism, Drug Abuse &	
Disability Services	

CITY COUNCIL BUDGET

Function:

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 157,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.

CITY COUNCIL BUDGET
FISCAL YEAR 2013

	FISCAL 2012 ADOPTED BUDGET		FISCAL 2012 UPDATED		FISCAL 2013 COUNCIL BUDGET		CHANGE FY2012 ADOPTED & FY2013 BUDGET		% CHANGE
	POS.	\$AMOUNT	POS.	\$AMOUNT	POS.	\$AMOUNT	POS.	\$AMOUNT	
PERSONAL SERVICES									
U/A 001	51	\$19,011,068	51	\$19,011,068	51	\$19,373,832	0	\$362,764	
U/A 002	117	\$8,860,000	117	\$8,860,000	117	\$8,860,000	0	\$0	
U/A 005	161	\$10,555,000	161	\$10,555,000	161	\$10,555,000	0	\$0	
COMMITTEES (U/A 600-690)	0	\$37		\$37	0	\$37	0	\$0	
PS TOTALS		\$38,426,105		\$38,426,105		\$38,788,869		\$362,764	0.7%
OTHER THAN PERSONAL SERVICES									
U/A 100		\$4,989,684		\$4,989,684		\$4,626,920		(\$362,764)	
U/A 200		\$8,673,898		\$8,673,898		\$8,673,898		\$0	
COMMITTEES (U/A 800-890)		\$37		\$37		\$37		\$0	
OTPS TOTALS		\$13,663,619		\$13,663,619		\$13,300,855		(\$362,764)	-0.7%
COUNCIL BUDGET	329	\$52,089,724	329	\$52,089,724	329	\$52,089,724	0	\$0	0.0%

CITY COUNCIL BUDGET
FISCAL YEAR 2013
PERSONAL SERVICES

DESCRIPTION	FISCAL 2012 ADOPTED BUDGET		FISCAL 2012 UPDATED		FISCAL 2013 COUNCIL BUDGET		CHANGE	
	U/A	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	CHANGE
COUNCIL MEMBERS	001	51	\$19,011,068	51	\$19,011,068	51	\$19,373,832	\$362,764
COMMITTEE STAFFING	002	117	\$8,860,000	117	\$8,860,000	117	\$8,860,000	\$0
COUNCIL SERVICES	005	161	\$10,555,000	161	\$10,555,000	161	\$10,555,000	\$0
COMMITTEE ON THE AGING	600	0	\$1	0	\$1	0	\$1	\$0
* CIVIL RIGHTS	602	0	\$1	0	\$1	0	\$1	\$0
* CIVIL SERVICE & LABOR	605	0	\$1	0	\$1	0	\$1	\$0
* COMMUNITY DEVELOPMENT	607	0	\$1	0	\$1	0	\$1	\$0
* CONSUMER AFFAIRS	610	0	\$1	0	\$1	0	\$1	\$0
* CONTRACTS	615	0	\$1	0	\$1	0	\$1	\$0
* CULTURAL AFFAIRS, LIBRARIES & INTL INTERGROUP RELATIONS	616	0	\$1	0	\$1	0	\$1	\$0
* ECONOMIC DEVELOPMENT	620	0	\$1	0	\$1	0	\$1	\$0
* EDUCATION	625	0	\$1	0	\$1	0	\$1	\$0
* ENVIRONMENTAL PROTECTION	630	0	\$1	0	\$1	0	\$1	\$0
* FINANCE	632	0	\$1	0	\$1	0	\$1	\$0
* FIRE & CRIMINAL JUSTICE SERVICES	633	0	\$1	0	\$1	0	\$1	\$0
* GENERAL WELFARE	635	0	\$1	0	\$1	0	\$1	\$0
* GOVERNMENTAL OPERATIONS	640	0	\$1	0	\$1	0	\$1	\$0
* HEALTH	645	0	\$1	0	\$1	0	\$1	\$0
* HIGHER EDUCATION	647	0	\$1	0	\$1	0	\$1	\$0
* HOUSING & BUILDINGS	650	0	\$1	0	\$1	0	\$1	\$0
* IMMIGRATION	652	0	\$1	0	\$1	0	\$1	\$0
* JUVENILE JUSTICE	653	0	\$1	0	\$1	0	\$1	\$0
* LAND USE	654	0	\$1	0	\$1	0	\$1	\$0
* LOWER MANHATTAN REDEVELOPMENT	655	0	\$1	0	\$1	0	\$1	\$0
* MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	656	0	\$1	0	\$1	0	\$1	\$0
* OVERSIGHT AND INVESTIGATIONS	657	0	\$1	0	\$1	0	\$1	\$0
* PARKS & RECREATION	660	0	\$1	0	\$1	0	\$1	\$0
* PUBLIC HOUSING	667	0	\$1	0	\$1	0	\$1	\$0
* PUBLIC SAFETY	665	0	\$1	0	\$1	0	\$1	\$0
* RULES, PRIVILEGES AND ELECTIONS	670	0	\$1	0	\$1	0	\$1	\$0
* SANITATION & SOLID WASTE MANAGEMENT	671	0	\$1	0	\$1	0	\$1	\$0
* SMALL BUSINESS	673	0	\$1	0	\$1	0	\$1	\$0
* STANDARDS & ETHICS	675	0	\$1	0	\$1	0	\$1	\$0
* STATE & FEDERAL LEGISLATION	680	0	\$1	0	\$1	0	\$1	\$0
* TECHNOLOGY	681	0	\$1	0	\$1	0	\$1	\$0
* TRANSPORTATION	682	0	\$1	0	\$1	0	\$1	\$0
* VETERANS	683	0	\$1	0	\$1	0	\$1	\$0
* WATERFRONTS	685	0	\$1	0	\$1	0	\$1	\$0
* WOMEN'S ISSUES	687	0	\$1	0	\$1	0	\$1	\$0
* YOUTH SERVICES	690	0	\$1	0	\$1	0	\$1	\$0
TOTAL	329	\$38,426,105	329	\$38,426,105	329	\$38,788,869	0	\$362,764

PS DETAIL FISCAL YEAR 2012

U/A 001 PS (COUNCIL MEMBERS)				POSITIONS	BUDGET	TOTAL
BUDGET	OBJ.	CODE	DESCRIPTION			
0101	001		Council Members	51	\$5,755,500	
	021		Councilmanic Aides		\$13,130,832	
	041		Stipend		\$487,500	
Total U/A 001				51		\$19,373,832
U/A 002 PS (COMMITTEE STAFFING)				POSITIONS	BUDGET	TOTAL
BUDGET	OBJ.	CODE	DESCRIPTION			
0102	001		Policy & Investigations 1	6	\$386,576	\$386,576
1102	001		Finance Division 2	32	\$2,388,523	
	031				\$25,000	\$2,413,523
2102	001		Land Use 3	12	\$1,117,503	\$1,117,503
3102	001		Office of the General Council 4	13	\$1,053,198	\$1,053,198
4102	001		Governmental Affairs 5	20	\$1,568,650	\$1,568,650
5102	001		Human Services 6	19	\$1,337,039	\$1,337,039
7102	001		Infrastructure 7	15	\$983,513	\$983,513
Total U/A 002				117		\$8,860,000
U/A 005 PS (COUNCIL SERVICE DIVISION)				POSITIONS	BUDGET	TOTAL
BUDGET	OBJ.	CODE	DESCRIPTION			
0105	001		Administrative Services	63	\$3,320,351	
	021				\$100,000	
	031				\$400,000	\$3,820,351
1005	001		Correspondence Services	7	\$390,956	\$390,956
2105	001		Information Technology	11	\$734,923	\$734,923
3105	001		Legislative Documents	6	\$333,112	\$333,112
4105	001		Sergeants-At-Arms	9	\$386,922	\$386,922
5105	001		Speaker's Office	25	\$2,163,067	\$2,163,067
6105	001		Minority Leader's Office	5	\$335,892	\$335,892
7105	001		Communications	11	\$625,611	\$625,611
8105	001		Community Outreach	18	\$1,386,385	\$1,386,385
9105	001		Event & Production Services	6	\$377,781	\$377,781
Total U/A 005				161		\$10,555,000
PS TOTALS 001, 002 & 005				329		\$38,788,832

Footnotes appear on the following page

Committees, Subcommittees and Select Committees Assigned to Divisions

- 1 Policy & Investigations
Oversight & Investigations
- 2 Finance
Finance
- 3 Land Use
Land Use
Landmarks, Public Siting & Maritime Uses (Subcommittee)
Planning, Dispositions & Concessions (Subcommittee)
Zoning & Franchises (Subcommittee)
- 4 General Counsel
Rules, Privileges and Elections
Standards & Ethics
State & Federal Legislation
- 5 Governmental Affairs
Civil Rights
Consumer Affairs
Contracts
Fire & Criminal Justice Services
General Welfare
Governmental Operations
Immigration
Juvenile Justice
Public Safety
- 6 Human Services
Aging
Senior Centers (Subcommittee)
Civil Services and Labor
Cultural Affairs, Libraries & International Intergroup Relations
Libraries (Select Committee)
Education
Health
Higher Education
Mental Health, Mental Retardation, Alcoholism,
Drug Abuse & Disability Services
Drug Abuse (Subcommittee)
Small Business
Transportation
Veterans
Women's Issues
Youth Services
- 7 Infrastructure
Community Development
Economic Development
Environmental Protection
Housing & Buildings
Public Housing
Lower Manhattan Redevelopment
Parks & Recreation
Sanitation & Waste Management
Technology
Waterfronts

CITY COUNCIL BUDGET
FISCAL YEAR 2013
OTHER THAN PERSONAL SERVICES

DESCRIPTION	UJA	FISCAL 2012 ADOPTED BUDGET	FISCAL 2012 UPDATED	FISCAL 2013 COUNCIL BUDGET	CHANGE FROM ADOPTED
COUNCIL MEMBERS	100	\$4,989,884	\$4,989,884	\$4,826,920	(\$162,964)
CENTRAL STAFF	200	\$8,673,898	\$8,673,898	\$8,673,898	\$0
COMMITTEE ON THE AGING	800	\$1	\$1	\$1	\$0
" CIVIL RIGHTS	802	\$1	\$1	\$1	\$0
" CIVIL SERVICE & LABOR	805	\$1	\$1	\$1	\$0
" COMMUNITY DEVELOPMENT	807	\$1	\$1	\$1	\$0
" CONSUMER AFFAIRS	810	\$1	\$1	\$1	\$0
" CONTRACTS	815	\$1	\$1	\$1	\$0
" CULTURAL AFFAIRS, LIBRARIES & INT'L INTERGROUP RELATIONS	816	\$1	\$1	\$1	\$0
" ECONOMIC DEVELOPMENT	820	\$1	\$1	\$1	\$0
" EDUCATION	825	\$1	\$1	\$1	\$0
" ENVIRONMENTAL PROTECTION	830	\$1	\$1	\$1	\$0
" FINANCE	832	\$1	\$1	\$1	\$0
" FIRE & CRIMINAL JUSTICE SERVICES	833	\$1	\$1	\$1	\$0
" GENERAL WELFARE	835	\$1	\$1	\$1	\$0
" GOVERNMENTAL OPERATIONS	840	\$1	\$1	\$1	\$0
" HEALTH	845	\$1	\$1	\$1	\$0
" HIGHER EDUCATION	847	\$1	\$1	\$1	\$0
" HOUSING & BUILDINGS	850	\$1	\$1	\$1	\$0
" IMMIGRATION	852	\$1	\$1	\$1	\$0
" JUVENILE JUSTICE	853	\$1	\$1	\$1	\$0
" LAND USE	854	\$1	\$1	\$1	\$0
" LOWER MANHATTAN REDEVELOPMENT	855	\$1	\$1	\$1	\$0
" MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	856	\$1	\$1	\$1	\$0
" OVERSIGHT AND INVESTIGATIONS	857	\$1	\$1	\$1	\$0
" PARKS & RECREATION	860	\$1	\$1	\$1	\$0
" PUBLIC HOUSING	862	\$1	\$1	\$1	\$0
" PUBLIC SAFETY	865	\$1	\$1	\$1	\$0
" RULES, PRIVILEGES AND ELECTIONS	870	\$1	\$1	\$1	\$0
" SANITATION & SOLID WASTE MANAGEMENT	871	\$1	\$1	\$1	\$0
" SMALL BUSINESS	873	\$1	\$1	\$1	\$0
" STANDARDS & ETHICS	875	\$1	\$1	\$1	\$0
" STATE & FEDERAL LEGISLATION	880	\$1	\$1	\$1	\$0
" TECHNOLOGY	881	\$1	\$1	\$1	\$0
" TRANSPORTATION	882	\$1	\$1	\$1	\$0
" VETERANS	883	\$1	\$1	\$1	\$0
" WATERFRONTS	885	\$1	\$1	\$1	\$0
" WOMEN'S ISSUES	887	\$1	\$1	\$1	\$0
" YOUTH SERVICES	890	\$1	\$1	\$1	\$0
TOTAL		\$13,663,819	\$13,663,819	\$13,300,855	(\$362,964)

OTPS DETAIL FISCAL YEAR 2013

UJA 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Newsletter (Printing)	101	\$890,000
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$1,350,000
Rent	414	\$1,986,920
TOTAL UJA 100		\$4,626,920

UJA 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$108,000
Printing Supplies	101	\$20,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$50,000
Computer Supplies	199	\$300,000
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$5,000
Office Furniture	314	\$11,000
Office Equipment	315	\$5,000
Purchase DP Equipment	332	\$35,000
Books - Other	337	\$279,906
Library Books	338	\$30,000
Telephones - Data	40B	\$420,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$25,000
Telephone & Other Comm.	402	\$100,000
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$125,000
Rent	414	\$6,056,392
Advertising	417	\$3,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	600	\$45,000
Telecommunications Maint.	602	\$65,000
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$75,000
DP Equipment	613	\$60,000
Printing Contracts	615	\$200,000
Temporary Services	622	\$100,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$32,500
Training City Employees	671	\$5,000
Prof. Svces. - Accounting	681	\$10,000
Prof. Svces. - Legal	682	\$100,000
Prof. Svces. - Computer Services	684	\$90,000
Prof. Svces. - Other	686	\$90,000
DCAS Training	79D	\$2,000
TOTAL UJA 200		\$8,673,898

OTPS TOTALS		\$13,300,815
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600 **Committee on the Aging** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department for the Aging and all federal, state and municipal programs pertinent to senior citizens. The committee has a subcommittee on Senior Centers.

602 **Committee on Civil Rights** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to incidences of discrimination, the Human Rights Commission and Equal Employment Practices Commission.

605 **Committee on Civil Service and Labor** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal officers and employees, the Office of Labor Relations, Office of Collective Bargaining, municipal pensions, retirement systems and worker rights.

607 **Committee on Community Development** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to poverty and its reduction within the City, especially in low-income neighborhoods.

610 **Committee on Consumer Affairs** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Consumer Affairs and the Business Integrity Commission.

615 **Committee on Contracts** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting oversight on matters related generally to City procurement and specifically to the activities of the Mayor's Office of Contracts, the Procurement Policy Board, City Procurement policies and procedures and specific city contracts.

- 616 **Committee on Cultural Affairs, Libraries & International Intergroup Relations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Cultural Affairs, libraries, museums, the Art Commission, the New York City Commission for the United Nations, Consular Corps and Protocol, the Mayor's Office of Special Projects and Community Events and encouraging harmony among the citizens of New York City, promoting the image of New York City and enhancing the relationship of its citizens with the international community. There is a Select Committee on Libraries.
- 620 **Committee on Economic Development** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Economic Development Corporation and Department of Small Business Services.
- 625 **Committee on Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Education and the School Construction Authority.
- 630 **Committee on Environmental Protection** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the environmental generally and to the Department of Environmental Protection.
- 632 **Committee on Finance** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to budget review and budget modifications, the Banking Commission, the Comptroller's Office, Department of Design and Construction, the Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.
- 633 **Committee on Fire and Criminal Justice Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Fire Department/Emergency Medical Service, Departments of Correction and Probation and Legal Aid.

- 635 **Committee on General Welfare** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services and charitable institutions.
- 640 **Committee on Governmental Operations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal governmental structure and organization, the Department of Citywide Administrative Services, Office of the Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and the Law Department.
- 645 **Committee on Health** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Health and Mental Hygiene, Emergency Medical Services (health related issues), the Health and Hospitals Corporation and the Office of the Chief Medical Examiner.
- 647 **Committee on Higher Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the City University of New York and issues related to Higher Education.
- 650 **Committee on Housing and Buildings** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Housing Preservation and Development, Department of Buildings, and rent regulation.
- 652 **Committee on Immigrant Affairs** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on issues affecting immigrants in New York City and conducting legislative oversight on matters in relation to immigrant New Yorkers and the Mayor's Office on Immigrant Affairs.

- 653 **Committee on Juvenile Justice** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to Juvenile Justice.
- 654 **Committee on Land Use** - To ensure responsible use of City property, this committee considers and proposes to the full Council resolutions for adoption, prepares committee reports and conducts legislative oversight on matters in relation to the City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications (land use related issues), Landmarks Preservation Commission and Land Use and Landmarks Review. The committee has three subcommittees: Zoning and Franchises; Landmarks, Public Siting and Maritime Uses; and, Planning, Dispositions and Concessions.
- 655 **Committee on Lower Manhattan Redevelopment** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the physical, economic, social and cultural redevelopment of Lower Manhattan, including, but not restricted to, the World Trade Center site.
- 656 **Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mental health, mental retardation, alcoholism services, drug abuse, disability services, the Department of Health and Mental Hygiene and the Mayor's Office for People with Disabilities. The committee has a subcommittee on Drug Abuse.
- 657 **Committee on Oversight and Investigations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Investigation, and to investigate any matters within the jurisdiction of the Council relating to property, affairs or government of New York City.
- 660 **Committee on Parks and Recreation** - This committee is responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Parks and Recreation.

- 665 **Committee on Public Safety** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator and the Department of Emergency Management.
- 667 **Committee on Public Housing** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the New York City Housing Authority.
- 670 **Committee on Rules, Privileges and Elections** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on matters in relation to Council structure and organization and appointments.
- 671 **Committee on Sanitation & Solid Waste Management** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Sanitation.
- 673 **Committee on Small Business** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters that affect the creation and operation of small businesses and emerging industries throughout the City.
- 675 **Committee on Standards and Ethics** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Conflicts of Interest Board and for Council ethics.
- 680 **Committee on State and Federal Legislation** - Responsible for considering and proposing to the full Council legislation, state legislative requests and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to state and federal legislation and home rule requests.

- 681 **Committee on Technology** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of technology, including its use for the management and dissemination of public information, the Mayor's Office of Media and Entertainment, and the non-land use-related activities of the Department of Information Technology and Telecommunications.
- 682 **Committee on Transportation** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mass transportation issues, agencies and facilities, the Metropolitan Transit Authority, Department of Transportation and the Taxi and Limousine Commission.
- 683 **Committee on Veterans** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of veterans and the Mayor's Office of Veterans Affairs.
- 685 **Committee on Waterfronts** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of the City's waterfront and waterfront-related activities.
- 687 **Committee on Women's Issues** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of women, domestic violence, and the Office to Combat Domestic Violence.
- 690 **Committee on Youth Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Youth Board, the Department of Youth and Community Development, the Interagency Coordinating Council, and youth-related programs.

**FISCAL YEAR 2013
CITY COUNCIL CONTRACT BUDGET**

OBJECT CODE	DESCRIPTION	#	AMOUNT
600	Contractual Services General	5	\$45,000
602	Telecommunications Maintenance	2	\$60,000
607	Maint. & Repair Motor Vehicle Equip.	1	\$2,000
608	Maintenance & Repair General	6	\$40,000
612	Office Equipment Maintenance	8	\$70,000
613	Data Processing Equipment	5	\$60,000
615	Printing Contracts	4	\$200,000
622	Temporary Services	2	\$100,000
624	Cleaning Services	1	\$12,000
633	Transportation Expenditures	1	\$30,000
660	Economic Development	5	\$32,500
671	Training Program For City Employees	2	\$5,000
681	Prof. Svcs. - Accounting & Auditing	1	\$10,000
682	Professional Services - Legal	6	\$100,000
684	Prof. Svcs. - Computer Services	4	\$90,000
686	Professional Services - Other	3	\$90,000
		56	\$946,500

**APPENDIX A
OTPS DETAIL FISCAL YEAR 2013**

The following details the two units of appropriation:

U/A 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Newsletter (Printing)	101	\$890,000
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$1,350,000
Rent	414	\$1,986,920
TOTAL U/A 100		\$4,626,920

U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$108,000
Printing Supplies	101	\$20,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$50,000
Computer Supplies	199	\$300,000
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$5,000
Office Furniture	314	\$11,000
Office Equipment	315	\$5,000
Purchase DP Equipment	332	\$35,000
Books - Other	337	\$279,906
Library Books	338	\$30,000
Telephones - Data	40B	\$420,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$25,000
Telephone & Other Comm.	402	\$100,000
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$125,000
Rent	414	\$6,056,392
Advertising	417	\$3,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	600	\$45,000
Telecommunications Maint.	602	\$65,000
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$75,000
DP Equipment	613	\$60,000
Printing Contracts	615	\$200,000
Temporary Services	622	\$100,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$32,500
Training City Employees	671	\$5,000
Prof. Svcs. - Accounting	681	\$10,000
Prof. Svcs. - Legal	682	\$100,000
Prof. Svcs. - Computer Services	684	\$90,000
Prof. Svcs. - Other	686	\$90,000
DCAS Training	79D	\$2,000
TOTAL U/A 200		\$8,673,898

OTPS TOTALS		\$13,300,818
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DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M 773

Report of the Committee on Finance in favor of approving Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012), respectfully

REPORTS:

(For report and related material, please see the Report of the Committee on Finance for M-772 & Res No. 1269 printed above in these Minutes)

Accordingly this Committee recommends its adoption.

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In connection herewith Council Member Recchia offered the following resolution:

Res. No. 1270

Resolution approving for Fiscal Year 2013 the schedule detailing the lump sum other than personal services unit of appropriation of the Operating Budget of the Council of the City of New York.

By Council Member Recchia.

Resolved by the Council, pursuant to the provisions of section 100 © of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

COUNCIL BUDGET		
PS	DESCRIPTION	MEMO OTPS*
U/A	002 COMMITTEE STAFFING	\$3,617,046
	005 COUNCIL SERVICES	\$5,056,966
	TOTAL OTPS	\$8,673,898

*Set forth for informational purposes only in accordance with Charter Section 100 ©

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 582

Report of the Committee on Finance in favor of approving Southern Boulevard Apartments, Block 2684, Lot 79, Block 2707, Lots 74 & 85 Block 2720, Lots 5, 24, 54, 57 & 63, Bronx, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

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

March 28, 2012

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of March 28, 2012-Resolution approving tax exemptions for four preconsidered Land Use Items (Council District's 17, 31, 36).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: Israel Senior Housing located in Councilmember Sanders District, the MHANY Cluster 1 located in Councilmember Vann's District, Southern Boulevard Apartments and the Quadrant Properties located in Councilwoman Arroyo's District.

The Israel Senior Housing for the Elderly contains two buildings that will provide rental housing for elderly persons of low income. The sponsor, Israel Senior Housing Development Fund Corporation, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD"). In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law.

The MHANY Cluster 1 contains three buildings that provide rental housing for low-income families. The Sponsor, MHANY 2012 II Housing Development Fund Corporation will finance the acquisition with a loan from HPD and a private lender. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law..

The Southern Boulevard Apartments contains eight buildings that provide rental housing for low-income families. The Sponsor, Southern Blvd. I Housing Development Fund Corporation will finance the acquisition with a loan from HDC and low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law..

The Quadrant Properties contains one building that provides rental housing for low-income families. The property is currently owned by 931 Fox Street Housing Development Fund Corporation which was the original HDFC. In 2009, the exemption area received a loan through the City of New York Department of Housing Preservation and Development for rehabilitation work. It was anticipated that the original HDFC would enter into a new regulatory agreement with HPD and that upon completion of that work, the original HDFC would convey the Exemption Area to Quadrant Properties HDFC. The new regulatory agreement would then have been revised to reflect ownership by the new HDFC. On May 26, 2011, the City Council approved Resolution No. 852, which authorized a new tax exemption pursuant to Section 577 of the Private Housing Finance Law for 47 properties, including the exemption area. The effective dates for the new tax exemptions granted by this prior resolution varied by property and were identified in two attached exhibits to the prior resolution. The effective date of the exemption for the exemption area was identified in two places in the prior resolution. In paragraph (a) of subdivision one of the Prior Resolution, the effective date is identified as the date that HPD and the Original HDFC enter into the new regulatory agreement. In exhibit B to the prior resolution, the effective date for the exemption area is identified as July 1, 2009. Because of the inconsistent effective dates for the tax exemption granted to the exemption area by the prior resolution and because the exemption area is now anticipated to be transferred to the new HDFC prior to the signing of the new regulatory agreement, the Prior Resolution needs to be amended. Accordingly, HPD respectfully requests that the Council amend the Resolution by replacing the definition of exemption area.

These items have the approval of Councilmember's Arroyo, Sanders and Vann.

(For coupled resolutions to LU Nos. 583, 584, and 585, please see the resolutions following the respective Reports of the Committee on Finance for LU Nos. 583, 584, and 585 printed in these Minutes; for coupled resolution for LU No. 582, please see the resolution printed below:)

Accordingly, this Committee recommends the adoption of LU Nos. 582, 583, 584, and 585 and their respective coupled resolutions.

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

Res. No. 1271

Resolution approving an exemption from real property taxes for property located at (Block 2684, Lot 49) (Block 2707, Lots 74 & 85) (Block 2720, Lots 5, 24, 54, 57 & 63) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 582)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 12, 2012 that the Council take the following action regarding a housing project (the "Project")

to be located at (Block 2684, Lot 49) (Block 2707, Lots 74 & 85) (Block 2720, Lots 5, 24, 54, 57 & 63) Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on March 28, 2012;

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2684, Lot 79, Block 2707, Lots 74 & 85, and Block 2720, Lots 5, 24, 54, 57 & 63 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean Southern Blvd I Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
- (i) "Maximum Shelter Rent Tax" shall mean \$648,363, plus an amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized on the Effective Date.
- (j) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (k) "Partnership" shall mean Southern Blvd I, L.P.
- (l) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 32 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

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

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Such payments shall not be reduced by reason of any J-51 Benefits. Notwithstanding the foregoing, the total annual real property tax payment by the 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 an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

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

5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 583

Report of the Committee on Finance in favor of approving MHANY BK Cluster 1, Block 1377, Lots 30 & 31, Block 1666, Lot 43, Brooklyn, Council District No. 36

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 582 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1272

Resolution approving an exemption from real property taxes for property located at (Block 1377, Lots 30 and 31), (Block 1666, Lot 43) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 583)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 9, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1377, Lots 30 and 31), (Block 1666, Lot 43) Brooklyn ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on March 28, 2012;

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1377, Lots 30 and 31 and Block 1666, Lot 43 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean MHANY 2012 II Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean the HDFC.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with

the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 584

Report of the Committee on Finance in favor of approving Israel Senior Housing, Block 15810, Lots 25 & 40, Council District No. 31

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 582 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1273

Resolution approving a partial exemption from real property taxes for property located at (Block 15810, Lots 25 and 40) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 584)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 27, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 15810, Lots 25 and 40), Queens ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on March 28, 2012;

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

RESOLVED:

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

- (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15810, Lots 25 and 40 on the Tax Map of the City of New York.
 - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) "HDFC" shall mean Israel Senior Citizens Housing Development Fund Corp.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
 - (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (i) "Prior Exemption" shall mean the exemption from real property taxation previously approved for the Exemption Area.
 - (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (k) "Use Agreement" shall mean the use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
3. 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.
4. Notwithstanding any provision hereof to the contrary:
- (a) 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 Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area

has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC 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.

- (b) 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.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
5. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record the Use Agreement with HUD, (ii) execute and record the Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 585

Report of the Committee on Finance in favor of approving Quadrant Properties HDFC, Block 2712, Lot 28, Bronx, Council District 17

The Committee on Finance, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 582 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1274

Resolution to amend Reso. No. 852 which approved an exemption from real property taxes for property located at (Block 2712, Lot 28) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 585)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 9, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2712, Lot 28) Bronx ("Exemption Area"):

WHEREAS, On May 26, 2011, the City Council approved Resolution No. 852 (“Prior Resolution”), which authorized a new tax exemption pursuant to Section 577 of the Private Housing Finance Law for 47 properties, including the Exemption Area. The Effective Dates for the new tax exemptions granted by this Prior Resolution varied by property and were identified in two attached Exhibits to the Prior Resolution.

WHEREAS, The Effective Date of the exemption for the Exemption Area was identified in two places in the Prior Resolution. In paragraph (a) of subdivision one of the Prior Resolution, the Effective Date is identified as the date that the Department of Housing Preservation and Development (HPD) and the Original HDFC enter into the New Regulatory Agreement. In Exhibit B to the Prior Resolution, the Effective Date for the Exemption Area is identified as July 1, 2009.

WHEREAS, Because of the inconsistent Effective Dates for the tax exemption granted to the Exemption Area by the Prior Resolution and because the Exemption Area is now anticipated to be transferred to the New HDFC prior to the signing of the New Regulatory Agreement, the Prior Resolution needs to be amended.

RESOLVED:

The Council will amend the Prior Resolution by (i) replacing the definition of Exemption Area contained therein in paragraph (a) of subdivision (1), and (ii) replacing paragraph (4), to read, respectively, as follows:

- (1) (a) “Effective Date” for the properties listed in Exhibit A shall mean the later of (i) the date of conveyance of the Exemption Area from the Original HDFC to the New HDFC’s, and (ii) the date that HPD and the New HDFC’s enter into the New Regulatory Agreement. “Effective Date” for the properties listed in Exhibit B shall mean the respective effective dates indicated therein for each property.
- (4) In consideration of the Exemption, the New HDFC’s shall (i) execute and record the New Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation except for an exemption and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 28, 2011.

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

Report of the Committee on Land Use

Report for L.U. No. 567

Report of the Committee on Land Use in favor of disapproving Application no. 20125036 TCK, pursuant to §20-225 of the Administrative Code of the City of New York, concerning the petition of Jhu Jhu Corp., d/b/a Khim’s Café, to establish, maintain and use as an enclosed sidewalk café located at 324 Graham Avenue, Borough of Brooklyn, Council District 34. This application is subject to review and action by the Land Use Committee only if called-up by a vote of the Council pursuant to Rule 11.20b of the Council and §20-225(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 566), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20125036 TCK

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Jhu Jhu Corp., d/b/a Khim’s Café, for a revocable consent to establish, maintain and use an enclosed sidewalk café located at 324 Graham Avenue.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and use an enclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: One
One

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

The Subcommittee recommends that the Land Use Committee disapprove the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Lappin		
Ignizio		

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		
Dickens		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
<u>Contd.</u>		
Ignizio		
Halloran		
Koo		

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

Res. No. 1275

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 573

Report of the Committee on Land Use in favor of approving Application no. 20125307 HKM (N 120151 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Hotel Wolcott located at 4 West 31st Street (Block 832, Lot 49) (List No.450, LP-2423), Borough of Manhattan, Community District 5, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 568), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20125307 HKM (N 120151 HKM)

Designation by the Landmarks Preservation Commission (List No. 450/LP-2423), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Hotel Wolcott, located at 4 West 31st Street a.k.a. 4-10 West 31st Street (Tax Map Block 832, Lot 49), as an historic landmark.

PUBLIC HEARING

DATE: March 20, 2012

Witnesses in Favor: One

Witnesses

Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:	Against:	Abstain:
Lander	Halloran	None
Sanders, Jr.		
Palma		
Arroyo		
Mendez		
Williams		

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	Halloran
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		

Dickens
Mendez
Vacca
Lander
Levin
Weprin
Williams
Ignizio
Koo

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

Res. No. 1277

Resolution affirming the designation by the Landmarks Preservation Commission of the Hotel Wolcott located at 4 West 31 Street a.k.a. 4-10 West 31st Street (Tax Map Block 832, Lot 49), Borough of Manhattan, Designation List No. 450, LP-2423 (L.U. No. 573; 20125307 HKM; N 120151 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 28, 2011 a copy of its designation dated December 20, 2011 (the "Designation"), of the Hotel Wolcott located at 4 West 31 Street a.k.a. 4-10 West 31st Street, Community District 5, Borough of Manhattan as a landmark and Tax Map Block 832, Lot 49, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on February 9, 2012 its report on the Designation dated February 8, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on March 20, 2012; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 574

Report of the Committee on Land Use in favor of approving Application no. 20125308 HKM (N 120152 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Mutual Reserve Building located at 305 Broadway (Block 151, Lot 32) (List No.450, LP-2431), Borough of Manhattan, Community District 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 569), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 1 20125308 HKM (N 120152 HKM)**

Designation by the Landmarks Preservation Commission (List No. 450/LP-2431), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Mutual Reserve Building, located at 305 Broadway a.k.a. 305-309 Broadway / 91-99 Duane Street (Tax Map Block 151, Lot 32), as an historic landmark.

PUBLIC HEARING**DATE:** March 20, 2012**Witnesses in Favor:** One **Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 20, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:	Against:	Abstain:
Lander	Halloran	None
Sanders, Jr.		
Palma		
Arroyo		
Mendez		
Williams		

COMMITTEE ACTION**DATE:** March 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	Halloran
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		
Dickens		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 1278

Resolution affirming the designation by the Landmarks Preservation Commission of the Mutual Reserve Building located at 305 Broadway a.k.a. 305-309 Broadway/91-99 Duane Street (Tax Map Block 151, Lot 32), Borough of Manhattan, Designation List No. 450, LP-2431 (L.U. No. 574; 20125308 HKM; N 120152 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 28, 2011 a copy of its designation dated December 20, 2011 (the "Designation"), of the Mutual Reserve Building located at 305 Broadway a.k.a. 305-309 Broadway / 91-99 Duane Street, Community District 1, Borough of Manhattan as a landmark and Tax Map Block 151, Lot 32, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on February 9, 2012 its report on the Designation dated February 8, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on March 20, 2012; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 575

Report of the Committee on Land Use in favor of approving Application no. 20125309 HKM (N 120153 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the R.H. Macy & Co. store, 14th Street Annex, located at 56 West 14th Street (Block 577, Lot 12) (List No.450, LP-2474), Borough of Manhattan, Community District 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 569), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 2 20125309 HKM (N 120153 HKM)**

Designation by the Landmarks Preservation Commission (List No. 450/LP-2474), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the R.H. Macy & Co. Store, 14th Street Annex, located at 56 West 14th Street (Tax Map Block 577, Lot 12), as an historic landmark.

PUBLIC HEARING**DATE:** March 20, 2012**Witnesses in Favor:** One **Witnesses**
Against: None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 20, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

Vacca
Lander
Levin
Weprin
Williams
Ignizio
Koo

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

Res. No. 1280

Resolution affirming the designation by the Landmarks Preservation Commission of Daniel and Abbie B. Eldridge House located at 87-61 111th Street (Tax Map Block 9301, Lot 101), Borough of Queens, Designation List No. 450, LP-2473 (L.U. No. 576; 20125310 HKQ; N 120155 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 28, 2011 a copy of its designation dated December 20, 2011 (the "Designation"), of the Daniel and Abbie B. Eldridge House located at 87-61 111th Street, Community District 9, Borough of Queens as a landmark and Tax Map Block 9301, Lot 101, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on February 9, 2012 its report on the Designation dated February 8, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on March 20, 2012; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 578

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20125298TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Il Commendatore Restaurant Inc., d.b.a Casa Bella, to continue to maintain and operate an unenclosed sidewalk café located at 127 Mulberry Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 570), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20125298 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Il Commendatore Restaurant, Inc., d/b/a/ Casa Bella, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 127 Mulberry Street.

By submission dated March 19, 2012, and submitted to the City Council on March 20, 2012, the Department of Consumer Affairs withdrew their recommendation of the Petition.

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the New York City Department of Consumers Affairs of the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Lappin		
Ignizio		

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		
Dickens		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1281

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 127 Mulberry Street, Borough of Manhattan (20125298 TCM; L.U. No. 578).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 22, 2012 its approval dated February 22, 2012 of the petition of Il Commendatore Restaurant, Inc., d/b/a/ Casa Bella, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 127

Mulberry Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated March 19, 2012, and submitted to the City Council on March 20, 2012, the Department of Consumer Affairs withdrew their recommendation of the Petition.

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 22, 2012.

Filed pursuant to a letter of withdrawal.

Report for L.U. No. 579

Report of the Committee on Land Use in favor of approving Application no. 20125381 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Spunto, Inc., d.b.a Spunto, to continue to maintain and operate an unenclosed sidewalk café located at 65 Carmine Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 570), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20125381 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Spunto, Inc., d/b/a Spunto, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 65 Carmine Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 20, 2012

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		

Seabrook
Lappin
Ignizio

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		
Dickens		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Contd.		
Ignizio		
Halloran		
Koo		

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

Res. No. 1282

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 65 Carmine Street, Borough of Manhattan (20125381 TCM; L.U. No. 579).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 9, 2012 its approval dated February 9, 2012 of the petition of Spunto, Inc., d/b/a Spunto, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 65 Carmine Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 20, 2012; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 580

Report of the Committee on Land Use in favor of approving Application no. 20125076 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Four Green Fields LLC, d.b.a Agave, to establish, maintain and operate an unenclosed sidewalk café located at 140 Seventh Avenue South, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 29, 2012 (Minutes, page 571), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20125076 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Four Green Fields LLC, d/b/a Agave, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 140 Seventh Avenue South.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 20, 2012

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

The Subcommittee recommends that the Land Use Committee approve the Petition.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Weprin, Rivera, Reyna, Comrie, Jackson, Seabrook, Lappin, Ignizio.

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution.

Table with 3 columns: In Favor, Against, Abstain. Lists names: Comrie, Rivera, Reyna, Sanders, Jr., Seabrook, Vann.

- Palma
Arroyo
Dickens
Mendez
Vacca
Lander
Levin
Weprin
Williams
Contd.
Ignizio
Halloran
Koo

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

Res. No. 1283

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café at 140 Seventh Avenue South, Borough of Manhattan (20125076 TCM; L.U. No. 580).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 22, 2012 its approval dated February 22, 2012 of the petition of Four Green Fields LLC, d/b/a Agave, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 140 Seventh Avenue South, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 20, 2012; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Report for L.U. No. 581

Report of the Committee on Land Use in favor of approving Application no. N 120090 ZRY submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, VIII, IX, X, XI, XII and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 14, 2012 (Minutes, page 809), respectfully

REPORTS:

SUBJECT

CITYWIDE

N 120090 ZRY

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, VIII, IX, X, XI, XII and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality.

INTENT

To update, streamline and clarify regulations related to the administration of the city-wide (E) designations Program.

PUBLIC HEARING

DATE: March 20, 2012

Witnesses in Favor: Four
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Lappin		
Ignizio		

COMMITTEE ACTION

DATE: March 22, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Arroyo		
Dickens		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
<u>Contd.</u>		
Ignizio		
Halloran		
Koo		

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

Res. No. 1284

Resolution approving the decision of the City Planning Commission on Application No. N 120090 ZRY, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, VIII, IX, X, XI, XII, and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality (L.U. No. 581).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 2, 2012 its decision dated February 29, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the text of the Zoning Resolution of the City of New York, relating to Articles I, VIII, IX, X, XI, XII and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality which would update, streamline and clarify regulations related to the administration of the citywide (E) Designations Program (Application No. N 120090 ZRY), Citywide (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 20, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Type II action which requires no further environmental review (CEQR No. 12DCP057Y);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120090 ZRY, incorporated by reference herein, the Council approves the Decision.

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

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

**Article 1
General Provisions**

**Chapter 1
Title, Establishments of Controls and Interpretations of Regulations**

* * *

**11-15
Environmental Requirements**

The designation (E), or an environmental restrictive declaration, where listed in Appendix C (CEQR Environmental Requirements), of this Resolution, indicates that environmental requirements pertaining to potential hazardous materials ~~contamination, or noise or air quality impacts have been established which are incorporated into in connection with the provisions of a #zoning map# an amendment of or an action pursuant~~ to this Resolution for one or more tax lots. ~~The said Such~~ environmental requirements are set forth in the City Environmental Quality Review (CEQR) Declaration determination related to such amendment or action, a specific #zoning map# amendment. In the case of a merger or subdivision of tax lots or #zoning lots# with an (E) designation, involving improved or unimproved properties, the (E) designation will apply to all portions of the property.

The CEQR ~~Declarations determinations~~ are on file with the ~~designated~~ lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR ~~Declarations determinations and their related environmental requirements, entitled City Environmental Quality Review Declarations, is found~~

~~within Appendix C of this Resolution, appended to the #zoning maps#. (E) designations and environmental restrictive declarations may only be removed from Appendix C or modified in accordance with the provisions of paragraph (d) of this Section.~~

~~In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or Environmental Restrictive Declaration, such (E) designation or Environmental Restrictive Declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by OER.~~

Tax lots with environmental requirements shall be subject to the following:

(a) Building permit conditions

~~Prior to issuing a building permit, or temporary or final Certificate of Occupancy, for any #development#, or for an #enlargement#, #extension# or a change of #use#, any of which involves a #residential# or a #community facility use#, or for an #enlargement# of a #building# for any #use# that involves a disturbance of the soil any action listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to for potential hazardous materials, noise, or air quality contamination, the Department of Buildings (DOB) shall be furnished with a report from the Department of Environmental Protection notice issued by (DEP OER) of the city of New York stating that the environmental requirements related to the (E) designation have been met for that lot OER does not object to the issuance of such building permit, or temporary or final Certificate of Occupancy, in accordance with the applicable rules of the City of New York (“OER Notice”).~~

~~An (E) designation for potential hazardous material contamination may be satisfied and administratively removed from a #zoning map# through the following procedure:~~

(a) ~~Satisfaction of requirements~~

~~The owner of any tax lot with an (E) designation for potential hazardous material contamination may file, with the Department of City Planning, a report from DEP, or its successor agency, specifying that the environmental requirements relating to such designation have been satisfied regarding that lot. Upon receipt of such report, the Department of City Planning shall indicate such satisfaction as to that lot on the listing of (E) designations appended to the #zoning maps# of the Zoning Resolution.~~

(1) For hazardous materials:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or
- (iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves ventilation or exhaust systems, including but not limited to stack relocation or vent replacement; or

(3) For noise:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing site management ~~Removal of (E) designation~~

~~The Department of City Planning shall administratively remove the (E) designation for potential hazardous material contamination from a #zoning map# when all environmental requirements for potential hazardous material contamination have been met on all tax lots specified in the CEQR declaration.~~

~~In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk’s Office in the County where the lot is located.~~

~~As a condition to the issuance of a temporary or final Certificate of Occupancy or granting of permit sign-off, if no Certificate of Occupancy is required, DOB shall be provided with proof that the declaration of covenants and restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first Certificate of Occupancy to be issued after such declaration is recorded, as well as all subsequent Certificates of Occupancy, for as long as the declaration remains in effect.~~

~~The Director of the Department of City Planning shall transmit notice of such satisfaction or removal of an (E) designation to the Department of Buildings, the OEC and the DEP.~~

(c) Modifications

~~Upon application to the Mayor’s Office of Environmental Remediation (OER) by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR Determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.~~

(d) Completion of environmental requirements ~~Sunset provision~~

~~The DEP shall adopt rules pursuant to Chapter 45 of the Charter of the City of New York which shall establish:~~

- (1) ~~standards for determining potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not an (E) designation shall be imposed on any tax lot; and~~
- (2) ~~testing and remediation standards and protocols for potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not the environmental requirements relating to such (E) designation(s) have been satisfied so as to warrant the removal of such designation.~~

~~The requirements for the adoption of rules set forth in paragraph (c) of this Section, inclusive, shall not be construed to prohibit either the imposition or the removal of an (E) designation, in accordance with law, prior to the adoption of such rules.~~

~~In the event that such rules are not adopted by DEP by July 1, 2001, the provisions of this Section as they relate to potential hazardous material contamination, except for underground gasoline storage tanks, shall lapse.~~

(1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from Appendix C

~~The Department of City Planning (DCP) shall administratively modify Appendix C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed for or otherwise no longer apply to a tax lot or lots, because:~~

- (i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;

- (ii) the noise generating source has been permanently eliminated; or

(iii) the emissions source related to air quality has been permanently eliminated.

(2) Removal of (E) designation from Appendix C

DCP shall administratively remove an (E) designation from Appendix C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

(3) Cancellation of environmental restrictive declaration and modification of Appendix C

DCP shall administratively remove an environmental restrictive declaration from Appendix C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the County where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER when modifications to Appendix C are made.

(de) Notice provision

The City Planning Commission shall adopt rules pursuant to Chapter 45 of the Charter of the City of New York which shall require the lead agency, as defined in 6 N.Y.C.R.R., Part 617, and Executive Order 91 of 1977, as amended, to provide notification of a proposed (E) designation to the owner(s) of the property to be so designated not less than 60 days prior to such designation.

The provisions of this Section 11-15 shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

**11-151
Special requirements for properties in the Borough of Queens**

- (a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Designations Requirements) of the Zoning Resolution.
- (b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph, (b):

* * *

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in this ~~Section~~ paragraph (b), the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

* * *

**86-04
Applicability of Article I**

~~Within the #Special Forest Hills District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot~~

~~that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:~~

- ~~(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- ~~(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

* * *

**87-04
Applicability of Article I, Chapter 1**

~~Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:~~

- ~~(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- ~~(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

**87-05 04
Applicability of Article VI, Chapter 2**

* * *

**87-06 05
Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets**

* * *

**93-051
Applicability of Chapter 1 of Article I**

~~(a) Within the #Hudson Yards Redevelopment Area#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:~~

- ~~(1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- ~~(2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

~~(b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.~~

* * *

**98-051
Applicability of Chapter 1 of Article I**

(a) Within the #Special West Chelsea District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a #zoning lot# that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that #zoning lot#; or
(2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

(b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.

* * *

104-05
Applicability of Article I, Chapter 1

Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

115-03
Applicability of Article I, Chapter 1

Within the #Special Downtown Jamaica District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

117-05
Applicability of Article I, Chapter 1

Within the #Special Long Island City Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material

contamination, or noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for potential hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
(b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

119-06
Special requirements for certain properties within Special Hillside Preservation District

The following sites: Block 24, Lot 1; Block 23, Lots 17, 42; Block 23, Lots 1, 4, 13; Block 115, Lots 61, 62, 63; and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section

11-15 (Environmental Requirements) governing (E) designations. The CEQR Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Requirements Declarations) of the Zoning Resolution. Section 11-15, paragraph (b), shall not apply to such CEQR Declarations.

* * *

124-041
Applicability of Article I, Chapter 1

Within the #Special Willets Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a tax lot or #zoning lot# that has an (E) designation(s) for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# shall result in compliance with the environmental requirements related to the (E) designation.

124-042 041
Applicability of Article III, Chapter 6

* * *

124-043 042
Applicability of Article VII, Chapter 3

* * *

124-044 043
Applicability of Article VII, Chapter 4

* * *

126-03
Applicability of Article I, Chapter 1

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

128-051

Applicability of Article I, Chapter 1

Within the #Special St. George District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

128-052 051

Applicability of Article I, Chapter 2

* * *

128-053 052

Applicability of Article I, Chapter 5

* * *

128-054 053

Applicability of Article III, Chapter 6

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

* * *

131-041

Applicability of Article I, Chapter 1

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

131-042 041

Applicability of Article I, Chapter 5

* * *

131-043 042

Applicability of Article VI, Chapter 2

* * *

131-044 043

Applicability of Article VII, Chapter 4

* * *

131-045 044

Physical culture or health establishments

* * *

131-046 045

Modification of use and bulk regulations for zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

* * *

NYC ZONING RESOLUTION

APPENDIX C:

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL DESIGNATIONS REQUIREMENTS TABLE					
E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	ULURP No.				
Satisfaction Date	Zoning Map No.				
E-1 4/28/1983	NA 830178 ZMK 16a,16c	Double Glazed Windows	319	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,39,42,49,50,51,55,62,65	
E-2 4/28/1983	82-214X 830468 ZMX 3d	N2 Ambient Noise Zone Levels	2953	1,6,8,9,11,12,13,17,21,22,23,24,33,35,37,39,41,43,48,50,58,64	
E-3 3/15/1984	83-080X 840300 ZMX 3d	N2 Ambient Noise Zone Levels	2977	126,128,129,131,133,134,135,136,137,138,139,141,142,143	
E-4 6/14/1984	82-070M 840260 ZMM 8b,12a	Double Glazed Windows & Alternate Ventilation	641 642 643	17,36,39,75 1,2,3,4,12,14,19,30,34 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,27	
E-5 12/6/1984	82-270Q 830193 ZMQ 13d	Double Glazed Windows	3637	1,2	

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 22, 2012.

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

Reports of the Committee on Rules, Privileges and Elections

Report for M 749

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on February 29, 2012 (Minutes, page 423), respectfully

REPORTS:

The Committee on Rules, Privileges and Elections, which was referred to on March 14, 2012, respectfully reports:

Pursuant to §§ 31 and 851 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission to serve for the remainder of a three-year term that expires on December 31, 2012.

Res. No. 1285

Resolution approving the appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission.

By Council Member Rivera

RESOLVED, that pursuant to §§ 31 and 851 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission for the remainder of a three-year term that expires on December 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 28, 2012.

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

Report for M 750

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Maria Elena Gonzalez as a member of the New York City Art Commission

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on February 29, 2012 (Minutes, page 423), respectfully

REPORTS:

The Committee on Rules, Privileges and Elections, which was referred to on March 14, 2012, respectfully reports:

Pursuant to §§ 31 and 851 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Maria Elena Gonzalez as a member of the New York City Art Commission to serve for the remainder of a three-year term that expires on December 31, 2013.

Res. No. 1286

Resolution approving the appointment by the Mayor of Maria Elena Gonzalez as a member of the New York City Art Commission

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 851 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Maria Elena Gonzalez as a member of the New York City Art Commission for the remainder of a three-year term that expires on December 31, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 28, 2012.

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

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M 771

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Public Advocate of Michelle R. de la Uz as a Commissioner of the New York City Planning Commission

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 28, 2012 respectfully

REPORTS:

The Committee on Rules, Privileges and Elections, which was referred to on March 28, 2012, respectfully reports:

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Public Advocate of

Michelle R. de la Uz as a Commissioner of the New York City Planning Commission to serve for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

Res. No. 1287

Resolution approving the appointment by the Public Advocate of Michelle R. de la Uz as a Commissioner of the New York City Planning Commission

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Public Advocate of Michelle R. de la Uz as a Commissioner of the New York City Planning Commission for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 28, 2012.

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

Reports of the Committee on Transportation

Report for Int. No. 183-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to accessible pedestrian signals.

The Committee on Transportation, to which the annexed amended proposed local law was referred on April 29, 2010 (Minutes, page 1496), respectfully

REPORTS:

INTRODUCTION

On March 27, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a second hearing on Proposed Int. No. 183-A, a Local Law to amend the Administrative Code of the City of New York, in relation to accessible pedestrian signals. This bill would require the Department of Transportation (“DOT”) to establish an accessible pedestrian signals program to make it safer for pedestrians with visual impairments to cross the street. This is the second hearing on this legislation. The Transportation Committee previously held a hearing on Int. No. 183 on January 25, 2012. At that hearing, the Committee heard testimony from representatives from the DOT, as well as disability advocates and

concerned community stakeholders. Amendments were made to the bill following such hearing.

BACKGROUND

Department of Transportation

DOT employs over 4,000 workers who manage approximately 5,800 miles of streets, sidewalks, and highways and 789 bridges, including six tunnels.¹ DOT staff installs and maintains over 1.3 million street signs, traffic signals at more than 11,900 signalized intersections, over 300,000 streetlights, 69 million linear feet of markings, and approximately 63,000 parking meters.² Under the New York City Charter, DOT is charged with the responsibility of paving, repaving, resurfacing, and repairing all public roads.³ Additionally the Charter also grants DOT the authority to issue permits to builders or public utilities for the use or the opening up of a city street.⁴

Accessible Pedestrian Signals

According to the Manual on Uniform Traffic Control Devices (“MUTCD”), the primary technique that pedestrians with visual disabilities use to cross streets at signalized locations is to listen for vehicular traffic in front of them to stop, and then to listen for the vehicular traffic alongside them to move.⁵ These cues often correspond to the onset of a green light at the signalized location. An accessible pedestrian signal (“APS”) is a device that communicates information about pedestrian timing in nonvisual format such as audible tones, verbal messages, and vibrating surfaces.⁶ APS can provide information to pedestrians about the existence of and location of the pushbutton, the beginning of the WALK interval, the direction of the crosswalk and location of the destination curb.⁷ APS devices can also provide pedestrians with information about intersection signalization, street names and intersection geometry through the use of Braille, raised print, and through speech messages.⁸

On September 28, 2011, NYC DOT Commissioner Janette Sadik-Khan, with City Council Speaker Christine C. Quinn and former Commissioner Matthew Sapolin of the Mayor’s Office for People with Disabilities (“MOPD”), announced plans to install audible pedestrian signals at an additional 25 intersections throughout New York City.⁹ According to DOT, APS devices were already installed on pedestrian signal poles at 21 intersections citywide.¹⁰ At the time of the announcement DOT had already approved 12 of the 25 locations expected to receive APS devices. Those 12 installations were expected to occur by the end of 2011.¹¹

ANALYSIS

Section one of Proposed Int. 183-A would amend subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York by adding a new section 19-188. Subdivision a of new section 19-188 would require the DOT to establish an accessible pedestrian signals program. The DOT would, as part of the program, be required to identify intersections where pedestrian signals may be installed, taking into account the guidelines set forth in the most recent version of MUTCD. The DOT, in consultation with the Mayor’s Office for People with Disabilities and advocates for and members of the visually impaired community, would also be required to identify intersections with the greatest crossing difficulty for the visually impaired. Beginning in 2012, the DOT would be required to annually install accessible pedestrian signals at each corner of 25 identified intersections.

Subdivision b of new section 19-188 would require the DOT to post on its website a report analyzing the status of the accessible pedestrian signals program on or before November 30, 2012, and on or before every November 30 thereafter. Subdivision b would further require that the report include a detailed assessment of the program, including cost, funding sources, recommendations for program improvements, availability of new technology, and additional intersections for possible inclusion in the program. The DOT would also be required to include in the report a ranking of the top 50 intersections for new accessible signals.

Subdivision c of the new section 19-188 would require the DOT to post on its website the locations of all accessible pedestrian signals, disaggregated by community and council district.

Section two of Proposed Int. 183-A would provide that this local law take effect immediately.

¹ Information retrieved from <http://www.nyc.gov/html/dot/html/about/dotdoes.shtml>, last accessed on March 26, 2012.

² *Id.*

³ NYC City Charter, § 2903

⁴ *Id.*

⁵ Federal Highway Administration, “Manual on Uniform Traffic Control Devices”, section 4E.09, <http://muted.fhwa.dot.gov/htm/2009/part4/part4e.htm>, last accessed on March 26, 2012.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ NYC Department of Transportation, Press Release # 11-78, Wednesday, September 28, 2011, http://www.nyc.gov/html/dot/html/pr2011/pr11_78.shtml, last accessed on March 26, 2012.

¹⁰ *Id.*

¹¹ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 183-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 183-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to accessible pedestrian signals.

SPONSORS: Council Members Brewer, Chin, Ferreras, Koppell, Lander, Nelson, Rose, Seabrook, Levin, Jackson, Rodriguez, Gonzalez, Koo, Mealy, Van Bramer and Vacca

SUMMARY OF LEGISLATION: This legislation would amend section 1 subchapter 3 of title 19 of the Administrative Code by adding a new section 19-188 entitled “Accessible pedestrian signal program” and would require that the Department of Transportation (“Department”) establish an accessible pedestrian signals program. The new section would require that the Department identify intersections where accessible pedestrian signals (APS) may be installed based on guidelines, including, but not limited to, those set forth in the most recent version of the manual on uniform traffic control devices (MUTCD). Also, after consultation with the Mayor’s office for people with disabilities and with advocates for and members of the visually impaired community, the Department shall identify intersections that reflect the greatest crossing difficulty for persons with visual impairments and commencing in 2012, annually install, based on such guidelines, an accessible pedestrian signal at each corner of twenty-five intersections identified by the Department following such consultation.

In addition, on or before November 30, 2012, and on or before every November 30 thereafter, the department shall post on its website a report analyzing the status of the accessible pedestrian signals program which shall include, but not be limited to, a detailed assessment of the program including cost, funding sources for such program including, but not limited to city, state and federal funding, recommendations for improvements to such program, availability of new technology that may be employed by the department for use in such program and any additional intersections in the city that may warrant inclusion in such program. In addition, such report shall list the fifty top ranked intersections for new accessible pedestrian signals, as evaluated by the department after consultation with the mayor’s office for people with disabilities and with advocates for and members of the visually impaired community, based on the criteria set forth in this local law. The department shall post on its website the locations of all such accessible pedestrian signals, disaggregated by community district and council district.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	(\$125,000)	(\$500,000)	(\$500,000)
Net	(\$125,000)	(\$500,000)	(\$500,000)

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: According to the MUTCD, APS units should be installed as close as possible to the crosswalk and to the curb ramp. As such, it is estimated that the additional annual cost resulting from the enactment of this legislation for twenty-five intersections including poles, conduit and their installations will be approximately \$500,000 or \$20,000 per intersection. The prorated cost in Fiscal 2012 would be approximately \$125,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 183 by the Council on April 29, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on January 25, 2012. Intro. 183 has been amended, and the amended version, Proposed Int. 183-A, will be considered by the Committee on March 27, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 183-A:)

Int. No. 183-A

By Council Members Brewer, Chin, Ferreras, Koppell, Lander, Nelson, Rose, Seabrook, Levin, Jackson, Rodriguez, Gonzalez, Koo, Mealy, Van Bramer, Vacca, Lappin, Dickens, Barron, Gennaro and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to accessible pedestrian signals.

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 19-188 to read as follows:

§19-188 *Accessible pedestrian signals program.* a. *The department shall establish an accessible pedestrian signals program. As part of this program, the department shall identify intersections where accessible pedestrian signals may be installed based on guidelines, including, but not limited to, those set forth in the most recent version of the manual on uniform traffic control devices. The department, after consultation with the mayor's office for people with disabilities and with advocates for and members of the visually impaired community, shall identify intersections which reflect the greatest crossing difficulty for persons with visual impairments. Commencing in 2012, the department shall annually install, based on such guidelines, an accessible pedestrian signal at each corner of twenty-five intersections identified by the department following such consultation.*

b. *On or before November 30, 2012, and on or before every November 30 thereafter, the department shall post on its website a report analyzing the status of the accessible pedestrian signals program which shall include, but not be limited to, a detailed assessment of the program including cost, funding sources for such program including, but not limited to city, state and federal funding, recommendations for improvements to such program, availability of new technology that may be employed by the department for use in such program and any additional intersections in the city that may warrant inclusion in such program. In addition, such report shall list the fifty top ranked intersections for new accessible pedestrian signals, as evaluated by the department after consultation with the mayor's office for people with disabilities and with advocates for and members of the visually impaired community, based on the criteria set forth in subdivision a of this section.*

c. *The department shall post on its website the locations of all such accessible pedestrian signals, disaggregated by community district and council district.*

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

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

Report for Int. No. 449-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the livery passenger bill of rights.

The Committee on Transportation, to which the annexed amended proposed local law was referred on December 20, 2010 (Minutes, page 5257), respectfully

REPORTS:

INTRODUCTION

On March 27, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 449-A, a Local Law

to amend the Administrative Code of the City of New York, in relation to the livery passenger bill of rights. This legislation would amend subdivision a of section 19-537 of the Administrative Code of the City of New York (the Code) and would amend subdivision d of section 19-537 of the Code by amending paragraphs 10 and 11 and adding a new paragraph 12. This bill would require that the currently existing livery passenger bill of rights be augmented to include a provision notifying passengers that they may request a wheelchair accessible vehicle and are entitled to be provided service equivalent to those who do not have a disability. This is the second hearing on this legislation. The first hearing was held March 1, 2012. At that hearing, the Committee heard testimony from representatives of the New York City Taxi and Limousine Commission (TLC) as well as interested stakeholders and community leaders. The legislation was amended following that testimony.

BACKGROUND

The Taxi and Limousine Commission ("TLC") is the main regulatory body of the for-hire car industry in New York City. TLC licenses and regulates 13,237 medallion taxicabs, 38,662 for-hire vehicles, 2,460 paratransit vehicles, 389 commuter vans, and 108,987 drivers.¹

According to section 17(c) of Chapter 59B of the Rules of the City of New York, promulgated in 2001, disabled passengers in livery vehicles are entitled to equivalent price and service levels as passengers who are not disabled.² However, the Passenger Bill of Rights currently posted in livery cars makes no mention of this rule. Presently the Bill of Rights posted in every livery vehicle enumerates twelve rights that a passenger has, including having a courteous driver, clean car and not having to tip for poor service, but there is no specification of the service that disabled people are entitled to under TLC rules.³

Proposed Int. No. 449-A would require that the existing livery passenger bill of rights include the right that disabled individuals have to service equivalent to non-disabled individuals.

ANALYSIS

Section one of Proposed Int. No. 449-A would amend subdivision a of section 19-537 of the Code by removing the reference to section 6-01 of the Rules of the City of New York in the definition of "livery".

Section two of Proposed Int. No. 449-A would amend subdivision d of section 19-537 of the Code by amending paragraphs 10 and 11 and by adding a new paragraph 12. Paragraph 10 would be amended by omitting the word "and", while paragraph 11 would be amended by omitting a period, inserting a semi-colon and adding the word "and."

New paragraph 12 would add language to the current livery passenger bill of rights to state that a passenger is entitled to request a wheelchair accessible vehicle and be provided with equivalent service.

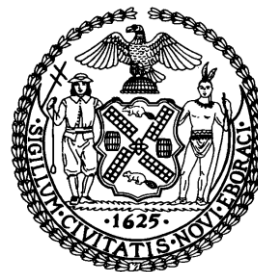
Section three of Proposed Int. No. 449-A would provide that this legislation take effect ninety days after its enactment into law.

¹ Mayor's Management Report, September 2011, page 131

² Information accessed at http://www.nyc.gov/html/tlc/html/passenger/wheelchair_access.shtml on March 26, 2012

³ Information accessed at http://www.nyc.gov/html/tlc/html/passenger/livery_rights.shtml on March 26, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 449-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 449-A

COMMITTEE:
Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the livery passenger bill of rights.

SPONSORS: Council Members Koppell, Cabrera, Chin, James, Mealy, Mendez, Nelson, Palma, Vann, Williams, Greenfield, Foster, Mark-Viverito, Van Bramer, Barron, Brewer, Jackson and Rodriguez

SUMMARY OF LEGISLATION: The proposed legislation would make a technical amendment to subdivision a of section 19-537 of title 19 of the administrative code of the city of New York. The proposed legislation would also amend subdivision d of section 19-537 relating to taxicab passengers' bill of rights. This bill would make technical amendments to paragraphs 10 and 11 of subdivision d and add a new paragraph 12 to include in the passengers' bill of rights for livery passengers the right to request a wheelchair accessible vehicle and be provided with equivalent service.

EFFECTIVE DATE: This legislation would take effect ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 449 by Council on December 20, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on March 1, 2012. Intro. 449 has been amended, and the amended version, Proposed Int. 449-A, will be considered by the Committee on March 27, 2012.

DATE SUBMITTED TO COUNCIL: December 20, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 449-A:)

Int. No. 449-A

By Council Members Koppell, Cabrera, Chin, James, Mealy, Mendez, Nelson, Palma, Vann, Williams, Greenfield, Foster, Mark-Viverito, Van Bramer, Barron, Brewer, Jackson, Rodriguez, Lappin, Rose, Dickens, Gennaro, Lander and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the livery passenger bill of rights.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-537 of the administrative code of the city of New York is amended to read as follows:

a. For the purposes of this section, the term "livery" shall have the same meaning as defined under Title 35[, §6-01] of the rules of the city of New York.

§ 2. Subdivision d of section 19-537 of the administrative code of the city of New York is amended by amending paragraphs 10 and 11 and adding a new paragraph 12 to read as follows:

(10) a driver who does not use a cell phone (hand-held or hands free) while driving; [and]

(11) decline to tip for poor service[.]; and

(12) request a wheelchair accessible vehicle and be provided with equivalent service.

§ 3. This local law shall take effect ninety days after its enactment into law.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

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

Override Report for Int. No. 490-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

The Committee on Transportation, to which the annexed amended proposed local law was referred on March 2, 2011 (Minutes, page 540) and was originally adopted by the Council on January 18, 2012 (please see M-746, February 29, 2012, Minutes, page 420), respectfully

REPORTS:

INTRODUCTION

On March 27, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Int. No. 490-A, a Local Law to amend the administrative code of the city of New York, in relation to cancelling tickets upon showing of a valid muni-meter receipt and M746-2012, communication from the Mayor: Mayor's veto and disapproval message of Introductory Number 490-A, in relation to cancelling tickets upon showing of a valid muni-meter receipt. This bill would require traffic agents to cancel a notice of violation for failing to pay the metered fare on the spot upon the showing of a valid muni-meter receipt to the agent no later than five minutes after the agent issued the ticket, when such receipt shows an official start time that is no later than five minutes after the notice was issued. The bill would also require the Department of Finance to keep a record and submit a report to the City Council of all the notices of violation canceled pursuant to the bill's requirements.

This will be the third hearing on Int. No. 490-A. The first hearing on this bill was held on April 5, 2011, and among others, representatives of the New York City Police Department and CWA Local 1182 testified. Amendments were made to the legislation after the April 5 hearing. The second hearing of this bill was on January 17, 2012. At that hearing, the Committee on Transportation voted 10-1 in favor of the bill, with no abstentions. On January 18, 2012, the Council adopted the bill, by a vote of 46-1 in favor of the bill, with no abstentions. On February 17, 2012, the Mayor forwarded a message to the City Clerk and Clerk of the Council, indicating that he would veto the legislation. On February 29, 2012, the Council received this veto, M0746-2012. The veto stated that the legislation could lead to fraud, that there are existing remedies to contest a traffic infraction, and that enactment of the legislation may endanger enforcement personnel.

BACKGROUND

The Department of Transportation ("DOT") manages New York City's on street parking system that encompasses approximately 63,000 parking meters.¹ Starting in 1996, the DOT began replacing single space parking meters with Muni-Meters at various locations throughout the City.² Muni Meters are multi space meters that allow for payment by credit and debit cards. According to DOT, by eliminating the need to install one meter per parking space, the parking capacity on a typical Manhattan street block could increase by as much as 15 to 20 percent.³ After making a purchase, motorists are required to display the muni-meter receipt on their vehicle's dashboard. There are approximately 600 muni-meters throughout the City that accept credit or debit cards, most of which are located in Manhattan.⁴ As of Fiscal Year 2011, 40.9% of metered spaces had muni-meters installed by DOT.⁵

ANALYSIS

Section 1 of Int. No. 490-A would amend the Administrative Code of the City of New York by adding a new section 19-215. Subdivision a of new section 19-215 would define "agent" as any person employed by the City of New York who is authorized to issue a notice of violation for parking violations. Subdivision a of new section 19-215 would also define "muni-meter receipt" as the receipt showing the amount of parking time that is dispensed by an electronic parking meter.

Subdivision b of new section 19-215 would require any agent who issues a notice of violation by electronic means, for the failure to pay the metered fare, to cancel the notice of violation no later than five minutes after the issuance of such notice when the agent is shown a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice. Subdivision b would further require that the electronic copy of the canceled notice be marked "valid muni-meter receipt shown; ticket canceled" and include the number of the muni-meter receipt shown. In addition, it would require

that the electronic system used by the agent to issue the notice be programmed to prohibit the notice from being canceled later than five minutes after the issuance of the notice.

Subdivision c of new section 19-215 would require the Department of Finance to keep a record of all notices of violation canceled pursuant to subdivision b of the new section 19-215. The subdivision would also require the Commissioner of Finance to send a report to the City Council, on or before March 31, 2013 and annually thereafter on or before the same date, detailing the number of notices of violation canceled pursuant to subdivision b of new section 19-215 in the prior calendar year.

Section 2 of Int. No. 490-A would provide that this local law take effect one hundred and eighty days after it is enacted into law, except that during the one hundred and eighty day period the Department of Finance would be required to provide appropriate training to all agents who will enforce the law.

¹ Information retrieved from Preliminary Fiscal 2011 Mayor’s Management Report, http://www.nyc.gov/html/ops/downloads/pdf_mmr/dot.pdf, last accessed on March 26, 2012.

² Thomas J. Lueck, “New Meter Is Said to Ease Parking, Once You Get Used to It”, *New York Times*, June 19, 1999, <http://www.nytimes.com/1999/06/19/nyregion/new-meter-is-said-to-ease-parking-once-you-get-used-to-it.html?pagewanted=all&src=pm> last accessed on March 26, 2012.

³ *Id.*

⁴ Information retrieved from <http://www.nyc.gov/html/dot/html/motorist/creditcardlocations.shtml>, last accessed on March 26, 2012.

⁵ Information retrieved from Preliminary Fiscal 2011 Mayor’s Management Report, http://www.nyc.gov/html/ops/downloads/pdf_mmr/dot.pdf, last accessed on March 26, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 490-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 490-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

SPONSORS: Council Members Gennaro, Cabrera, Chin, Nelson, Reyna, Rose, Williams, Van Bramer, Vacca, Rodriguez, Arroyo, Mendez, Dromm, Gonzalez, Comrie, Fidler, Gentile, James, Lander, Mark-Viverito, Vallone, Levin, Greenfield, Dickens, Jackson, Recchia, Mealy, Barron, Vann, Crowley, Eugene Ulrich, Koo and Halloran

SUMMARY OF LEGISLATION: This legislation would amend chapter 2 of title 19 of the Administrative Code by adding a new section 19-215 entitled “Cancellation of certain tickets” to require any Traffic Enforcement Agent (TEA) or any other authorized person who issues parking tickets via electronic means to cancel the ticket upon the showing of a valid muni-meter receipt, defined as “the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter”, no later than five minutes after the issuance of the ticket. The electronic copy of the canceled ticket would have an indication “valid muni-meter receipt shown, ticket canceled” and would include the number printed on the muni-meter receipt. In addition, the electronic system would be programmed to not allow cancellation beyond five minutes after the issuance of the ticket. Lastly, the Department of Finance would be required to keep a record of all notices canceled pursuant to this law, and would have to provide an annual report to the City Council prior to March 31 each year of the number of relevant ticket cancellations in the previous calendar year.

EFFECTIVE DATE: This legislation would take effect 180 days after its enactment into law, except that during such one hundred eighty day period, the Department shall provide appropriate training to all agents who will enforce such law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013.

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	(\$270,000)	\$0	(\$270,000)
Net	(\$270,000)	\$0	(\$270,000)

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Parking Ticketing Device System (PTDS) is a proprietary equipment used under contract and would require additional customization by the vendor to meet the requirements of this local law, it is anticipated that there would be an impact on expenditures of approximately \$270,000 or \$100 per PTD resulting from the enactment of this legislation. The Department currently has about 2,700 PTDs. While the current estimate of the impact of this bill is \$270,000, it is difficult at this time to quantify the outyear savings that would be achieved from the reduced caseloads for ALJs and unnecessary court costs that would result from the implementation of this local law. These savings when quantified could reduce the implementation costs of this legislation significantly. According to DOF data, in Calendar year 2011 there were approximately 120,000 muni-meter related violation hearings of which 82,000 or 68 percent were found not guilty. Of the not guilty amount, the number of violations dismissed because a defendant showed a valid muni-meter receipt was approximately 45,000 or 55 percent of those found not guilty. As at the time of this writing, no fiscal impact for this bill has been obtained from the Administration, despite Council’s numerous requests.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 490 by the Council on March 2, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on April 5, 2011. An amendment was proposed on the legislation and the amended version, proposed Int. 490-A was considered and voted out of committee on January 17, 2012. On January 18, 2012, Proposed Int.490-A passed the full council. On February 17, 2012, the Mayor vetoed Proposed Int.490-A. The Committee is expected to override the veto on March 27, 2012 and followed by the full council on March 28, 2012.

DATE SUBMITTED TO COUNCIL: March 2, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 490-A:)

Int. No. 490-A

By Council Members Gennaro, Cabrera, Chin, Nelson, Reyna, Rose, Williams, Van Bramer, Vacca, Rodriguez, Arroyo, Mendez, Dromm, Gonzalez, Comrie, Fidler, Gentile, James, Lander, Mark-Viverito, Vallone, Levin, Greenfield, Dickens, Jackson, Recchia, Mealy, Barron, Vann, Crowley, Eugene, Ulrich, Koo, Halloran and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-215 to read as follows:

§19-215 Cancellation of certain tickets. a. For the purposes of this section, the following terms shall be defined as follows:

1. “Agent” shall mean any person employed by the city of New York authorized to issue a notice of violation for parking violations.

2. “Muni-meter receipt” shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Any agent who issues a notice of violation by electronic means for failure to pay the metered fare shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked “valid muni-meter receipt shown; ticket canceled”

and shall include the number of such muni-meter receipt shown. The electronic system used by the agent to issue such notice shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

c. The department shall keep a record of all notices of violation canceled pursuant to subdivision b of this section. On or before March 31, 2013 and annually thereafter on or before March 31, the commissioner shall send a report to the city council detailing the number of notices of violation canceled pursuant to subdivision b of this section in the prior calendar year.

§2. This local law shall take effect one hundred eighty days following enactment, except that during such one hundred eighty day period, the department shall provide appropriate training to all agents who will enforce such law.

JAMES VACCA, Chairperson; GALE A. BREWER, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

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

Report for M 746

Report of the Committee on Transportation in favor of in favor of filing a Communication from the Mayor regarding the Mayor's veto and disapproval message of Introductory Number 490-A, in relation to canceling tickets upon showing a valid muni-meter receipt.

The Committee on Transportation, to which the annexed communication was referred on February 29, 2012 (Minutes, page 420), respectfully

REPORTS:

Since this Committee is voting to re-pass Int No. 490-A today, notwithstanding the objection of the Mayor, this Committee recommends the filing of M-746 (the Mayoral Veto and Disapproval Message for Int No. 490-A).

Accordingly, this Committee recommends the filing of M-746.

JAMES VACCA, Chairperson; GALE A. BREWER, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

Coupled to be Filed.

Override Report for Int. No. 546-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

The Committee on Transportation, to which the annexed amended proposed local law was referred on April 28, 2011 and was originally adopted by the Council on January 18, 2012 (Minutes, page 171) but vetoed by Mayor on February 17, 2012 (please see M-747, February 29, 2012 Minutes, page 421) respectfully

REPORTS:

INTRODUCTION

On March 27, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Int. No. 546-A, a Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules and M747-2012, communication from the Mayor: Mayor's veto and disapproval message of Introductory Number 546-A, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules. Int. 546-A would prohibit the Department of Transportation (DOT) and the Department of Sanitation (DSNY) from affixing an adhesive sticker

to any motor vehicle in connection with enforcement of alternate side of the street parking rules.

This will be the third hearing on Int. No. 546-A. The first hearing on this bill was held on November 1, 2011, and among others, representatives from DSNY testified. Amendments were made to the legislation after the November 1 hearing. The second hearing of this bill was on January 17, 2012. At that hearing, the Committee on Transportation voted 11-0 in favor of the bill, with no abstentions. On January 18, 2012, the Council adopted the bill, by a vote of 47 in favor of the bill, with no abstentions. On February 17, 2012, the Mayor forwarded a message to the City Clerk and Clerk of the Council, indicating that he would veto the legislation. On February 29, 2012, the Council received this veto, M0747-2012. In his veto message, the Mayor expressed concern that removing the ability to place stickers on windshields would compromise the cleanliness of the City's streets.

BACKGROUND

Department of Transportation

DOT employs over 4,000 workers who manage approximately 5,800 miles of streets, sidewalks, and highways and 789 bridges, including six tunnels.¹ DOT staff installs and maintains over 1.3 million street signs, traffic signals at more than 11,900 signalized intersections, over 300,000 streetlights, 69 million linear feet of markings, and approximately 63,000 parking meters.² Under the New York City Charter, DOT is charged with the responsibility of paving, repaving, resurfacing, and repairing all public roads. Additionally the Charter also grants DOT the authority to create regulations regarding the parking, standing and stopping of vehicles.³

Notification Stickers

New York City Traffic Rules Section 4-08(a)(10) authorizes the New York City Fire Department ("FDNY"), DOT, the Department of Sanitation ("DSNY"), MTA New York City Transit ("NYCT") Traffic Managers, and Traffic Enforcement Agents ("TEAs") to place a notification sticker on any vehicle caught stopping, standing or parking in any location prohibited by sign or rule.⁴ Enforcement agents are authorized to place a sticker on the window of a vehicle that is parked in violation of traffic rules.⁵ The dimensions of the sticker are required to be 8 ½ inches by 11 inches. The sticker has to mention in writing that the vehicle is in violation of New York City Traffic Rules and mention the City agency that issued the notification sticker.⁶

The City first began issuing notification stickers to vehicles parked in violation of street cleaning regulations in 1987, as part of a pilot program conducted by the DSNY.⁷ The scope of the program was limited to several New York City neighborhoods, including those surrounding Columbia University in Manhattan and the Park Slope and Red Hook sections of Brooklyn.⁸ The following year, DSNY deemed the pilot program a success and began to issue notification stickers citywide.⁹

ANALYSIS

Section one of Int. No. 546-A would amend subchapter 2 of chapter 1 of title 19 of the New York City Administrative Code by adding a new section 19-163.2. New section 19-163.2 would prohibit the DOT and DSNY from affixing an adhesive sticker to any motor vehicle solely in connection with in the enforcement of alternate side of the street parking rules.

Section two of Int. No. 546-A states that the local law would take effect immediately upon enactment.

¹ Information retrieved from <http://www.nyc.gov/html/dot/html/about/dotdoes.shtml>, last accessed on March 26, 2012.

² *Id.*

³ NYC City Charter, § 2903

⁴ Title 34, Department of Transportation, Chapter 4, Traffic Rules, § 4-08(a)(10).

⁵ *Id.*

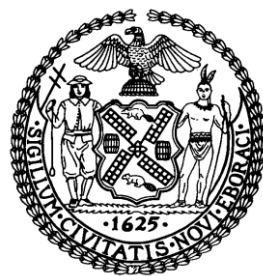
⁶ *Id.*

⁷ "Ugly Stickers Are Tried To Clear Path For Sweeper", *New York Times*, March 31, 1987, <http://www.nytimes.com/1987/03/31/nyregion/ugly-stickers-are-tried-to-clear-path-for-sweeper.html> accessed on March 26, 2012.

⁸ *Id.*

⁹ Sarah Lyall, "Illegally Parked Cars Receive a Mark of Shame", *New York Times*, September 4, 1988, <http://www.nytimes.com/1988/09/04/nyregion/illegally-parked-cars-receive-a-mark-of-shame.html> accessed on March 26, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 546-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 546-A

COMMITTEE: TRANSPORTATION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

SPONSORS: Council Members Greenfield, James, Lander, Rose, Rodriguez, Lappin, Arroyo, Jackson, Levin, Dromm, Recchia, Gonzalez, Van Bramer, Vacca, Barron, Vann, Crowley, Eugene, Gennaro, Wills and Williams.

SUMMARY OF LEGISLATION: This legislation would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-163.2 to provide that neither the Department of Transportation nor the Department of Sanitation shall affix an adhesive sticker to any motor vehicle solely in connection with the enforcement of alternate side of the street parking rules.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 546 by the Council on April 28, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on November 1, 2011. An amendment was proposed on the legislation and the amended version, proposed Int. 546-A was considered and voted out of committee on January 17, 2012. On January 18, 2012, Proposed Int. 546-A passed the full council. On February 17, 2012, the Mayor vetoed Proposed Int. 546-A. The Committee is expected to override the veto on March 27, 2012 and followed by the full council on March 28, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 546-A:)

Int. No. 546-A

By Council Members Greenfield, James, Lander, Rose, Rodriguez, Lappin, Arroyo, Jackson, Levin, Dromm, Recchia, Gonzalez, Van Bramer, Vacca, Barron, Vann, Crowley, Eugene, Gennaro, Wills, Williams and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

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 19-163.2 to read as follows:

§ 19-163.2 *Limitation on the use of adhesive stickers in the enforcement of alternate side of the street parking rules. Neither the department nor the department of sanitation shall affix an adhesive sticker to any motor vehicle solely in connection with the enforcement of alternate side of the street parking rules.*

§ 2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

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

Report for M 747

Report of the Committee on Transportation in favor of in favor of filing a Communication from the Mayor regarding the Mayor's veto and disapproval message of Introductory Number 546-A, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

The Committee on Transportation, to which the annexed communication was referred on February 29, 2012 (Minutes, page 421), respectfully

REPORTS:

Since this Committee is voting to re-pass Int No. 546-A today, notwithstanding the objection of the Mayor, this Committee recommends the filing of M-747 (the Mayoral Veto and Disapproval Message for Int No. 546-A).

Accordingly, this Committee recommends the filing of M-747.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

Coupled to be Filed

Report for Int. No. 745-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post on its website pedestrian related project information accessible to people with disabilities.

The Committee on Transportation, to which the annexed amended proposed local law was referred on December 19, 2011 (Minutes, page 5377), respectfully

REPORTS:

INTRODUCTION

On March 27, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a second hearing on Proposed Int. No. 745-A, a Local Law to amend the Administrative Code of the City of New York in relation to requiring the Department of Transportation (“DOT”) to post on its website pedestrian related project information accessible to people with disabilities. This bill would require that any major street redesign undertaken by DOT be posted on the DOT’s website in a format accessible to those with disabilities. This is the second hearing on this legislation. The Transportation Committee previously held a hearing on Int. No. 745 on January 25, 2012. At that hearing, the Committee heard testimony from representatives from the DOT, as well as disability advocates and concerned community stakeholders. Amendments were made to the bill following such hearing.

BACKGROUND

Department of Transportation

DOT employs over 4,000 workers who manage approximately 5,800 miles of streets, sidewalks, and highways and 789 bridges, including six tunnels.¹ DOT staff installs and maintains over 1.3 million street signs, traffic signals at more than 11,900 signalized intersections, over 300,000 streetlights, 69 million linear feet of markings, and approximately 63,000 parking meters.² Under the New York City Charter, DOT is charged with the responsibility of paving, repaving, resurfacing, and repairing all public roads.³ Additionally the Charter also grants DOT the authority to issue permits to builders of public utilities for the use or the opening up of a City street.⁴

Currently, DOT’s website is not accessible to those with disabilities, which causes hardship to those with visual impairments, as they are unable to decipher

when a roadway has been altered. This in turn creates potentially unsafe conditions as those with visual disabilities traverse the streets without knowing when changes have been made to the roadway.

Current Online Disability Standards

The standards used to define “Accessible to people with disabilities” in this proposed local law are substantially the same standards that the websites of Federal government agencies must comply with under Section 508 of the Rehabilitation Act. The standards are published at 36 CFR 1194.22.

The Americans with Disabilities Act (ADA) bars local governments from excluding individuals with a disability from participating in, or benefiting from services, programs, or activities of a public entity.⁵ The United States Department of Justice (DOJ) has always maintained that the ADA applies to government websites⁶ and on July 23, 2010, the DOJ published an advance notice of proposed rulemaking to codify this interpretation of the ADA.⁷ The new rules would revise the ADA’s regulations to establish requirements for making services, programs, or activities offered by local governments to the public via the Web accessible.⁸ The advance notice assumes that the final rules will either use the Section 508 standards or the Web Accessibility Initiative’s Web Content Accessibility Guidelines.⁹ There is significant overlap between the two. The comment period ended on January 24, 2011, but since then there has been no movement toward creating standards.¹⁰ Because they have not yet been created, this local law would codify the standards under Section 508 in the City’s Administrative Code to ensure that the City’s government websites are accessible.

ANALYSIS

Section 1 of Proposed Int. No. 745-A would amend the Administrative Code of the City of New York by adding a new section 19-101.4. Subdivision a of new section 19-101.4 would define the applicable terms for the new section. “Accessible pedestrian signal” would be defined as a device that communicates information about pedestrian signal timing in a non-visual format. “Accessible to people with disabilities” would be defined to encompass sixteen requirements that: 1) text equivalency be provided for all non-text elements; 2) synchronized equivalent alternatives be provided for multimedia presentations; 3) information conveyed with color on webpages be available without color; 4) documents be readable without requiring an associated style sheet; 5) each active region of a server-side image map contain redundant text links; 6) client-side image maps be provided, as opposed to server-side image maps, unless regions cannot be defined with an available geometric shape; 7) row and column headers be identified for data tables; 8) data tables that have two or more logical levels of row or column headers use markup to associate data and header cells; 9) frames use text titles that facilitate frame identification and navigation; 10) pages avoid causing screen flickering at a frequency greater than 2 Hz and lower than 55 Hz; 11) if compliance cannot be achieved in any other way, a text-only page, with equivalent information or functionality that is updated whenever the primary page updates, be provided; 12) if scripting language is used to display content to create interface elements, the information provided be identified with functional text that can be read by assistive technology; 13) pages requiring applets, plug-ins or other applications to interpret page content provide a link to that application; 14) electronic forms that are designed to be completed online allow users of assistive technology to access all directions, cues, information, elements and fields required for completion and submission; 15) users be allowed to skip repetitive navigation links; and 16) users be altered and given sufficient time to indicate more time is needed for timed responses. “Bicycle lane” would be defined as a portion of the roadway marked off or separated for the preferential or exclusive use of bicycles. “Exclusive pedestrian signal” would be defined as a pedestrian control signal that allows pedestrians an exclusive interval at which to cross the street while traffic is stopped in all directions. “Leading pedestrian signal” would be defined as a signal that displays a walk indicator before a green indicator within the same intersection is displayed. “Major transportation project” would be defined as any project that will alter four or more consecutive blocks or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the road, including the addition or removal or vehicle lanes, of the removal of a parking lane. “Pedestrian plaza” would be defined as an area within the bed of a roadway that is designated by the DOT as an area for use by pedestrians.

Subdivision b of new section 19-101.4 would require DOT to post on its website in a format accessible to people with disabilities the location of all major transportation projects and installations and removals of bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals, and accessible pedestrian signals not less 72 hours before the change is expected to occur. Further, on or before the effective date of the section, the DOT would be required to post the location of all major transportation projects completed on or after January 1, 2010 and all bicycle lanes, pedestrian plazas, and accessible pedestrian signals already in existence at the time of the effective date of the local law. However, the locations of leading and exclusive pedestrian signals would be required to be posted on or before December 31, 2012.

Section 2 of Proposed Int. No. 745-A would provide that this local law take effect one hundred eighty days after it is enacted into law except that the DOT would be required to take necessary measures, including the promulgation of rules, to ensure implementation prior to the effective date.

¹ Information retrieved from <http://www.nyc.gov/html/dot/html/about/dotdoes.shtml>, last accessed March 26, 2012.

² Id.

³ New York City Charter § 2903

⁴ Id.

⁵ 42 USCS §12132

⁶ <http://www.ada.gov/websites2.htm>

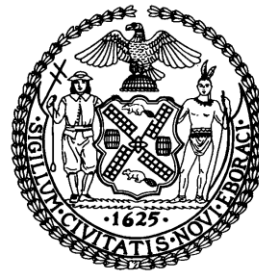
⁷ 75 FR 43460

⁸ Id.

⁹ Id.

¹⁰ Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 745-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 745-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation to post on its website pedestrian related project information accessible to people with disabilities.

SPONSORS: Council Members Vacca, Williams, Brewer, Cabrera, Chin, Dickens, Eugene, Ferreras, Fidler, James, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rose, Seabrook, Rodriguez, Dromm, Koppell, Vann, Jackson, Gonzalez, Koo, Mealy, Van Bramer and Reyna

SUMMARY OF LEGISLATION: This legislation would amend subchapter 1 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-101.4 entitled “Online accessible list of pedestrian safety projects” and would require that the Department of Transportation (“Department”) post on its website, in a format accessible to people with disabilities the location of all major transportation projects and all installations or removals of bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals. Such posting would be made not less than seventy-two hours prior to the expected completion date of each project, installation or removal.

In addition, this bill would require that the location of for all major transportation projects subject to section 19-101.2 of title 19 of the Administrative Code completed on or after January 1, 2010 and all bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals in existence on the effective date of this section be posted in a format accessible to people with disabilities. Such posting shall be made on or before the effective date of this section, except that all such leading pedestrian signals and exclusive pedestrian signals would be required to be posted on or before December 31, 2012.

EFFECTIVE DATE: This legislation would take effect one hundred eighty days after its enactment into law, except that the Department would be required to take measures as may be necessary for the purposes of implementing this local law, including the promulgation of rules, prior to such enactment date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014.

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because it is anticipated that the Department will use existing resources to comply with this local law, there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 745 by the Council on December 19, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on January 25, 2012. Intro. 745 has been amended, and the amended version, Proposed Int. 745-A, will be considered by the Committee on March 27, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 745-A:)

Int. No. 745-A

By Council Members Vacca, Williams, Brewer, Cabrera, Chin, Dickens, Eugene, Ferreras, Fidler, James, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rose, Seabrook, Rodriguez, Dromm, Koppell, Vann, Jackson, Gonzalez, Koo, Mealy, Van Bramer, Reyna, Lappin, Barron, Gennaro and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post on its website pedestrian related project information accessible to people with disabilities.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.4 to read as follows:

§ 19-101.4 *Online accessible list of pedestrian safety projects.* a. *For the purposes of this section, the following terms shall be defined as follows:*

1. *“Accessible pedestrian signal” shall mean a device that communicates information about pedestrian signal timing in a nonvisual format.*

2. *“Accessible to people with disabilities” shall mean:*

i. *A text equivalent for every non-text element is provided;*

ii. *equivalent alternatives for any multimedia presentation are synchronized with the presentation;*

iii. *web pages are designed so that all information conveyed with color is also available without color;*

iv. *documents are organized so they are readable without requiring an associated style sheet;*

v. *redundant text links are provided for each active region of a server-side image map;*

vi. *client-side image maps are provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape;*

vii. *row and column headers are identified for data tables;*

viii. *markup is used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers;*

ix. *frames are titled with text that facilitates frame identification and navigation;*

x. *pages are designed to avoid causing the screen to flicker with a frequency greater than 2 HZ and lower than 55 Hz;*

xi. *a text-only page, with equivalent information or functionality shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page updates;*

xii. *when pages utilize scripting languages to display content, or to create interface elements, the information provided by the script is identified with functional text that can be read by assistive technology;*

xiii. *when pages require that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to that plug-in or applet;*

xiv. *when electronic forms are designed to be completed on-line the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues;*

xv. *a method shall be provided that permits users to skip repetitive navigation links; and*

xvi. *when a timed response is required, the user is alerted and given sufficient time to indicate more time is required.*

3. *“Bicycle lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

4. *“Exclusive pedestrian signal” shall mean a pedestrian control signal that allows pedestrians an exclusive interval at which to cross while traffic is stopped in all directions.*

5. *“Leading pedestrian signal” shall mean a pedestrian control signal that displays a walk indicator before a green indicator of a traffic control signal within the same intersection is displayed.*

6. *“Major transportation project” shall mean any project that, after construction, will alter four or more consecutive blocks or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).*

7. *“Pedestrian plaza” shall mean an area designated by the New York city department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.*

b. *The department shall post on its website, in a format accessible to people with disabilities:*

i. *The location of all major transportation projects and all installations or removals of bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals. Such posting shall be made not less than seventy-two hours prior to the expected completion date of each project, installation or removal.*

ii. *The location of all major transportation projects subject to section 19-101.2 of this code completed on or after January 1, 2010 and all bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals in existence on the effective date of this section. Such posting shall be made on or before the effective date of this section, except that all such leading pedestrian signals and exclusive pedestrian signals shall be posted on or before December 31, 2012.*

§2. This local law shall take effect one hundred eighty days after its enactment into law, except that the department shall take measures as may be necessary for the purposes of implementing this local law, including the promulgation of rules, prior to such enactment date.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, March 27, 2012.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 559

Report of the Committee on Land Use in favor of approving Application no. C 120029 ZSM submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-743 (a) (1), Section 74-743 (a) (2) and Section 74-743 (a) (4) in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12th Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter. Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 403), and which was originally before the Council on March 14, 2012 (Minutes, page 618), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120029 ZSM

City Planning Commission decision approving an application submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York, 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 of the City of New York:

1. Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432,

the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23- 843; and

- 3. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements;

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1) in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, Lot 1), in R8, C6-2 and C2-7 Districts.

INTENT

To facilitate the development of a proposed mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: Eighteen
Thirty-seven

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 14, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders, Jr.
Rivera		Williams
Reyna		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		

Halloran
Koo

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 14, 2012. The City Planning Commission filed a letter dated March 26, 2012, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1288

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 120029 ZSM (L.U. No. 559), for the grant of special permits pursuant to Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines; Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23-843; and Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements; in connection with a proposed mixed use development on property located at 133-147 West 11th Street (Block 607, Lot 1 and Block 617, Lot 1) in R8, C6-2 and C2-7 Districts, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), on the application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York, 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 of the City of New York:

1. Section 74-743(a)(1) - to allow the distribution of required open space under the applicable district regulations without regard for zoning lot lines;
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632 and 33-432, the rear yard setback requirements of Section 23-663, and the inner court recess requirements of Section 23- 843; and
3. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 for the applicable district without regard for the height factor or open space ratio requirements;

in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1) in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, Lot 1), in R8, C6-2 and C2-7 Districts (ULURP No. C 120029 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120030 ZSM (L.U. No. 560), a special permit pursuant to Section 74-744(b) to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) within a Large-Scale General Development; C 120031 ZSM (L.U. No. 561), a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an accessory parking garage with a maximum capacity of 152 spaces within a Large-Scale General Development; N 120032 ZRM (L.U. No. 562), a zoning text amendment relating to Section 74-743 (Special Provisions for bulk modifications); and C 120033 ZMM (L.U. No. 563), a zoning map amendment to change existing R6 and C1-6 Districts to an R8 District and to change C2-6 District to a C6-2 District;

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

WHEREAS, the City 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 March 6, 2012;

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

WHEREAS, the restrictive declaration of January 23, 2012 has been further amended and attached hereto;

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, and further amended March 26, 2012, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120029 ZSM, the Technical Memorandum dated March 23, 2012, both incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the City Council;
 Matter double-underlined is new, to be added by the City Council.

1. The property that is the subject of this application (120029 ZSM) shall be developed in the size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, filed with this application and incorporated in this resolution:

Prepared by FXFowle:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-10	ATTACHMENT #2 Proposed Large-Scale General Development Site Plan	[December 28, 2011] <u>March 26, 2012</u>
Z-11	ATTACHMENT #2 & #4 Zoning Calculations	[December 28, 2011] <u>March 26, 2012</u>
Z-12	ATTACHMENT #6 Floors 1, 2, 3 Plans Use Waiver	[December 28, 2011] <u>March 26, 2012</u>
Z-20A	ATTACHMENT #5 East Site Dimensioned Building Plan	[August 10, 2011] <u>March 26, 2012</u>
Z-20B	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Plan	[August 10, 2011] <u>March 26, 2012</u>
Z-20C	ATTACHMENT #5 Court Plans and Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-21	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-22	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-23	ATTACHMENT #5 Height & Setback Encroachment Diagrams Elevations	[August 10, 2011] <u>March 26, 2012</u>

Prepared by MPFP LLC:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
<u>L-101</u>	<u>Triangle Park Key & Dimension Plan</u>	<u>January 17, 2012</u>
<u>L-102</u>	<u>Triangle Park Paving Plan</u>	<u>December 28, 2011</u>
<u>L-103</u>	<u>Triangle Park Planting Plan</u>	<u>December 28, 2011</u>
<u>L-104</u>	<u>Triangle Park Lighting Plan</u>	<u>December 28, 2011</u>
<u>L-111</u>	<u>Triangle Park Bench Details</u>	<u>December 28, 2011</u>
<u>L-112</u>	<u>Triangle Park Fence Details</u>	<u>December 28, 2011</u>
<u>L-113</u>	<u>Triangle Park Gate Details</u>	<u>January 17, 2012</u>
<u>L-114</u>	<u>Triangle Park Furniture Details</u>	<u>January 17, 2012</u>
<u>L-115</u>	<u>Triangle Park Paving Details</u>	<u>December 28, 2011</u>
<u>L-116</u>	<u>Triangle Park Streetscape Details</u>	<u>December 28, 2011</u>
<u>L-201</u>	<u>Courtyard Key & Dimension Plan</u>	<u>December 28, 2011</u>
<u>L-202</u>	<u>Courtyard Enlargement Plan 1</u>	<u>December 28, 2011</u>
<u>L-203</u>	<u>Courtyard Enlargement Plan 2</u>	<u>December 28, 2011</u>
<u>L-204</u>	<u>Courtyard Enlargement Plan 3</u>	<u>December 28, 2011</u>
<u>L-205</u>	<u>Courtyard Planting Details</u>	<u>December 28, 2011</u>
<u>L-206</u>	<u>Courtyard Seating Details</u>	<u>December 28, 2011</u>
<u>L-207</u>	<u>Courtyard Seating Details</u>	<u>December 28, 2011</u>
<u>L-208</u>	<u>Courtyard Seatwall Details</u>	<u>December 28, 2011</u>
<u>L-209</u>	<u>Courtyard Paving Plan & Details</u>	<u>December 28, 2011</u>
<u>L-210</u>	<u>Courtyard Planting Plan</u>	<u>December 28, 2011</u>

2. All references to the restrictive declaration executed as of January 23, 2012 shall refer instead to a restrictive declaration executed as of March 26, 2012, and such restrictive declaration shall incorporate and reflect all changes attached hereto.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after a restrictive declaration in the form executed by West Village Residences

LLC on January 23, 2012, and including administrative and technical changes accepted by counsel to the City Planning Commission, is executed by West Village Residences LLC, and all parties in interest, and is recorded and filed in the Office of the Register of the City of New York, County of New York.

5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. 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.
8. 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.
9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 14, 2012.

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

Report for L.U. No. 560

Report of the Committee on Land Use in favor of approving Application no. C 120030 ZSM submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 (b) of the Zoning Resolution to modify the use location requirements of Section 32-422 to allow Use group 6 uses on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter., Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 404), and which was originally before the Council on March 14, 2012 (Minutes, page 621), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120030 ZSM

City Planning Commission decision approving the application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts.

INTENT

To facilitate the development of a proposed mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: Eighteen
Witnesses Against: Thirty-Seven

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 14, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders, Jr.
Rivera		Williams
Reyna		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Garodnick		
Lappin		
Mendez		
<u>Contd.</u>		
Vacca		

Lander
Levin
Weprin
Ignizio
Halloran
Koo

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 14, 2012. The City Planning Commission filed a letter dated March 26, 2012, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1289

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 120030 ZSM (L.U. No. 560), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), on the application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) to allow Use Group 6 uses (offices) on portions of the 3rd floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts (ULURP No. C 120030 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120029 ZSM (L.U. No. 559), a special permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development; C 120031 ZSM (L.U. No. 561), a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an accessory parking garage with a maximum capacity of 152 spaces within a Large-Scale General Development; N 120032 ZRM (L.U. No. 562), a zoning text amendment relating to Section 74-743 (Special Provisions for bulk modifications); and C 120033 ZMM (L.U. No. 563), a zoning map amendment to change existing R6 and C1-6 Districts to an R8 District and to change C2-6 District to a C6-2 District;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-744(b) 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 March 6, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, and further amended March 26, 2012, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120030 ZSM, the Technical Memorandum dated March 23, 2012, both incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the City Council;
Matter double-underlined is new, to be added by the City Council.

1. The property that is the subject of this application (120030 ZSM) shall be developed in the size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans filed with this application and incorporated in this resolution:

Prepared by FXFowle:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-10	ATTACHMENT #2 Proposed Large-Scale General Development Site Plan	[December 28, 2011] <u>March 26, 2012</u>
Z-11	ATTACHMENT #2 & #4 Zoning Calculations	[December 28, 2011] <u>March 26, 2012</u>
Z-12	ATTACHMENT #6 Floors 1, 2, 3 Plans Use Waiver	[December 28, 2011] <u>March 26, 2012</u>
Z-20A	ATTACHMENT #5 East Site Dimensioned Building Plan	[August 10, 2011] <u>March 26, 2012</u>
Z-20B	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Plan	[August 10, 2011] <u>March 26, 2012</u>
Z-20C	ATTACHMENT #5 Court Plans and Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-21	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-22	ATTACHMENT #5 Height & Setback Encroachment Diagrams – Sections	[August 10, 2011] <u>March 26, 2012</u>
Z-23	ATTACHMENT #5 Height & Setback Encroachment Diagrams Elevations	[August 10, 2011] <u>March 26, 2012</u>

Prepared by MPFP LLC:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
L-101	<u>Triangle Park Key & Dimension Plan</u>	<u>January 17, 2012</u>
L-102	<u>Triangle Park Paving Plan</u>	<u>December 28, 2011</u>
L-103	<u>Triangle Park Planting Plan</u>	<u>December 28, 2011</u>
L-104	<u>Triangle Park Lighting Plan</u>	<u>December 28, 2011</u>
L-111	<u>Triangle Park Bench Details</u>	<u>December 28, 2011</u>
L-112	<u>Triangle Park Fence Details</u>	<u>December 28, 2011</u>
L-113	<u>Triangle Park Gate Details</u>	<u>January 17, 2012</u>
L-114	<u>Triangle Park Furniture Details</u>	<u>January 17, 2012</u>
L-115	<u>Triangle Park Paving Details</u>	<u>December 28, 2011</u>
L-116	<u>Triangle Park Streetscape Details</u>	<u>December 28, 2011</u>
L-201	<u>Courtyard Key & Dimension Plan</u>	<u>December 28, 2011</u>
L-202	<u>Courtyard Enlargement Plan 1</u>	<u>December 28, 2011</u>
L-203	<u>Courtyard Enlargement Plan 2</u>	<u>December 28, 2011</u>
L-204	<u>Courtyard Enlargement Plan 3</u>	<u>December 28, 2011</u>
L-205	<u>Courtyard Planting Details</u>	<u>December 28, 2011</u>
L-206	<u>Courtyard Seating Details</u>	<u>December 28, 2011</u>
L-207	<u>Courtyard Seating Details</u>	<u>December 28, 2011</u>
L-208	<u>Courtyard Seatwall Details</u>	<u>December 28, 2011</u>
L-209	<u>Courtyard Paving Plan & Details</u>	<u>December 28, 2011</u>
L-210	<u>Courtyard Planting Plan</u>	<u>December 28, 2011</u>

- All references to the restrictive declaration executed as of January 23, 2012 shall refer instead to a restrictive declaration executed as of March 26, 2012, and such restrictive declaration shall incorporate and reflect all changes attached hereto.
- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- Development pursuant to this resolution shall be allowed only after restrictive declaration, dated January 23, 2012, executed by West Village Residences LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
- The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.
- In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 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.
- Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated

above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 14, 2012.

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

Report for L.U. No. 561

Report of the Committee on Land Use in favor of approving Application no. C 120031 ZSM submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York 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 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan . This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter. Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 404), and which was originally before the Council on March 14, 2012 (Minutes, page 624), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120031 ZSM

City Planning Commission decision approving the application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York 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 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts.

INTENT

To facilitate the development of a proposed mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: Eighteen
Seven

Witnesses Against: Thirty-

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 14, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders, Jr.
Rivera		Williams
Reyna		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Garodnick		
Lappin		

Contd.

Mendez
Vacca
Lander
Levin
Weprin
Ignizio
Halloran
Koo

FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION

The Committee's proposed modification was filed with the City Planning Commission on March 14, 2012. The City Planning Commission filed a letter dated March 26, 2012, with the Council indicating that the proposed modification is not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1290

Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 120031 ZSM (L.U. No. 561), for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), on the application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York 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 of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, (ULURP No. C 120030 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120029 ZSM (L.U. No. 559), a special permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development; C 120030 ZSM (L.U. No. 560), a special permit pursuant to Section 74-744(b) to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) within a Large-Scale General Development; N 120032 ZRM (L.U. No. 562), a zoning text amendment relating to Section 74-743 (Special Provisions for bulk modifications); and C 120033 ZMM (L.U. No. 563), a zoning map amendment to change existing R6 and C1-6 Districts to an R8 District and to change C2-6 District to a C6-2 District;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 13-561 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

WHEREAS,

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, and further amended March 26, 2012, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120031 ZSM, the Technical Memorandum dated March 23, 2012, both incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the City Council,
 Matter double-underlined is new, to be added by the City Council.

- 1. The property that is the subject of this application (C 120031 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by FXFowle, filed with this application and incorporated in this resolution, and such enclosed attended accessory parking garage shall have a maximum of 95 spaces:

<u>Drawing Number</u>	<u>TitleLast Date Revised</u>
Z-40 <u>2012</u> Parking Garage Plans, Sections, & Calculations	ATTACHMENT #6 [December 28, 2011] <u>March 26, 2012</u>

- 2. All references to the restrictive declaration executed as of January 23, 2012 shall refer instead to a restrictive declaration executed as of March 26, 2012, and such restrictive declaration shall incorporate and reflect all changes attached hereto.
- 3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. Development pursuant to this resolution shall be allowed only after restrictive declaration, January 23, 2012, executed by West Village Residences LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
- 5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.
- 6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 7. 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.
- 8. 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.
- 9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or

agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 14, 2012.

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

Report for L.U. No. 562

Report of the Committee on Land Use in favor of approving Application no. N 120032 ZRM submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of City of New York, relating to Section 74-743 (special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues, Community District 2, Borough of Manhattan, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 405), and which was originally before the Council on March 14, 2012 (Minutes, page 627), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 N 120032 ZRM

City Planning Commission decision approving an application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York 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 Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues.

INTENT

To facilitate the development of a proposed mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: Eighteen
 Seven

Witnesses Against: Thirty-

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		

Lappin
Vacca
Ignizio

COMMITTEE ACTION

DATE: March 14, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders, Jr.
Rivera		Williams
Reyna		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Garodnick		
Lappin		

Contd.

Mendez
Vacca
Lander
Levin
Weprin
Ignizio
Halloran
Koo

FILING OF MODIFICATIONS OF THE RELATED ITEMS – C 120029 ZSM, C 120030 ZSM & C 120031 ZSM WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 14, 2012. The City Planning Commission filed a letter dated March 26, 2012, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1291

Resolution approving the decision of the City Planning Commission on Application No. N 120032 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues (L.U. No. 562).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the RSV, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues. This action along with the related actions would facilitate the development of a proposed, mixed-use, primarily residential development on a 92,925 square foot lot located on 7th Avenue between West 12th Street and West 11th Street (Block 607, Lot 1; Block 617, Lots 1 and 55). The proposed buildings will contain approximately 450 market-rate residential units, as well as a small amount of retail space and doctor's offices. The project also includes a 16,677 square foot publicly accessible open space on the triangular parcel of land located immediately west of the development

site (Application No. N 120032 ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120029 ZSM (L.U. No. 559), a special permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development; C 120030 ZSM (L.U. No. 560), a special permit pursuant to Section 74-744(b) to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) within a Large-Scale General Development; C 120031 ZSM (L.U. No. 561), a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an accessory parking garage with a maximum capacity of 152 spaces within a Large-Scale General Development; and C 120033 ZMM (L.U. No. 563), a zoning map amendment to change existing R6 and C1-6 Districts to an R8 District and to change C2-6 District to a C6-2 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 6, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

The Council has referred this application with the related applications (C 120029 ZSM (L.U. No. 559), C 120030 ZSM (L.U. No. 560), C 120031 ZSM (L.U. No. 561), and C 120033 ZMM) to the City Planning Commission for modifications.

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 120032 ZRM, the Technical Memorandum dated March 23, 2012, both incorporated by reference herein, the Council approves the Decision.

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

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;

Article 7 – Administration

Chapter 4

Special Permits by the City Planning Commission

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning

Commission may permit;

- (1) * * *
- (2) * * *
- (3) * * *
- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district;

* * * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 14, 2012.

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

Report for L.U. No. 563

Report of the Committee on Land Use in favor of approving Application no. C 120033 ZMM submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a and 12c. Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 405), and which was originally before the Council on March 14, 2012 (Minutes, page 630), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120033 ZMM

City Planning Commission decision approving an application submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 12a and 12c:

- 1. changing from an R6 District to an R8 District property bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 12th Street and West 11th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, a line 100 feet northeasterly of Greenwich Avenue, and a line 100 feet easterly of Seventh Avenue;
- 2. changing from a C1-6 District to an R8 District property bounded by a line 100 feet northeasterly of Greenwich Avenue, West 11th Street, and a line 100 feet easterly of Seventh Avenue; and
- 3. changing from a C2-6 District to a C6-2 District property bounded by West 12th Street, a line 100 feet easterly of Seventh Avenue, West 11th Street, and Seventh Avenue;

as shown on a diagram (for illustrative purposes only) dated August 22, 2011.

INTENT

To facilitate the development of a proposed mixed-use development on a 92,925 square foot lot located on Seventh Avenue between West 12th Street and West 11th Street.

PUBLIC HEARING

DATE: March 6, 2012

Witnesses in Favor: Eighteen
Seven **Witnesses Against:** Thirty-

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 14, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders, Jr.
Rivera		Williams
Reyna		
Jackson		
Seabrook		
Vann		
Gonzalez		
Palma		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		
Halloran		
Koo		

FILING OF MODIFICATIONS OF THE RELATED ITEMS – C 120029 ZSM, C 120030 ZSM & C 120031 ZSM WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 14, 2012. The City Planning Commission filed a letter dated March 26, 2012, with the Council indicating that the proposed modifications are not

subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1292

Resolution approving the decision of the City Planning Commission on ULURP No. C 120033 ZMM, a Zoning Map amendment (L.U. No. 563).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), on the application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the development of a proposed, mixed-use development on a 92,925 square foot lot located on 7th Avenue between West 12th Street and West 11th Street (Block 607, Lot 1; Block 617, Lots 1 and 55). The proposed buildings will contain approximately 450 market-rate residential units, as well as a small amount of retail space and doctor's offices and also includes a 16,677 square foot publicly accessible open space on the triangular parcel of land located immediately west of the East Site in Community District 2 (ULURP No. C 120033 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120029 ZSM (L.U. No. 559), a special permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development; C 120030 ZSM (L.U. No. 560), a special permit pursuant to Section 74-744(b) to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) within a Large-Scale General Development; C 120031 ZSM (L.U. No. 561), a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an accessory parking garage with a maximum capacity of 152 spaces within a Large-Scale General Development; and N 120032 ZRM (L.U. No. 562), a zoning text amendment relating to Section 74-743 (Special Provisions for bulk modifications);

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 March 6, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

The Council has referred this application with the related applications (C 120029 ZSM (L.U. No. 559, C 120030 ZSM (L.U. No. 560), C 120031 ZSM (L.U. No. 561), and N 120032 ZRM to the City Planning Commission for modifications.

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 120033 ZMM, the Technical Memorandum dated March 23, 2012, both 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. 12a and 12c:

- 2. changing from an R6 District to an R8 District property bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 12th Street and West 11th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, a line 100 feet northeasterly of Greenwich Avenue, and a line 100 feet easterly of Seventh Avenue;
- 4. changing from a C1-6 District to an R8 District property bounded by a line 100 feet northeasterly of Greenwich Avenue, West 11th Street, and a line 100 feet easterly of Seventh Avenue; and
- 5. changing from a C2-6 District to a C6-2 District property bounded by West 12th Street, a line 100 feet easterly of Seventh Avenue, West 11th Street, and Seventh Avenue;

as shown on a diagram (for illustrative purposes only) dated August 22, 2011, Community District 2, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, March 14, 2012.

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

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>
Yong Bin Zhang	77 Fulton Street New York, N.Y. 10038	1
Zhao Yun Lin	12 Monroe Street #HG11 New York, N.Y. 10002	1
Sandy Chuang	300 West 110 th Street New York, N.Y. 10026	8
Jamie P. Nolan	1650 Hutchinson River Parkway #5F Bronx, N.Y. 10461	13
Liza Yordan	88-82 192 nd Street Hollis, N.Y. 11413	23
Norian Bertram	137-40 169 th Street Queens, N.Y. 11434	31
Peter by	480 Smith Street #2 Brooklyn, N.Y. 11231	33
Maribelle Carrion	99 Tompkins Avenue #7A Brooklyn, N.Y. 11206	36

Denise A. Rallakis	240 94 th Street Brooklyn, N.Y. 11209	43
Yelena Gurevich	1514 west 11 th Street #A7 Brooklyn, N.Y. 11204	44
Michelle Bumwell	535 East 80 th Street Brooklyn, N.Y. 11236	45

Jonathan M. Phillips	Brooklyn, N.Y. 11221 1424 64 th Street #2F	38
Mildred Varela	Brooklyn, N.Y. 11219 651 48 th Street	38
Nachman Yaakov Ziskind	Brooklyn, N.Y. 11220 551 Brooklyn Avenue	38
Catherine P. Banks	Brooklyn, N.Y. 11225 135 Kingsborough 1 st Walk #5B	41
Sonia Espinoza	Brooklyn, N.Y. 11233. 1371 Linden Blvd #1A	42
Belinda McDowell	Brooklyn, N.Y. 11212 10307 Flatlands Avenue #6C	42
Cynthia Muniz	Brooklyn, N.Y. 11236 330 Stanley Avenue #1B	42
Carmen Rankin	Brooklyn, N.Y. 11207 5985 Shore Parkway	42
Barbara Gorman	Brooklyn, N.Y. 11236 7907 14 th Avenue	43
Victoria Kobylevskaya	Brooklyn, N.Y. 11228 8403 19 th Avenue #2	43
Grace Adams	Brooklyn, N.Y. 11214 453 East 34 th Street	45
Ellen Campbell	Brooklyn, N.Y. 11203 5721 Avenue H #6D	45
Djenane Guerrier	Brooklyn, N.Y. 11234 597 East 51 st Street	45
Joseph Fontana	Brooklyn, N.Y. 11203 44 Bay 38 th Street	47
Georgianna Galante	Brooklyn, N.Y. 11214 8616 24 th Avenue #1R	47
Alfonso Morrone	Brooklyn, N.Y. 11214 2527 Cropsey Avenue	47
Michele Pinto	Brooklyn, N.Y. 11214 1794 West 6 th Street	47
Paula Mancinelli	Brooklyn, N.Y. 11223 81 Abingdon Avenue	51
Anne M. O'Keefe	Staten Island, N.Y. 10308 27 Scarsdale Street	51
Vanessa Raggi	Staten Island, N.Y. 10308 24 Abingdon Avenue	51
Anne Marie Schmidt	Staten Island, N.Y. 10308 374 Lyndale Avenue	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Tommy Lin	286 South Street #6T New York, N.Y. 10002	1
Kathryn Main	305 East 24 th Street #17M New York, N.Y. 10010	2
Carmen Gonzalez	75 East 116 th Street #2J New York, N.Y. 10029	8
Alice Marquez	239 West 103 rd Street #2C New York, N.Y. 10025	8
Donna Outlaw	262-264 West 123 rd Street #3A New York, N.Y. 10027	9
Evelyn Trinidad	195 Nagle Avenue #5K New York, N.Y. 10034	10
Edith Blitzer	2141 Holland Avenue #3H Bronx, N.Y. 10462	13
Zulma Feliciano	955 Waring Avenue #4A Bronx, N.Y. 10469	13
Wilfredo Vazquez	204 Hosmer Avenue Bronx, N.Y. 10465	13
Maria J. Adorn	595 Trinity Avenue #9B Bronx, N.Y. 10455	17
Nicole Rivera	1015 Leggett Avenue #5A Bronx, N.Y. 10455	17
Albert Camacho	199 Surf Drive Bronx, N.Y. 10473	18
Teresa E. Powe	641 St. Lawrence Avenue Bronx, N.Y. 10473	18
Kimberlee J. Kitson	56-13 205 th Street Oakland Gardens, N.Y. 11364	23
Arturo Diaz Morales	147-21 71 st Avenue Queens, N.Y. 11373	24
Salvador Guevara	148-05 87 th Avenue Jamaica, N.Y. 11435	24
Josianne Dieudonne	100-06 222 nd Street Queens Village, N.Y. 11429	27
Patricia L. Emanuel	172-24 133 rd Avenue #10D Queens, N.Y. 11434	28
Dolores Pack	142-25 120 th Avenue Queens, N.Y. 11436	28
Mary E. Pinckney	114-54 131 st Street Queens, N.Y. 11420	28
Senaida Monica Arguelles	61-39 56 th Road Maspeth, N.Y. 11378	30
Luz Diaz	51-32 Beach Channel Far Rockaway, N.Y. 11691	31
Arnet McKinney-Crespo	85 South 9 th Street #6B Brooklyn, N.Y. 11211	33
Sakinah Springs	126 Maujer Street #3C Brooklyn, N.Y. 11206	34
Louis Grell	129 Carlton Avenue #2B Brooklyn, N.Y. 11205	35
Sharon James	212 Crown Street #3F Brooklyn, N.Y. 11225	35
Patricia Outlaw	220 Montgomery Street #18F Brooklyn, N.Y. 11225	35
Luisa O. Lagares	281 Throop Avenue #4 Brooklyn, N.Y. 11206	36
Bernard Sampson	726 Prospect Place Brooklyn, N.Y. 11216	36
Abigail Stafford	1202 Hancock Street	37

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)**

- (1) **M 746 --** Communication from the Mayor - Mayors veto and disapproval message of **Introductory Number 490-A**, in relation to canceling tickets upon showing a valid uni-meter receipt (**Coupled to be Filed**).
- (2) **M 747 --** Communication from the Mayor - Mayors veto and disapproval message of **Introductory Number 546-A**, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules (**Coupled to be Filed**).
- (3) **M 749 & Res 1285 --** Communication from the Mayor - **Phillips Aarons** - Appointment to Art Commission.
- (4) **M 750 & Res 1286 --** Communication from the Mayor - **Maria Elena Gonzalez** - Appointment to the Art Commission.
- (5) **M 771 & Res 1287 --** Communication from the Public Advocate - **Michelle de la Uz** - Appointment to the

- City Planning Commission
- (6) **M 772 & Res 1269** The Operating Budget of the Council of The City of New York - Fiscal Year 2013.
- (7) **M 773 & Res 1270 --** Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.
- (8) **Int 18-A --** In relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.
- (9) **Int 183-A --** In relation to accessible pedestrian signals.
- (10) **Int 449-A --** In relation to the livery passenger bill of rights.
- (11) **Int 490-A --** In relation to canceling tickets upon showing of a valid muni-meter receipt **(Coupled for Override Vote)**.
- (12) **Int 546-A --** In relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules **(Coupled for Override Vote)**.
- (13) **Int 745-A --** In relation to requiring the department of transportation to post on its website pedestrian related project information accessible to people with disabilities.
- (14) **L.U. 559 & Res 1288 --** - App. **C 120029 ZSM**, submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12th Street (Block 607, Lot1), in R8 and C6-2 Districts, Council District 3.
- (15) **L.U. 560 & Res 1289 --** App. **C 120030 ZSM** 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12th Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan.
- (16) **L.U. 561 & Res 1290--** App. **C 120031 ZSM**, submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York, 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12th Street
- (17) **L.U. 562 & Res 1291 --** App. **N 120032 ZRM** submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York, bounded by Greenwich Avenue, West 11th Street, West 12th Street, and midblock between 7th and 6th Avenues, Community District 2, Borough of Manhattan, Council District 3.
- (18) **L.U. 563 & Res 1292 --** App. **C 120033 ZMM** submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a and 12c. Council District 3.
- (19) **L.U. 567 & Res 1275 --** App. **20125036 TCK**, 324 Graham Avenue, Borough of Brooklyn, Council District 34 **(Coupled to be Disapproved)**
- (20) **L.U. 572 & Res 1276 --** App. **20125306 HKX (N 120150 HKX)**, 190 Fordham Street [Block 5643, Lot 7501,(previously Lots 1001-1018) (List No.450, LP-2487)], Borough of the Bronx, Community District 10, Council District 13.
- (21) **L.U. 573 & Res 1277 --** App. **20125307 HKM (N 120151 HKM)**, 4 West 31st Street (Block 832, Lot 49) (List No.450, LP-2423), Borough of Manhattan, Community District 5, Council District 3.
- (22) **L.U. 574 & Res 1278 --** App. **20125308 HKM (N 120152 HKM)**, 305 Broadway (Block 151, Lot 32) (List No.450, LP-2431), Borough of Manhattan, Community District 1, Council District 1.
- (23) **L.U. 575 & Res 1279 --** App. **20125309 HKM (N 120153 HKM)**, 56 West 14th Street (Block 577, Lot 12) (List No.450, LP-2474), Borough of Manhattan, Community District 2, Council District 3.
- (24) **L.U. 576 & Res 1280 --** App. **20125310 HKQ (N 120155 HKQ)**, 87-61 111th Street (Block 9301, Lot 101) (List No.450, LP-2473), Borough of Queens, Community District 9, Council District 28.
- (25) **L.U. 578 & Res 1281 --** App. **20125298 TCM**, 127 Mulberry Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (26) **L.U. 579 & Res 1282 --** App. **20125381 TCM**, 65 Carmine Street, Borough of Manhattan, Council District no.3
- (27) **L.U. 580 & Res 1283 --** App. **20125076 TCM**, 140 Seventh Avenue South, Borough of Manhattan, Council District no.3.
- (28) **L.U. 581 & Res 1284 --** App. **N 120090 ZRY**, Zoning Resolution of the City of New York, relating to Articles I, VIII, IX, X, XI, XII and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality.
- (29) **L.U. 582 & Res 1271 --** Southern Boulevard Apartments, Block 2684, Lot 79, Block 2707, Lots 74 & 85
- (30) **L.U. 583 & Res 1272 --** MHANY BK Cluster 1, Block 1377, Lots 30 & 31, Block 1666, Lot 43, Brooklyn, Council District No. 36
- (31) **L.U. 584 & Res 1273 --** Israel Senior Housing, Block 15810, Lots 25 & 40, Council District No. 31
- (32) **L.U. 585 & Res 1274 --** Quadrant Properties HDFC, Block 2712, Lot 28, Bronx, Council District 17
- (33) **Resolution approving various persons Commissioners of Deeds.**
- The President Pro Tempore (Council Member Comrie) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:
- Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – 50.
- The General Order vote recorded for this Stated Meeting, including the override vote for Int No. 546-A, was 50-0-0 as shown above with the exception of the votes for the following legislative items:**
- The following was the vote recorded for **M-749 & Res No. 1285 and M-750 & Res No. 1286:**
- Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, , and the Speaker (Council Member Quinn) – 47.
- Abstention** – Barron, Fidler, and Vacca – 3.
- The following was the vote recorded for **Int No. 18-A:**

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, and the Speaker (Council Member Quinn) – 46.

Negative – Halloran, Ignizio, Vallone, Jr, and Oddo – 4.

The following was the vote recorded for **LU No. 559 & Res No. 1288, LU No. 560 & Res No. 1289, LU No. 561 & Res No. 1290, LU No. 562 & Res No. 1291, and LU No. 563 & Res No. 1292:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, , and the Speaker (Council Member Quinn) – 49.

Negative – Barron – 1.

The following was the **override vote** recorded for **Int No. 490-A:**

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, and the Speaker (Council Member Quinn) – 47.

Negative – Garodnick and Koppell – 2.

Abstention – Wills – 1.

Notwithstanding the vetoes of the Mayor, both Int No. 490-A (by a vote of 47-2-1) and Int No. 546-A (by a vote of 50-0-0) were adopted by the Council at this Stated Meeting and were thereby enacted into law.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 18-A, 183-A, 449-A, and 745-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 803-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York Dream Act, which would grant certain benefits to eligible undocumented immigrants.

The Committee on Immigration, to which the annexed amended resolution was referred on April 28, 2011 (Minutes, page 1226), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, March 27, 2012, the Committee on Immigration, chaired by Council Member Daniel Dromm, will vote on Proposed Resolution Number 803-A (“Prop. Res. No. 803-A”), a resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York Dream Act, which would grant certain benefits to eligible undocumented immigrants, and Resolution Number 1219

(“Res. No. 1219”), a resolution calling upon the New York State Legislature to pass and the Governor to sign legislation establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education. The Committees on Immigration and Higher Education held a hearing on Res. No. 803 and Res. No. 1219 on Tuesday, March 20, 2012, where they heard testimony from community-based organizations, student groups, and other interested members of the public.

II. BACKGROUND

Although undocumented immigrants can legally enroll in most colleges and universities, their immigration status makes it impossible for them to work legally in the United States and limits their eligibility for most forms of financial aid.¹ As a result, these young people often have limited financial resources and can be discouraged from applying to college.² Children account for approximately one million, of the 11.2 million undocumented immigrants living in the United States (“U.S.”).³

The children of immigrants, who may have been born in the United States and thus may have legal status, face similar obstacles when pursuing a higher education as their undocumented peers. Approximately 4.5 million people under the age of 18 were born in the United States to at least one undocumented immigrant parent.⁴ The number of children born in the United States to at least one undocumented immigrant parent has more than doubled since 2000.⁵ Often because one or both parents are not U.S. citizens, the families have difficulty affording the expenses associated with sending a child to college. Additionally, for parents without legal status, their first generation children may be ineligible for certain forms of financial aid because the parents lack the proper federal identification.⁶

III. BARRIERS FACED BY IMMIGRANT STUDENTS TRYING TO ACCESS HIGHER EDUCATION

The Supreme Court has held that local school districts cannot deny enrollment to undocumented immigrant children.⁷ In 1982, the Court in *Plyler v. Doe*, 457 U.S. 202, found a Texas statute that authorized local school districts to deny enrollment to undocumented children to be unconstitutional.⁸ However, the Court’s decision only applied to undocumented children enrolled in kindergarten through 12th grade and left open the discussion of the education of undocumented children beyond the 12th grade.⁹ Under section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”) undocumented immigrants are not eligible for any post secondary education benefit based on residence unless a United States citizen is eligible for the same benefit, regardless of that citizen’s residence.¹⁰

Since 2001, versions of the Development, Relief, and Education for Alien Minors (“DREAM”) Act have been considered by Congress. In its various forms, the DREAM Act would not only repeal section 505 of the IIRIRA,¹¹ but would also provide immigration relief to undocumented youths brought to the United States at a young age, by allowing an adjustment in their status to lawful permanent resident if certain requirements are met. Under the DREAM Act, students would be able to seek work-study, federal student loans, and any other forms of financial aid.¹² The DREAM Act was most recently defeated in December 2010, but was reintroduced in both the House and the Senate in June 2011. Since the DREAM Act has never been enacted, states have made various efforts, independent of Congress, to encourage immigrant families to pursue higher education.

IV. LEGISLATION TO ASSIST IMMIGRANT CHILDREN ATTEND COLLEGE

Despite the fact that section 505 of IIRIRA has not been interpreted as an explicit prohibition against states offering undocumented students at institutions of higher education in-state tuition, few states have chosen not to apply this section to in-state tuition rates.¹³ Currently, there are twelve states, including New York,¹⁴ that have laws permitting certain undocumented students to pay in-state tuition at public institutions of higher education.¹⁵ These states generally require undocumented immigrant applicants to establish residency by (i) attending a local high school for two to four years, (ii) graduating or earning a high school equivalency in that state, and (iii) signing an affidavit stating that they have either applied to legalize their status or will do so when eligible.¹⁶ For example, all schools within the City University of New York (CUNY) system allow undocumented immigrant students to pay the same in-state tuition as documented students.¹⁷ In an effort to further opportunities for immigrant students, California, Texas, and Illinois have recently passed state level DREAM Acts. These bills make it easier for undocumented youth to access higher education by granting them eligibility to state and local financial aid.

The New York State DREAM Act

In response to the failure of the federal Dream Act to pass in the 111th Congress, New York State Senator Bill Perkins and Assemblyman Guillermo Linares introduced the New York Dream Act (S.4179/A.6829) in March 2011.¹⁸ The New York Dream Act would amend the state’s Executive Law to provide certain benefits to undocumented immigrants that satisfy certain criteria. When first introduced, the New York Dream Act provided that eligible beneficiaries would be able to hold a state job, obtain a state issued driver’s license or other identification, receive state financial aid, and become eligible to participate in state insurance programs. Since introduction, the bill has been amended two times in hopes of ensuring its passage. The current version of the New York Dream Act would provide undocumented students with access to state, city, town, and village funded financial aid programs, grants, loans, or scholarships.¹⁹ The students that would be eligible for such aid would have to establish that they (i) received a high school diploma or its equivalent, (ii) entered the United States before turning 18, (iii) are under 35 years of age, (iv) have not been convicted of a violent felony, and (v) resided in the New York for at least two years before the effective date of the bill.²⁰ Prop. Res. No. 803-A calls on the New York State Legislature to pass and the Governor to sign this bill.

The New York State DREAM Fund Commission

In late 2011, Senator Adriano Espaillat and Assemblyman Francisco Moya introduced legislation (S.6071/A.8689) that would amend the New York State Education Law to create a New York Dream Fund Commission. If established, the Dream Fund Commission would be “committed to advancing the educational opportunities of the children of immigrants through scholarship programs that provide assistance with the costs of higher education.”²¹ Under this bill, the Dream Fund Commission would be required to raise money in order to award scholarships to eligible students.²² In order to be eligible for a scholarship from the Dream Fund, an applicant must, at a minimum, have (i) resided with his or her parents or guardians while attending high school in New York, (ii) graduated from high school or received the equivalent of a high school diploma in New York State, (iii) attended a high school in New York for at least three years as of the date he or she graduated from high school or received the equivalent of a high school diploma, (iv) have at least one parent or guardian who immigrated to the United States. The bill would also allow individuals with a taxpayer identification number to open a New York 529 family tuition account. The Dream Fund Commission and the fund itself are to be financed entirely by private contributions. Res. No. 1219 calls upon the New York State Legislatures to pass and the Governor to sign legislation establishing the New York DREAM Fund Commission.

VI. CONCLUSION

New York is home to approximately 345,000 undocumented youths who are enrolled in the public school system.²³ With the cost of college on the rise,²⁴ undocumented youths may be deterred from the pursuit of a higher education. Creating access for undocumented students to obtain financial aid and scholarships will help alleviate some of the financial burden one faces when entering college. Immigrant students make up approximately 43 percent of CUNY’s undergraduate student body.²⁵ Thirty-seven percent of first-time freshmen are foreign-born.²⁶ Currently, 7,225 undocumented students are enrolled at CUNY.²⁷ These students are burdened with the high cost of tuition and limited means to subsidize education costs. However, knowing that a college degree can significantly improve one’s quality of life, children in immigrant families want to pursue higher education. The passage of the New York Dream Act and the establishment of the New York Dream Fund Commission would allow immigrant students, regardless of their status, access to various forms of financial aid so that they can pursue a higher education. If enacted, these benefits would greatly improve the quality of life for children of immigrant families, regardless of status, residing in New York State and New York City.

¹ Roberto G. Gonzales, *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students*, Immigration Policy in Focus, Vol. 5 (13), October 2007, <http://www.americanimmigrationcouncil.org/sites/default/files/docs/Wasted%20Talent%20and%20Broken%20Dreams.pdf>, at 1 (last visited Mar. 19, 2012); Dawn Konet, *Unauthorized Youths and Higher Education: The Ongoing Debate*, Migration Policy Institute (Sept. 2007) at <http://www.migrationinformation.org/Feature/display.cfm?ID=642> (last visited Mar. 19, 2012).

² Gonzales, *supra* note 1, at 3.

³ Paul Taylor, Mark Hugo Lopez, Jeffrey S. Passel, Seth Motel, *Unauthorized Immigrants: Length of Residency, Patterns of Parenthood*, Pew Hispanic Center, 6, Dec. 1, 2011, <http://www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood/> (last visited on Mar. 19, 2012).

⁴ *Id.*

⁵ *Id.*

⁶ For example, in New York State, in order to open a 529 account, one must have a valid social security number or employer identification number.

⁷ See generally, *Phylar v. Doe*, 457 U.S. 202 (1982).

⁸ Michael A. Olivas, *Phylar v. Doe: Still Guaranteeing Unauthorized Immigrant Children’s Right to Attend US Public Schools*, Migration Information Source, Sept. 9, 2010, <http://www.migrationinformation.org/Feature/display.cfm?ID=795> (last visited Mar. 19, 2012).

⁹ *Id.*

¹⁰ Konet, *supra* note 1.

¹¹ See generally, Development, Relief, and Education for Alien Minors Act of 2009, S. 952/H.R. 1842, 112th Cong. (2011) available at <http://thomas.loc.gov/> (last visited Mar. 19, 2012).

¹² *Id.*; Immigration Policy Center, *The DREAM Act: Creating Opportunities for Immigrant Students and Supporting the US Economy*, May 18, 2011, http://immigrationpolicy.org/sites/default/files/docs/Dream_Act_updated_051811.pdf (last visited Mar. 19, 2012).

¹³ Konet, *supra* note 1.

¹⁴ The twelve states are Texas, California, Utah, Washington, Illinois, Oklahoma, New York, Kansas, Nebraska, New Mexico, Maryland, and Connecticut. National Conference of State Legislatures, *Undocumented Student Tuition: State Action*, Oct. 2011, <http://www.ncsl.org/issues-research/educ/undocumented-student-tuition-state-action.aspx> (last visited Mar. 19, 2012).

¹⁵ *Id.*

¹⁶ *Id.*; Konet, *supra* note 1.

¹⁷ The City University of New York (CUNY) Citizenship Now!, *CUNY In-State Tuition*, <http://www.cuny.edu/about/resources/citizenship/faqs/tuition.html> (last visited Mar. 19, 2012).

¹⁸ See generally, S.4179/A.6829 (2011-2012 Regular Sessions).

¹⁹ *Id.*

²⁰ *Id.*

²¹ See generally, S.6071/A.8689 (2011-2012 Regular Sessions).

²² Kirsten Gillibrand and Lillian Rodriguez Lopez, *While D.C. sleeps, N.Y. should DREAM*, N.Y. Daily News, Dec. 27, 2011, http://articles.nydailynews.com/2011-12-27/news/30563134_1_immigrant-youth-immigration-status-comprehensive-immigration-reform (last visited Mar. 19, 2012).

²³ Fernanda Santos, *Regents Plan Push for Aid to Illegal Immigrants*, N.Y. Times, Oct. 14, 2011, <http://www.nytimes.com/2011/10/15/nyregion/new-york-regents-plan-a-push-for-the-dream-act.html> (last visited on Mar. 19, 2012).

²⁴ Sharon Otterman, *Graduation Rate Rises, but College Readiness Lags*, N.Y. Times, June 12, 2011, <http://cityroom.blogs.nytimes.com/2011/06/14/graduation-rate-rises-but-college-readiness-lags/> (last visited on Mar. 19, 2012).

²⁵ *Id.*

²⁶ CUNY, *About CUNY: The Student Body*, <http://www.cuny.edu/about.html> (last visited March 19, 2012).

²⁷ CUNY Office of Institutional Research and Assessment, *Trends in Undocumented Students enrolled at CUNY*, Mar. 15, 2012 (on file with Staff).

Accordingly, this Committee recommends its adoption, as amended.

(For text of Res. No. 1219, please see the Report of the Committee on Immigration for Res. No. 1219 printed in this voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends the adoption of Res. No. 803-A and Res. No. 1219.

(The following is the text of Res. No. 803-A:)

Res. No. 803-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York Dream Act, which would grant certain benefits to eligible undocumented immigrants.

By Council Members Rodriguez, Dromm, Eugene, Chin, Ferreras, James, Lander, Mendez, Rose, Van Bramer, Williams, Mark-Viverito, Gonzalez, Jackson, Brewer, Recchia, Comrie, Arroyo, Vann, Lappin, Dickens, Reyna, Barron, Gennaro, Koo, Levin, Mealy and the Public Advocate (Mr. de Blasio).

Whereas, Undocumented youths account for 1.8 million of the estimated 12 million undocumented immigrants living in the United States; and

Whereas, With approximately 625,000 undocumented immigrants, New York is home to the third largest such population in the nation; and

Whereas, On March 22, 2011, New York State Senator Bill Perkins and State Assemblyman Guillermo Linares introduced the New York Dream Act (S. 4179/A. 6829), a bill that would provide benefits to certain undocumented immigrants; and

Whereas, The federal DREAM Act was introduced on March 18, 2010, and was intended to provide permanent residency to certain undocumented students who arrived in the United States as undocumented youths, resided in the United States for at least five years, and who were in good moral standing; and

Whereas, The federal DREAM Act would have benefited more than 65,000 undocumented students who graduate from high school in the United States on a yearly basis; and

Whereas, Unfortunately, the federal DREAM Act failed in the United States Congress in December, 2010; three months later New York State legislators introduced the New York Dream Act; and

Whereas, Unlike the federal Dream Act, the New York State Dream Act will not offer legal residency, but will provide an opportunity for undocumented immigrants to obtain state, city, town, and/or village funded financial aid; and

Whereas, These benefits available under the New York Dream Act will greatly improve the quality of life of many undocumented students who, as children, were brought to this country by their parents, have no right to obtain legal permanent resident status and are at risk of being deported; and

Whereas, In order to receive the benefits of the New York State Dream Act, an individual would have to establish that he or she (i) graduated from high school with a high school diploma or its equivalent, (ii) entered the United States undocumented before the age of eighteen, (iii) is under the age of 35, (iv) has never been convicted of a violent felony in the United States or its territories, and (v) resided in New York State for at least two years prior to the effective dates of the statutes; and

Whereas, Undocumented youth are entitled to public education through the 12th grade and are eligible to enroll in most colleges and universities and pay in-state tuition, but they are ineligible for most forms of financial aid because of their immigration status; and

Whereas, As undocumented students are ineligible for financial assistance, it is difficult, if not impossible, for them to attend college because of the high cost of higher education and the fact that they cannot work legally anywhere in the United States, including in New York City; and

Whereas, Undocumented immigrants make significantly less than documented workers, but if given the opportunity to attend college, they can earn over one million dollars more in their lifetimes as college graduates than as non-college graduates; and

Whereas, New York State is one of the twelve states that currently allow undocumented students to qualify for in-state tuition; and

Whereas, If the New York Dream Act passes, New York will become one of three states that allow undocumented students to apply for financial assistance; and

Whereas, If enacted, the New York Dream Act could benefit the estimated 345,000 undocumented immigrant youths currently enrolled in the public school system; and

Whereas, Enacting the New York Dream Act will help the many undocumented students who have been in this country for several years, who have demonstrated a commitment to education, and who seek to work legally to benefit this great State; 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, the New York Dream Act, which would grant certain benefits to eligible undocumented immigrants.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, March 27, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Members formally voted against this item: Council Members Ignizio, Nelson and Oddo.

The following Council Members formally abstained to vote on this item: Council Members Gentile, Halloran, Ulrich and Vallone, Jr.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1219

Report of the Committee on Immigration in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education.

The Committee on Immigration, to which the annexed resolution was referred on February 29, 2012 (Minutes, page 526), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Res No. 803-A printed in this voice-vote resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1219-A:)

Res. No. 1219-A

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education.

By Council Members Dromm, Rodriguez, Arroyo, Brewer, Chin, Comrie, Eugene, Ferreras, James, Koppell, Lander, Levin, Rose, Williams, Mark-Viverito, Palma, Mendez, Recchia, Vann, Lappin, Dickens, Van Bramer, Reyna, Barron, Gennaro, Koo, Mealy and the Public Advocate (Mr. de Blasio).

Whereas, New York State is home to 1.4 million children of immigrant parents; and

Whereas, Children of immigrant parents, like all children, are entitled to free public education through the 12th grade and are eligible to enroll in college; and

Whereas, With college tuition on the rise every year, there is a risk that children of immigrants may not be able to afford college in the future; and

Whereas, To alleviate some of the financial burden on children of immigrant parents, in November 2011, New York State Assemblyman Francisco Moya and New York State Senator Adriano Espaillat introduced legislation to create the New York DREAM fund commission (A.8689/S.6071), which would commit New York State to advancing the educational opportunities of children of immigrants; and

Whereas, This legislation calls for the creation of a DREAM fund commission and a DREAM fund; and

Whereas, The DREAM fund commission would raise money for the DREAM fund, which would be used to assist children of immigrants by providing scholarships to eligible individuals who pursue higher education; and

Whereas, The commission would be required to establish the criteria for such scholarships, to create and publicize a training program for education professionals, and to develop a public awareness campaign for the DREAM fund awards; and

Whereas, In order to receive the benefits of the New York DREAM fund, an individual would be required to have (i) resided with his or her parent(s) or guardian(s) while attending a public or private high school in New York; (ii) graduated from a public or private high school or received the equivalent of a high school diploma in New York; (iii) attended a public or private high school in New York for at least three years as of the date he or she graduated from high school or received the equivalent of a high school diploma; and (iv) at least one parent or guardian who immigrated to the United States; and

Whereas, Creating the New York DREAM fund commission would assist children of immigrants who would otherwise struggle to afford a higher education and therefore improve their quality of life and, by extension, the quality of campus life at the institutions they attend; 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 establishing the New York DREAM fund commission, which will advance the educational opportunities of children of immigrants through scholarship programs for higher education.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, March 27, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Members formally voted against this item:

Council Members Ignizio, Nelson, and Oddo.

The following Council Members formally abstained to vote on this item: Council Members Gentile, Halloran, Ulrich, and Vallone, Jr.

Adopted by the Council by voice-vote.

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Civil Rights and had been favorably reported for adoption.

Report for voice-vote Res. No. 1261

Report of the Committee on Civil Rights in favor of approving a Resolution condemning the senseless shooting of Trayvon Martin and the inadequate investigation that followed, expressing deep sympathy for the Martin family, and calling for a full and impartial investigation holding those responsible to account as well as an examination of “Stand Your Ground” laws nationwide and the role they play in the spread of illegal guns on our streets.

The Committee on Civil Rights, to which the annexed resolution was referred on March 28, 2012, respectfully

REPORTS:

I. INTRODUCTION

On Wednesday, March 28, 2012, the Committee on Civil Rights, chaired by Council Member Deborah Rose, will meet to vote on Preconsidered Resolution Number 1261 (“Preconsidered Res. No. 1261 a Resolution condemning the senseless shooting of Trayvon Martin and the inadequate investigation that followed, expressing deep sympathy for the Martin family, and calling for a full and impartial investigation holding those responsible to account as well as an examination of “Stand Your Ground” laws nationwide and the role they play in the spread of illegal guns on New York City’s streets.

II. BACKGROUND

On February 26, 2012, Trayvon Martin, a 17-year-old black male high school student, was shot by a neighborhood watch volunteer while walking through his father’s girlfriend’s gated community in Sanford, Florida.¹ The volunteer, a white Hispanic male adult named George Zimmerman, alleges that the shooting was an act of self-defense, despite Mr. Martin being unarmed at the time.² Mr. Zimmerman was questioned by police following the shooting but was not arrested because, according to Sanford Police Chief Bill Lee, the evidence supported Mr. Zimmerman’s claim of self-defense.³ Under Florida’s “Stand Your Ground” law, an individual can use deadly force on or off their own private property without first having to retreat if they are taking such action in the name of self-defense.⁴

The neighborhood watch program at the Sanford, Florida gated community was not registered with the National Sheriffs’ Association,⁵ the organization that started the National Neighborhood Watch Program (“NWP”) in 1972.⁶ According to Chris

Tutko, the director of NWP, by engaging a suspect and by carrying a weapon, Mr. Zimmerman's actions violated two of the Program's rules.⁷ Mr. Zimmerman also ignored the advice of the 911 operator with whom he had been speaking while observing Mr. Martin, who advised him not to approach Mr. Martin.⁸

The handling of the case by the Sanford Police Department has been roundly criticized. In addition to quickly accepting Mr. Zimmerman's self-defense claim, the department also failed to run a background check on him or test him for drugs or alcohol.⁹ The Sanford Police Department has also been criticized for failing to contact Mr. Martin's girlfriend, with whom he was speaking on his cell phone moments before the shooting and to whom he stated his belief that a man was following him; sending a narcotics detective instead of a homicide detective to the scene of the shooting; and withholding tapes of the 911 calls Mr. Zimmerman made prior to the shooting – one which reveals Mr. Zimmerman allegedly uttering an anti-black racial epithet.¹⁰ On March 21, 2012, the Sanford City Commission passed a vote of "no confidence" in Police Chief Lee in response to his handling of the investigation.¹¹ Mr. Lee announced the next day that he was temporarily stepping down from his position.¹²

On March 19, 2012, the United States Department of Justice announced that they would be investigating the shooting death of Mr. Martin.¹³ Days later, on March 22, 2012, Florida Governor Rick Scott announced that he would be appointing Angela B. Corey, a state prosecutor for the Jacksonville area, to serve as special prosecutor and lead an investigation into the circumstances surrounding Mr. Martin's death.¹⁴ Ms. Corey replaced Norm Wolfinger, the prosecutor for Brevard-Seminole County, which includes Sanford. Although Mr. Wolfinger begun an investigation, he requested to be removed, "with the intent of toning down the rhetoric and preserving the integrity of this investigation."¹⁵ It was reported on March 27, 2012, that Mr. Wolfinger had instructed the lead homicide detective in the case not to arrest Mr. Zimmerman due to lack of evidence.¹⁶ Governor Scott also announced the formation of a task force, led by Lieutenant Governor Jennifer Carroll, to examine the state's "Stand Your Ground" law and how tragedies like the death of Mr. Martin could be avoided in the future.¹⁷

The tragedy has left many with a strong impression that race played a role in the actions of both Mr. Zimmerman and the authorities responsible for investigating this incident. At a Congressional hearing on March 27, 2012, Mr. Martin's parents expressed their belief that their son was victim of racial profiling.¹⁸ Meanwhile, leaders in the civil rights community, including Al Sharpton, Martin Luther King III, and NAACP national President Benjamin Jealous, have joined forces to express their outrage at the shooting and to call for the arrest of Mr. Zimmerman.¹⁹

The tragedy has also left many to question the necessity of "Stand Your Ground" laws like the one at issue in this case. Florida's "Stand Your Ground" law was introduced in 2005 with the intention of expanding the right to claim "self-defense" beyond one's home.²⁰ Since the enactment of Florida's "Stand Your Ground" statute, the number of defensible homicides has increased in the state.²¹ The Florida statute is just one of the more than twenty pieces of "Stand Your Ground" legislation that have been enacted throughout the nation since 2005.²² This case, however, has brought to light the myriad difficulties that the application or interpretation of such laws can present. Accordingly, there have been calls to examine Florida's "Stand Your Ground" law and similar laws throughout the nation. Advocates, including Mayors Against Illegal Guns, find that "Stand Your Ground" laws are part of a gun control problem and could contribute to violence throughout the country, including New York City.²³

III. PRECONSIDERED RES. NO. 1261

Preconsidered Res. No. 1261 describes the circumstances surrounding the death of Trayvon Martin and the questions surrounding the subsequent investigation of his death. The Resolution discusses Florida's "Stand Your Ground" law and the implications that similar laws can have on gun violence on the city's streets. The Resolution calls for a full and impartial investigation holding those responsible to account as well as an examination of "Stand Your Ground" laws nationwide and the role they play in the spread of illegal guns on New York City's streets. Preconsidered Res. No. 1261 further states the Council's support of the family of Trayvon Martin and expresses its condolences regarding his death.

¹ "Police chief steps down temporarily over handling of Trayvon Martin case," *MSNBC.com*, Available at <http://usnews.msnbc.msn.com/news/2012/03/22/10808864-police-chief-steps-down-temporarily-over-handling-of-trayvon-martin-case>, Accessed on March 26, 2012.

² Alvarez, L., "City Criticizes Police Chief After Shooting," *N.Y. Times*, March 22, 2012, at A20.

³ Stutzman, R. and Weiner, J., "Sanford police chief steps down temporarily amid criticism for handling of Trayvon Martin case," *Orlando Sentinel*, March 22, 2012.

⁴ "Florida 'Stand Your Ground' Law Could Complicate Martin Case," *WITN.com*, March 21, 2012, Available at http://www.witn.com/news/headlines/Florida_Stand_Your_Ground_Law_Could_Complicate_Trayvon_Martin_Case_143607846.html, Accessed on March 26, 2012.

⁵ Rose, J., "Shooter Silent As Slain Teen's Family Cries for Justice," *NPR.com*, March 23, 2012, Available at <http://www.npr.org/2012/03/23/149237952/shooter-silent-as-slain-teens-family-cries-for-justice>, Accessed on March 26, 2012.

⁶ "Trayvon Martin: Zimmerman was not following Neighborhood Watch 'rules,'" *Chicago Tribune*, March 24, 2012, Available at <http://www.chicagotribune.com/news/os-trayvon-martin-neighborhood-watch-20120321.0.177284.full.story>, Accessed on March 26, 2012.

⁷ Rubinkam, M. "Experts: Neighborhood watches shouldn't be armed," *Associated Press*, March 22, 2012, Available at <http://www.google.com/hostednews/ap/article/ALeqM5hcnqFGWKd-6i90bxMTa2C5yfdLw?docId=1f524ccb9a95489c99f800f2c2f30a>, Accessed on March 26, 2012.

⁸ Susman, T., "THE NATION; Florida teen was stalked, lawyer alleges; His last call shows the youth was killed 'in cold blood,' attorney says. But the gunman's father disagrees," *L.A. Times*, March 21, 2012, at A6.

⁹ Gutman, M. and Effron, L., "Trayvon Martin Case: Timeline of Events," Available at <http://abcnews.go.com/blogs/headlines/2012/03/trayvon-martin-case-timeline-of-events/>, Accessed on March 27, 2012.

¹⁰ Gutman, M. and Tienabeso, S., "Trayvon Martin Killing: 911 Tape Reveals Possible Racial Slur by Neighborhood Watchman," *ABC News*, Available at <http://abcnews.go.com/US/neighborhood-watch-killing-911-tape-reveals-racial-slur/story?id=15966309>, Accessed on March 26, 2012.

¹¹ Alvarez, L., "City Criticizes Police Chief After Shooting," *N.Y. Times*, March 22, 2012, at A20.

¹² Robertson, C. and Schwartz, J., "Shooting Focuses Attention on a Program That Seeks to Avoid Guns," *N.Y. Times*, March 22, 2012.

¹³ Alvarez, L., "A Florida Law Gets Scrutiny After a Teenager's Death," *N.Y. Times*, March 20, 2012.

¹⁴ "Gov. Rick Scott appoints special prosecutor for Trayvon Martin case," *Tampa Bay Times*, March 23, 2012, Available at <http://www.tampabay.com/news/politics/gubernatorial/gov-rick-scott-appoints-special-prosecutor-for-trayvon-martin-case/1221406>, Accessed on March 27, 2012.

¹⁵ "Sanford, Florida, police chief steps aside 'temporarily' in fallout from teen's death," *CNN.com*, Available at http://articles.cnn.com/2012-03-22/justice/justice_florida-teen-shooting_1_shooting-death-justice-department-investigation?_s=PM:JUSTICE, Accessed on March 27, 2012.

¹⁶ Gutman, M. and Effron, L., "Trayvon Martin Case: Timeline of Events," Available at <http://abcnews.go.com/blogs/headlines/2012/03/trayvon-martin-case-timeline-of-events/>, Accessed on March 27, 2012.

¹⁷ "Gov. Rick Scott appoints special prosecutor for Trayvon Martin case," *Tampa Bay Times*, March 23, 2012, Available at <http://www.tampabay.com/news/politics/gubernatorial/gov-rick-scott-appoints-special-prosecutor-for-trayvon-martin-case/1221406>, Accessed on March 27, 2012.

¹⁸ "Trayvon Martin's family alleges racial profiling before Congress," *MSNBC.com*, Available at <http://usnews.msnbc.msn.com/news/2012/03/27/10885680-trayvon-martins-family-alleges-racial-profiling-before-congress>, Accessed on March 27, 2012.

¹⁹ Copeland, L., "Trayvon Martin rally draws thousands in call for arrest," *USA Today*, March 22, 2012.

²⁰ "Fla. 'Stand Your Ground' Author May Seek Changes," *CBS News*, Mar. 21, 2012, http://www.cbsnews.com/8301-18563_162-57401955/fla-stand-your-ground-author-may-seek-changes/?tag=contentMain:contentBody, Accessed on March 27, 2012.

²¹ "Trayvon Martin Killing: Mayor Bloomberg, Chuck Schumer Criticize 'Stand Your Ground' Gun Laws," *The Huffington Post*, Available at http://www.huffingtonpost.com/2012/03/26/trayvon-martin-killing-mayor-bloomberg-chuck-schumer-stand-your-ground_n_1380734.html, Accessed on March 27, 2012.

²² *Id.*

²³ See generally, "Senate GOP Wants George Zimmerman To Be Able To Carry A Concealed Weapon In Nearly Every State," *Mayors Against Illegal Guns*, Available at http://www.mayorsagainstillegalguns.org/html/media-center/tp_032212.shtml

Accordingly, this Committee recommends its adoption.

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

DEBORAH L. ROSE Chairperson; LARRY B. SEABROOK, JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER; Committee on Civil Rights, March 28, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Members formally abstained to vote on this item:

Council Members Halloran, Ignizio, Ulrich, Vallone, Jr. and Oddo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 813

By Council Members Chin, Vacca, Barron, Brewer, Dickens, Dromm, Fidler, Gentile, Gonzalez, Jackson, James, Koo, Koppell, Koslowitz, Lander, Palma, Recchia, Rose, Sanders, Seabrook, Williams, Rodriguez and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the provision and posting of safety information for motor coach passengers.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding new subchapter 13 to read as follows:

Subchapter 13: Private motor coaches.

§ 20-699.7 **Definition.** For the purpose of this subchapter, "private motor coach operator" shall mean any person, firm, partnership, corporation or company that engages in the business of transporting passengers in motor coaches.

§ 20-699.8 **Provision and posting of private motor coach safety information**

a. All private motor coach operators shall provide every passenger with a copy of the United States department of transportation federal motor carrier safety administration's "pre-trip safety poster" either at the point of sale or prior to embarking on a motor coach.

b. All private motor coach operators shall prominently post near every location where tickets are sold the United States department of transportation federal motor carrier safety administration's motor carrier safety administration's "pre-trip safety poster."

c. All private motor coach operators shall make available to customers copies of the United States department of transportation federal motor carrier safety administration's motor carrier safety administration's "pre-trip safety poster" in all languages that such poster are made available by the federal motor carrier safety administration on its website .

§ 20-699.9 **Rules.** The commissioner may make and promulgate such rules and regulations as are deemed necessary for the proper implementation and enforcement of this subchapter.

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

Referred to the Committee on Transportation.

Int. No. 814

By Council Members Comrie, Gentile, Barron, Cabrera, Chin, Dickens, Dromm, Eugene, Ferreras, Gonzalez, Jackson, James, Koo, Koppell, Lander, Levin, Palma, Reyna, Rose, Sanders, Seabrook, Vann, Williams, Rodriguez, Foster, and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's unemployment status.

Be it enacted by the Council as follows:

Section 1. Section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended by adding a new subdivision 26 to read as follows:

26. The term "unemployment status" shall mean an individual's current or recent unemployment.

§2. Section 8-107 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended by adding a new subdivision 21 to read as follows:

21. *Employment; unemployment status.* (a) Except as provided in paragraph b, an employer, employment agency, or agent thereof shall not base an employment decision with regard to hiring, termination, promotion, demotion, discipline, compensation or the terms, conditions or privileges of employment on the unemployment status of the applicant or employee.

(b) Paragraph a of this subdivision shall not be construed to prohibit employers from (i) requesting or using unemployment status information that is substantially job related, where the employer has a bona fide reason for doing so; or (ii) inquiring into the circumstances surrounding an applicant's or employee's previous termination or demotion, including whether such adverse action was based on cause.

(c) Unless otherwise permitted by state or federal law, no employer or employment agency shall publish, in print or on the Internet, an advertisement for any job vacancy in this city that contains one or more of the following:

(1) Any provision stating or indicating that being currently employed is a requirement or qualification for the job;

(2) Any provision stating or indicating that an employer will not consider individuals for employment based on current unemployment status.

Nothing set forth in this section shall be construed as prohibiting an employer from publishing, in print or on the Internet, an advertisement for any job vacancy in this city that contains any provision setting forth any other legal qualifications for a job.

§ 3. This local law shall take effect upon enactment.

Referred to the Committee on Civil Rights.

Res. No. 1254

Resolution authorizing franchises for cable television services.

By Council Members Comrie, Weprin, Gonzalez, Palma and Williams (by the request of the Mayor).

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, the Commissioner of the Department of Information Technology and Telecommunications has made an initial determination, pursuant to Section 363 of the Charter (the "Charter") of the City of New York (the "City"), of the need for franchises for cable television services (as that term is defined hereinafter); and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for such franchises pursuant to Section 363 of the Charter; and

WHEREAS, use of the inalienable property of the City (as defined hereinafter) helps to facilitate the availability of cable television service;

The Council hereby resolves that:

A.The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the construction, installation, use, operation and/or maintenance of cable, wire and/or optical fiber and associated equipment on, over and under the inalienable property of the City (including through pipes, conduits and similar improvements thereto) for provision of cable television services in the City.

B.The public services to be provided under such franchises shall be cable television services, as defined hereinafter.

C.For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter. References herein to facilities "in the inalienable property" shall mean facilities located in, on, over or under the surface of such inalienable property of the City.

D.For purposes of this resolution, "cable television services" shall mean "cable service" as defined in the Cable Communications Policy Act of 1984, as amended (47 U.S.C. Sections 521 et seq.).

E.All franchises granted pursuant to this resolution shall require, as provided in Charter Sections 363 and 372, the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

F.The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council.

G.Prior to the grant of any such franchise, and to the extent consistent with New York State and federal law, a request for proposals or other solicitation ("solicitation") shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such solicitation, all legally required environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such solicitation shall include, but not be limited to, the following, if and to the extent permitted by law:

(1)the adequacy of the proposed compensation to be paid to the City;

(2)the financial, legal, technical and managerial experience and capabilities of the applicant(s), including (without limitation, except as limited by law) the ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise; and

(3)the degree to which the public interest will be served by the service proposed to be provided.

H. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, terms and conditions consistent with the following to the extent permitted by law (and shall not include any provision which is prohibited by law from inclusion in such franchise agreement):

(1)no franchise granted pursuant hereto shall have a term that exceeds fifteen (15) years, including options to renew if any;

(2)the compensation for the franchise to be paid to the City shall be adequate and may include monetary compensation, the provision of facilities and/or services to the City, or both;

(3)the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;

(4)the franchisee shall be required to provide security to ensure the performance of the franchisee's obligations under the agreement;

(5)there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the franchise agreement;

(6)there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;

(7)all franchisees shall be required to maintain complete and accurate books of account and records sufficient to assure franchisee's compliance with the franchise agreement, which books of account and records shall be made available on demand to the City for inspection;

(8)there shall be provisions to ensure quality workmanship and construction methods with respect to those facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property;

(9)there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10)there shall be provisions requiring the franchisee to comply with applicable City laws and regulations related to, but not limited to, employment and investigations;

(11)there shall be provisions to ensure adequate oversight by the City of franchisee's performance of its franchise obligations;

(12)there shall be provisions requiring the consent of the City prior to an assignment or other transfer of, or change in control of, the franchise;

(13)there shall be provisions regarding City rights to inspect facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property, and regarding City rights to direct relocation of such facilities;

(14)all franchisees shall have been subject, prior to commencement of the franchise term, to review under the City's Vendor Information Exchange System ("VENDEX") or any successor system;

(15)all franchises shall include provisions incorporating the MacBride Principles;

(16)there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(17)there shall be provisions requiring the franchisee to protect the property of the City from damage, and the delivery of public services from interruption, resulting from the construction, installation, use, operation, maintenance and/or removal of franchisee's facilities in the inalienable property;

(18)there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction, installation, use, operation, maintenance and/or removal of franchisee's facilities in the inalienable property;

(19)no franchise granted hereunder shall contain economic or regulatory burdens on the franchisee which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchisee operating in the same area;

(20) all franchises shall be subject to comparable obligations and requirements provided that where the imposition of such obligations and requirements would be duplicative, then alternative but comparable obligations or requirements shall be imposed; and

(21)there shall be provisions requiring capacity and support for public, educational and governmental access.

I.The Department of Information Technology and Telecommunications shall file with the Council the following documents:

(1)within fifteen (15) days of issuance, a copy of each solicitation issued pursuant to this resolution;

(2)within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

(3)on or before July 1 of each year, a report detailing the revenues received by the City from each franchise granted pursuant to this resolution during the preceding calendar year.

J.If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Referred to the Subcommittee on Zoning and Franchises.

Int. No. 815

By Council Members Crowley, Cabrera, Barron, Dromm, Ferreras, Fidler, Gentile, Jackson, James, Koppell, Levin, Rose, Sanders, Seabrook, Vann, Williams, Rodriguez, Foster and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report noise complaints on a quarterly basis.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-154 to read as follows:

§14-154. Noise complaint reporting.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Noise complaint" shall mean a complaint made via the 311 system that arises from the noise of neighbors, clubs and bars, parks, stores and businesses, streets and sidewalks, and motor vehicles and motorcycles.

b. Report of total noise complaints. The department shall submit to the council on a quarterly basis, a report of the total number of noise complaints received within the quarter, disaggregated by precinct.

c. Report of individual noise complaints. The department shall submit to the council on a quarterly basis a report listing each individual complaint received within the quarter disaggregated by precinct and zip code within each precinct. The report for each individual complaint shall include, at a minimum:

- 1. the time and date the complaint was made;*
- 2. the specific location complained of;*
- 3. a description of the complaint;*
- 4. whether or not the department responded to the complaint;*
- 3. the time the department responded to the complaint; and*
- 4. the disposition, if any, reached by the department.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1255

Resolution calling upon the Commissioner/Chief Executive Officer of New York State Homes and Community Renewal to amend the Rent Stabilization Code to disallow "preferential rents" that are not for the duration of the tenancy.

By Council Members Dickens, Brewer, Chin, Jackson, Palma, Rose, Seabrook and Williams.

Whereas, There is currently a severe shortage of affordable housing in the City of New York; and

Whereas, According to the 2011 New York City Housing and Vacancy Survey (HVS), the vacancy rate for rental apartments was only 3.12 percent; and

Whereas, The low vacancy rate is an indication of the City's affordable housing crisis; and

Whereas, The City has seen recent losses in affordable housing due to withdrawals from the Mitchell-Lama and project-based Section 8 programs, and the loss of rent-regulated housing due to decontrol; and

Whereas, Funding for the construction of new affordable housing has not kept pace with New York City's needs; and

Whereas, Affordable housing programs keep neighborhoods economically diverse and vibrant by allowing low to middle-income New Yorkers to remain life-long residents of the City; and

Whereas, One such affordable housing program is the rent stabilization system which is in place to stabilize neighborhoods and to protect tenants from harassment and unreasonable rent increases or evictions; and

Whereas, The stability provided by the rent stabilization system has helped to lessen the impacts of the severe housing shortages and market conditions in New York City; and

Whereas, According to New York State law, New York State Homes and Community Renewal (HCR) has the power to promulgate amendments to the Rent Stabilization Code (RSC) for the rent stabilized apartments occupied by approximately more than one million New Yorkers; and

Whereas, HCR serves the important public duty of establishing safeguards for tenants against unsubstantiated rent increases; and

Whereas, Currently, the RSC provides for property owners to charge tenants a “preferential rent” which is rent that is less than what the property owner would ordinarily be entitled to receive under the rent stabilization system; and

Whereas, The RSC also currently allows property owners the option of charging a “preferential rent” either for the term of the lease or for the entire term of the tenant’s tenancy; and

Whereas, Such “preferential rents” for the term of the lease may result in unaffordable rent increases for tenants at the end of their lease resulting in a rent for the new lease term that they might not be able to afford, forcing a tenant to move; and

Whereas, In order to lessen the chance of an unaffordable rent increase when a tenant’s rent changes at the end of a lease term from a “preferential rent” to the regular rent stabilized rent, the RSC should be amended to only allow “preferential rents” for the duration of a tenancy for the term of a lease; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Commissioner/Chief Executive Officer of New York State Homes and Community Renewal to amend the Rent Stabilization Code to disallow “preferential rents” that are not for the duration of the tenancy.

Referred to the Committee on Housing and Buildings.

Res. No. 1256

Resolution calling upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.

By Council Members Ferreras, Brewer, Chin, Dickens, Dromm, Fidler, Jackson, James, Koslowitz, Lander, Levin, Mark-Viverito, Palma, Recchia, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Rodriguez, Foster and Halloran.

Whereas, A transportable classroom is a temporary building installed on the grounds of a school to provide additional classroom space and to address overcrowding issues; and

Whereas, Transportable classrooms are normally removed once the capacity situation abates, a permanent addition is made to the school building, or a new school opens in the area; and

Whereas, When properly installed and maintained, transportable classrooms can have a long useful life; and

Whereas, Although temporary classrooms can be a quick fix to overcrowding in schools, there are many implications that a transportable classroom has for the learning environment; and

Whereas, In 2011, there were 363 transportable classroom units in use in New York City Department of Education schools; and

Whereas, According to the National Center for Education Statistics, public school principals report numerous problems associated with temporary classrooms including lighting, air conditioning, heating, ventilation, noise control, size, and the physical condition of buildings; and

Whereas, Further, some transportable classrooms are not equipped with proper or adequate bathrooms; and

Whereas, Among the most crowded schools in the city is Public School 19 in Corona, Queens, which has ten transportable classrooms that were supposed to be temporary; and

Whereas, Sixteen years after construction the heating system in the transportable classrooms has begun to fail and children are forced to sit through lessons wearing coats and scarves; and

Whereas, Public School 19 is just one example of the adverse effects that long-term transportable classrooms can have upon the City’s public schools; and

Whereas, Often the temporary units become permanent fixtures in growing school districts; and

Whereas, When transportable units are deemed the only viable option available, the amount of time they will be used should be anticipated and those units should be constructed out of the most durable materials in order to ensure the longest and healthiest useful life; and

Whereas, Former Chancellor Joel Klein originally hoped to eliminate all transportable classroom units by 2012, an issue that has since his tenure been placed on the backburner; and

Whereas, As of the 2010-11 school year, New York City’s transportable classrooms had an enrollment of 8,582 students, the lowest number of students since the DOE began reporting this data to the Council in 2005; and

Whereas, It is important to set limits on the amount of time that transportable units can be used for schools in order to deter these provisional structures from becoming a long-term rather than a short-term solution and to further decrease the number of students in temporary classrooms; and

Whereas, Due to the use of transportable units, children have become sick, especially in the winter, due to inadequate heat in the temporary structure or from having to frequently go outside to access the main school building; and

Whereas, The physical condition of transportable units should be closely monitored and any needed repairs completed promptly; and

Whereas, The DOE should actively strive to reduce the number of years that transportable units can be used to supplement space in any school or school building; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.

Referred to the Committee on Education.

Res. No. 1257

Resolution calling for further improvement in the consideration of health impacts in the Administration’s decision-making relating to real estate development projects, plans, and policies, specifically by utilizing health impact assessments and by increased collaboration between the Department of City Planning, the Economic Development Corporation, and the Department of Health and Mental Hygiene.

By Council Members Foster, Chin, Eugene, Jackson, James, Koppell, Palma, Rose, Seabrook and Rodriguez (by request of the Bronx Borough President).

Whereas, Development projects often have diverse, wide-ranging impacts on air quality, water quality, noise, safety, social networks, nutrition, parks, public services, transportation, social equity, and education; and

Whereas, These impacts, in turn, affect the physical, economic, and emotional health of individuals, families, and communities; and

Whereas, Health impact assessments are a tool that can be used to systematically analyze potential health impacts of development projects on the health of a population, the distribution of these effects, and how to effectively manage these effects; and

Whereas, The use of health impact assessments can ensure that health is regularly taken into account in development-related decision-making; and

Whereas, Government agencies such as the San Francisco Department of Public Health, Wisconsin Department of Health Services, and Philadelphia Department of Public Health; and outside groups, such as Health Impact Partners, have pioneered the use of health impact assessments in planning decisions such as development projects; and

Whereas, The New York City government under Mayor Bloomberg has demonstrated leadership in examining how decisions in many different areas can impact health by issuing the Active Design Guidelines, and by fostering collaboration between the Department of City Planning, the Department of Health and Mental Hygiene, the Department of Parks and Recreation, the Department of Design and Construction, the Department of Buildings, and the Department of Transportation; now, therefore, be it

Resolved, That the Council of the City of New York calls for further improvement in the consideration of health impacts in the Administration’s decision-making relating to real estate development projects, plans, and policies, specifically by utilizing health impact assessments and by increased collaboration between the Department of City Planning, the Economic Development Corporation, and the Department of Health and Mental Hygiene.

Referred to the Committee on Economic Development.

Int. No. 816

By Council Members Garodnick, Halloran, Dromm, Barron, Brewer, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koppell, Lander, Levin, Mark-Viverito, Palma, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Rivera, Rodriguez, Foster, and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to extending whistleblower protection to employees of city contractors.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the “Non-City Employee Whistleblower Protection Act.”

§ 2. Section 12-113 of the administrative code of the city of New York is amended to read as follows:

§ 12-113 Protection of sources of information. a. Definitions. For purposes of this section:

1. “Adverse personnel action” shall include dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

2. “Remedial action” means an appropriate action to restore the officer or employee to his or her former status, which may include one or more of the following:

(a) reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action, or, as appropriate, to an equivalent position;

(b) reinstatement of full seniority rights;

(c) payment of lost compensation; and

(d) other measures necessary to address the effects of the adverse personnel action.

3. “Commissioner” shall mean the commissioner of investigation.

4. “Child” shall mean any person under the age of nineteen, or any person ages nineteen through twenty-one if such person receives instruction pursuant to an individualized education plan.

5. “Educational welfare” shall mean any aspect of a child’s education or educational environment that significantly impacts upon such child’s ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

6. “Superior officer” shall mean an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

7. “Contract” shall mean any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing.

8. “Contracting agency” shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

9. “Covered contractor” shall mean a person or business entity who is a party or a proposed party to a contract with a contracting agency as these terms are defined herein.

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor shall take an adverse personnel action with respect to another officer or employee of such contractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor, which concerns a contract with a contracting agency (i) to the commissioner, (ii) to a council member, the public advocate, or the comptroller who shall refer such report to the commissioner, or (iii) to the city’s chief procurement officer who shall refer such report to the commissioner. Every contract in excess of \$50,000 shall contain a provision detailing the requirements of this paragraph.

[2].3. Upon request, the commissioner, council member, public advocate [or], comptroller or chief procurement officer receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

[3].4. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller or the mayor, or (iii) to any superior officer.

c. An officer or employee (i) of an agency of the city, [or](ii) of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, or (iii) of a covered contractor who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action to the commissioner.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation of a prohibited adverse personnel action, the commissioner shall provide written notice to the officer or employee making the allegation that the allegation has been received by the commissioner. Such notice shall include the name of the person in the department of investigation who shall serve as a contact with the officer or employee making the allegation.

3. Upon the completion of an investigation initiated under this section, the commissioner shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the commissioner’s recommendations, if any, for remedial action, or shall state the commissioner has determined to dismiss the complaint and terminate the investigation.

e. 1. Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of an agency of the city in violation of paragraph 1 or 4 of subdivision b, the commissioner shall without undue delay report his or her findings and, if appropriate, recommendations to the head of the appropriate agency or entity, who (i) shall determine whether to take remedial action and (ii) shall report such determination to the commissioner in writing. Upon a determination that the agency or entity head has failed to take appropriate remedial action, the commissioner shall consult with the agency or entity head and afford the agency or entity head reasonable opportunity to take such action. If such action is not taken, the commissioner shall report his or her findings and the response of the agency or entity head (i) if the complainant was employed by an agency the head or members of which are appointed by the mayor, to the mayor, (ii) if the complainant was employed by a non-mayoral agency of the city, to the city officer or officers who appointed the agency head, or (iii) if the complainant was employed by a public agency or other public entity not covered by the preceding categories but subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, to the officer or officers who appointed the head of the public agency or public entity, who shall take such action as is deemed appropriate.

2. (i) Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of a covered contractor in violation of paragraph 2 of subdivision b, the commissioner shall without undue delay report his or her findings and, if appropriate, recommendations to such contractor, who shall (a) determine whether to take remedial action and (b) report such determination to the commissioner in writing. Upon a determination that the covered contractor has failed to take appropriate remedial action, the commissioner shall consult with such contractor and afford such contractor reasonable opportunity to take such action. If such action is not taken, the commissioner shall report his or her findings and the response of the contractor to the city’s chief procurement officer, who shall take such action as is deemed appropriate, including but not limited to: (a) the withholding of payment, (b) finding the contractor to be in default, (c) cancellation of the contract, and (d) other sanctions or remedies provided by the contract. The commissioner shall also send a determination regarding his or her findings and the response of the contractor to the officer or employee against whom the commissioner determined that a retaliatory adverse personnel action has been taken. Nothing in this subparagraph shall be construed to limit the city’s authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

(ii) In the event a contractor fails to take appropriate remedial action as determined by the commissioner pursuant to subparagraph i of this paragraph, the officer or employee against whom the commissioner determined that a retaliatory adverse personnel action has been taken shall be entitled to bring a cause of action to recover all relief necessary to make him or her whole. Such relief may include but shall not be limited to: (a) an injunction to restrain continued retaliation, (b) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (c) reinstatement of full fringe benefits and seniority rights, (d) payment of two times back pay, plus interest, and (e) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorneys’ fees. An officer or employee described in this subparagraph may bring an action in any court of competent jurisdiction for such relief.

f. Nothing in this section shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review, nor shall anything in this section be construed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to prohibit any personnel action which otherwise would have been taken regardless of any report of information made pursuant to this section.

g. Violation of this section may constitute cause for administrative penalties.

h. The commissioner shall conduct ongoing public education efforts as necessary to inform employees and officers of covered agencies and contractors of their rights and responsibilities under this section.

i. Not later than October thirty-first of each year, the commissioner shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints.

§ 3. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Governmental Operations

Int. No. 817

By Council Members Garodnick, Chin, Gentile, James, Koo, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain information to be entered on notices of violation issued to food vendors.

Be it enacted by the Council as follows:

Section 1. Section 17-321 of subchapter two of chapter three of title 17 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee designated in subdivision a of this section shall state the permit number of the vehicle or pushcart associated with the issued notice of violation.

§ 2. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 818

By Council Members Halloran, Dromm, Koo, Recchia, Williams, Sanders, Fidler, Rodriguez, and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the receipt of mail by city agencies.

Be it enacted by the Council as follows:

Section 1. Chapter two of title four of the administrative code of the city of New York, is amended by adding a new section 4-209 to read as follows:

§ 4-209. *Receipt of mail by city agencies. The department of citywide administrative services shall ensure that each city agency that receives payments for bills, fines and charges on behalf of the city maintains a mailing address to which city residents may address and send such payments in lieu of sending such payments to a mailing address located outside of the city.*

§ 2. This local law shall become effective ninety days after its enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1258

Resolution calling upon the New York City Department of Education to implement specific protocols so that the New York City Department of Education will coordinate more formally with the New York City Department of Health and Mental Hygiene and the New York City Administration for Children's Services in order to properly diagnose children with developmental or learning disabilities.

By Council Members James, Chin, Dickens, Eugene, Ferreras, Fidler, Gentile, Koo, Koppell, Levin, Palma, Rose, Vann, Williams, Rodriguez and Halloran.

Whereas, The New York City Department of Education ("DOE") would benefit from coordinating with the New York City Department of Health and Mental Hygiene ("DOHMH") and the New York City Administration for Children's Services ("ACS"), in order to properly diagnose children with developmental or learning disabilities in public schools; and

Whereas, The 2009-2010 Report Card for the performance of public schools and districts in New York State reported a high school graduation rate of 76 percent for all students and only 47 percent for students with disabilities;

Whereas, Education inequality has been identified as "one of the greatest threats to the children of New York City" by Resources for Children with Special Needs, New York City's only independent nonprofit organization that works for families and children with all special needs, across all boroughs; and

Whereas, The federal Individuals with Disabilities Education Act ("IDEA") requires local schools to help identify children who may have learning disabilities and have them assessed, with parental consent, free of charge, and, if appropriate, to develop an Individualized Education Program ("IEP") for the child; and

Whereas, However, according to the New York State 2011 school district determinations, which states are required to make each year pursuant to part B of IDEA, the New York City public school district has specifically been identified as one of the districts that needs assistance in implementing the requirements of IDEA; and

Whereas, A 2010 *New York Times* article reported that a common complaint among parents who have children with developmental or learning disabilities is that the school does not proceed quickly enough to address their children's problems or is reluctant to provide an assessment at all; and

Whereas, Children with developmental or learning disabilities are identified and provided with the applicable services through an Individualized Educational Program ("IEP"), which involves an assessment conducted by an IEP team, consisting of the parents of the child, regular and special educators, a representative of the school system, and someone who can assess the child's evaluation to determine the appropriate services, as well as sometimes including, as appropriate, the child and others with knowledge or special expertise about the child; and

Whereas, Currently, students with diagnosed developmental or learning disabilities are directed to enroll in educational programs that are appropriate for the child's special needs, such as District 75 schools, which receive funding for educational, vocational, and behavior support programs, or general education Collaborative Team Teaching programs, which give special education children a chance to learn alongside their general education peers by having two teachers in the classroom, one from special education and one from general education; and

Whereas, It is inappropriate to place students who have simply not been properly diagnosed with a developmental or learning disability in school environments lacking the resources needed to help them succeed; and

Whereas, The DOHMH and New York State Office for People with Developmental Disabilities have the ultimate responsibility to plan, develop, fund, and monitor the services for individuals with disabilities and their families in New York City; and

Whereas, The DOHMH currently contracts with 50 voluntary agencies to operate diagnostic and treatment clinics for children with developmental disabilities; and

Whereas, The ACS is committed to ensuring that children with disabilities receive the appropriate services to meet their special needs and working with the DOE in implementing the ACS' "Head Start" program to actively locate and recruit children with disabilities;

Whereas, The DOE, the ACS, and the DOHMH all provide services to children related to determining whether a child has developmental or learning disabilities and placing the child in the most appropriate school or child care setting; and

Whereas, It therefore falls on the DOE to coordinate with the DOHMH and the ACS in order to screen and diagnose children with developmental and learning disabilities to prevent these students from being placed in ill-suited educational environments; and

Whereas, It is unclear to what extent the DOE, the ACS, and the DOHMH work together to identify and meet the needs of children with developmental and learning disabilities;

Whereas, Requiring the DOE, the ACS, and the DOHMH to more formally coordinate their efforts in providing their services to children would create a more integrated and effective solution to meet the needs of children in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to implement specific protocols so that the New York City Department of Education will coordinate more formally with the New York City Department of Health and Mental Hygiene and the New York City Administration for Children's Services in order to properly diagnose children with developmental or learning disabilities.

Referred to the Committee on Education.

Res. No. 1259

Resolution calling upon the New York State Legislature to prohibit family day care, group family day care, school age child care and group child care programs and services from using rodenticides due to the dangers of exposure to young children, and the Department of Environmental Conservation to recommend nontoxic alternatives.

By Council Members James, Chin, Eugene, Koo, Levin, Palma, Rose, Williams and Rodriguez.

Whereas, The American Association of Poison Control Centers annually receives between 12,000 and 15,000 reports of children under the age of six being exposed to rodenticides; and

Whereas, According to the Environmental Protection Agency (EPA) rat poisons are the leading cause of pesticide-related visits to health care facilities and the second leading cause of hospitalization among children under the age of six; and

Whereas, Young children are particularly at risk for exposure to rat and mouse poisons because the products are typically placed on floors, thus closer to their eye level, and young children sometimes place bait pellets in their mouths; and

Whereas, The chemicals found in rodenticides are known as anti-coagulants, which prevent the blood from clotting; and

Whereas, Children who have been poisoned by rodenticides can experience nosebleeds, bloody urine, bleeding gums, anemia, and internal bleeding; and

Whereas, As of June 2011, the EPA has put into place new regulations that ban the sale of loose baits to consumers, disallow the sale of highly toxic rat poisons at the retail level, limit the amount of bait that can be sold over the counter to no more than one pound, and restrict the use of poisons to bait stations; and

Whereas, The EPA is currently in the process of cancelling the rodenticide products that have not voluntarily adopted the risk mitigation measures, and there are currently 20 different products under review for cancellation; and

Whereas, Although there is an intent to cancel those products that have not met EPA regulations, they are still presently available for sale; and

Whereas, There needs to be further regulations put into place in order to prohibit all day care and child care centers from using dangerous rodenticides; and

Whereas, In 2010, New York State passed a law which banned the use of pesticides on the playgrounds, turf, and athletic or playing fields of schools and child day care centers as defined in the State Education Law and Social Services Law; and

Whereas, The law does not apply to family day care, group family day care, school age child care or group child care programs and services in the five boroughs of New York City; and

Whereas, These excluded programs represented approximately 10,000 licensed or registered providers for child care in New York City as of 2008; and

Whereas, In cases that threaten public health, the law requires that covered day care centers seek the permission of the State Department of Health for an emergency pesticide application and it also requires day care centers to provide notice if pesticides will be applied on the premises; and

Whereas, In cases that significantly affect the environment, the Department of Environmental Conservation (DEC) has the authority to recommend a nontoxic pesticide solution; and

Whereas, The DEC is encouraged to take the steps necessary in order to prohibit pesticide use in buildings and their surrounding property where a child is likely to come into contact with poisonous substances; and

Whereas, Child care facilities are prone to rodent problems due to their size, number of occupants, and presence of food; and

Whereas, There are numerous alternatives to pesticides; and

Whereas, Those alternatives include sealing holes inside and outside the building to prevent entry by rodents, trapping rodents outside the building to prevent infestations within, cleaning up potential rodent food sources and nesting sites, and seeking professional pest control assistance; and

Whereas, Since the number of children exposed to rodenticides has been growing steadily over the last couple of years, firmer measures need to be put into place to ensure a safer environment in child care facilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to prohibit family day care, group family day care, school age child care and group child care programs and services from using rodenticides due to the dangers of exposure to young children, and the Department of Environmental Conservation to recommend nontoxic alternatives.

Referred to the Committee on Health.

Res. No. 1260

Resolution calling on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance.

By Council Members Koppell, Dromm, James, Koo, Levin, Nelson, Palma, Rose, Williams and Rodriguez.

Whereas, Narcotics and other chemicals that are considered controlled substances under the United States Controlled Substances Act ("CSA") are divided into five schedules; and

Whereas, The Schedule I classification applies to a category of substances considered by the United States Drug Enforcement Administration ("DEA") to contain no legitimate medical value and exhibit a high potential of dependence; and

Whereas, Cannabis, commonly known as marijuana, is a narcotic classified by the federal government as a Schedule I substance; and

Whereas, Narcotics that share the same Schedule I classification with marijuana are heroin and methamphetamine; and

Whereas, The DEA categorizes Schedule II substances, such as opium and morphine, as drugs that are considered to have a strong potential for abuse or addiction and which may lead to severe psychological or physical dependence; and

Whereas, In 2009, the American Medical Association announced that it would support clinical research of medical marijuana and urged the federal government to reassess its Schedule I classification of the drug; and

Whereas, According to studies conducted by the University of California Center for Medicinal Cannabis Research, medical marijuana should be the first line of treatment for patients with neuropathy and other serious illnesses; and

Whereas, There are currently sixteen states, including New Jersey, as well as the District of Columbia, that have enacted laws legalizing the medicinal use of marijuana; and

Whereas, These states recognize that medical marijuana can be used to alleviate patients' suffering from debilitating medical conditions, such as cancer and multiple sclerosis; and

Whereas, The United States government continues to classify marijuana as a drug for which there is no medicinal value; and

Whereas, The divergence in state and federal law creates a problematic situation where there is no comprehensively regulated system to supply legitimate patients who are in need of medical marijuana; and

Whereas, H.R. 1983, also known as the States' Medical Marijuana Patient

Protection Act, which is currently pending in the United States House of Representatives, seeks to reclassify marijuana as other than a Schedule I or Schedule II substance; and

Whereas, The States' Medical Marijuana Patient Protection Act would exempt states where medical marijuana is legal from provisions in the CSA prohibiting the prescription, distribution, possession, and use of marijuana; and

Whereas, Enacting the States' Medical Patient Protection Act would protect medical marijuana patients and their providers from federal criminal penalties in states that have legalized marijuana for medical use; and

Whereas, The long-standing classification of marijuana in the United States as an illegal Schedule I substance is fundamentally flawed and should be changed; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance.

Referred to the Committee on Health.

Int. No. 819

By Council Members Koslowitz, Nelson, Koppell, Dromm, Dickens, Gentile, James, Recchia, Williams, Vallone Jr., Halloran and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to revoking a food vending license for certain violations.

Be it enacted by the Council as follows:

Section 1. Subsection f of section 17-317 of title 17 of the Administrative Code of the city of New York is hereby amended to read as follows:

f. Any person issued a food vendor license pursuant to this subchapter who commits three or more violations of the provisions of this subchapter and any rules promulgated thereunder within a two year period shall have his or her food vendor license revoked. *Provided however, any person issued a food vendor license pursuant to this subchapter who is found to have violated Section 89.25 of the Health Code of the City of New York two or more times within a twelve month period shall have his or her food vendor license revoked.*

§2. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 820

By Council Members Lappin, Chin, Garodnick, James, Levin, Mark-Viverito, Palma, Rose and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to air quality monitoring for certain construction projects.

Be it enacted by the Council as follows:

Section 1. Section 24-146 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

(g) *Air quality monitoring of certain construction projects. 1. The commissioner shall require that the air quality in lots adjacent to any construction project that includes the use of blasting, demolition or tunneling be monitored for pollutants including, but not limited to: (i) particulate matter; (ii) nitrogen dioxide; (iii) carbon monoxide; (iv) sulfur dioxide; (v) lead; and (vi) ozone.*

2. The commissioner, in conjunction with the commissioner of health and mental hygiene, shall determine the method by which and the location or locations at which air quality monitoring shall occur, provided that such monitoring shall occur within the vicinity of the construction project and that such monitoring shall occur daily and continue for the duration of the construction project.

3. On or before the fifth of each month, throughout the duration of the construction project, the findings of such air monitoring for the immediately preceding calendar month shall be published on the website of the department and the department of health and mental hygiene and shall be sent by facsimile, regular mail or electronic mail to the council member in whose district such air monitoring is occurring, the community board for the community district where such air monitoring is occurring and the chairpersons of the council's committees on environmental protection and health.

4. If such air quality monitoring finds that any of the pollutants being monitored pursuant to this subdivision are concentrated at a level that exceeds the United States environmental protection agency national ambient air quality standards for such pollutants at any time, such finding shall be published on the website of the department and the department of health and mental hygiene and shall be sent by facsimile, regular mail or electronic mail to the council member in whose district

such air monitoring is occurring, the community board for the community district where such air monitoring is occurring and the chairpersons of the council's committees on environmental protection and health within five business days.

5. The commissioner, as authorized pursuant to subdivision a of this section, shall take measures to prevent excess amounts of particulate matter from becoming airborne where air quality monitoring indicates that such particulate matter exceeds the united states environmental protection agency national ambient air quality standards.

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

Referred to the Committee on Environmental Protection.

Int. No. 821

By Council Members Levin, James, Dromm, Koppell, Palma, Rose, Williams, Rodriguez and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to conduct semiannual inspections of outdoor signs.

Be it enacted by the Council as follows:

Section 1. Paragraph (b) of section 27-508 of the administrative code of the city of New York is amended to read as follows:

(b) [Annual inspection] *Required inspections.* Every sign for which a permit is required shall be *periodically* inspected [at least once in every calendar year] *by the department or an approved agency as defined by section BC 202 of title 28 of this code. No more than six months shall be allowed to elapse between inspections. The department shall report the results of such inspections to the council annually and shall make such results available to the public online in a fully searchable format.*

§2. Section BC H105.2 of appendix H of the New York city building code is amended to read as follows:

BC H105.2 Permits, drawing and specifications. Where a permit is required, as provided in Chapter 1, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors. Every sign for which a permit is required shall be *periodically* inspected [at least once every calendar year] *by the department or an approved agency. No more than six months shall be allowed to elapse between inspections. The department shall report the results of such inspections to the council annually and shall make such results available to the public online in a fully searchable format.*

§3. This local law shall take effect one year after its enactment except that the commissioner of the department of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 822

By Council Members Levin, James, Dromm, Koppell, Palma and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to creating additional penalties for illegal outdoor signs.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505

ADDITIONAL PENALTIES FOR ILLEGAL OUTDOOR SIGNS

§28-505.1 *Additional civil penalty.* Any person who receives money or other value for

placing or maintaining a sign, as defined under section 12-10 of the zoning resolution, on a building or premises in violation of the zoning resolution, this code or the 1968 building code or rules adopted pursuant thereto shall be, in addition to any other penalties provided by law, liable for a civil penalty of an amount not exceeding double the amount of such money or other value received. Such civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose the civil penalties provided for in this article.

§2. Section 28-201 of the administrative code of the city of New York is amended by adding a new section 28-201.3.2 to read as follows:

§28-201.3.2 *Issuance of notice of sign-related violation by department of consumer affairs.* In addition to the department and any other entities authorized to issue notices of violation of this code, the department of consumer affairs shall have the power to issue notices of violation to any person who places or maintains a sign,

as defined under section 12-10 of the zoning resolution, on a building or premises in violation of the zoning resolution, this code or the 1968 building code or rules adopted pursuant thereto.

§3. This local law shall take effect immediately one hundred twenty days after its enactment except that the commissioner of buildings and the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 823

By Council Members Levin, James, Dromm, Gentile, Koppell, Palma, Rose, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting and publication online of certain information related to outdoor signs.

Be it enacted by the Council as follows:

Section 1. Section 28-502.4.4 of the administrative code of the city of New York is amended to read as follows:

§28-502.4.4 *Public access to list.* The commissioner shall make all listings filed pursuant to this article accessible to the public *online in a non-proprietary database.*

§2. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505 OUTDOOR SIGN REPORTING

§28-505.1 *Definitions.*

§28-505.2 *Required reporting.*

§28-505.3 *Public disclosure.*

§28-505.1 *Definitions.* The following words and terms shall, for the purposes of this article, have the meanings shown herein.

CITED SIGN. A sign, other than a listed sign or permitted sign, for which a violation was issued.

LISTED SIGN. A sign, other than a permitted sign, that is on record with the department pursuant to section 28-502.4 as of the date of the report required by this article.

PERMITTED SIGN. A sign for which a valid and unexpired permit issued pursuant to section 28-501.1 exists as of the date of the report.

REMOVED SIGN. A sign which was dismantled, removed, covered, painted over or otherwise rendered ineffective by the department pursuant to section 28-503.5 or other applicable law during the reporting period.

SIGN. A "sign" as defined in section 12-10 of the zoning resolution except that such term shall not include any sign subject to regulation by the department of transportation.

REPORTING PERIOD. The calendar year covered by the annual report required by this article.

VIOLATION. A violation of any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto relating to signs where such violation was issued during the reporting period.

§28-505.2 *Required reporting.* No later than March 1 of each year, the department shall prepare and report to the mayor and the council the following information for the preceding calendar year:

1. for each listed sign, permitted sign, cited sign and removed sign:

1.1. the name, street address and owner of such sign;

1.2. whether such sign is a listed sign, permitted sign, cited sign and/or a removed sign;

1.3. whether such sign was found to be satisfactory upon its most recent inspection conducted pursuant to section 27-508 or section BC H105.2;

1.4. for each violation issued in connection with such sign: the type of such violation and the total dollar amount of civil penalties and fines assessed in connection with such violation;

1.5. the total number of criminal proceedings initiated in connection with such sign pursuant to section 28-502.6 during the reporting period;

1.6. the total number of criminal convictions during the reporting period obtained in connection with criminal proceedings pursuant to section 28-502.6 whether such proceedings were initiated during the reporting period or otherwise;

1.7. in the case of a removed sign, the total dollar amount recovered by the department pursuant to section 28-503.7 in connection with such sign;

2. for listed signs, permitted signs, cited signs and removed signs:

2.1. the total number of such signs, disaggregated by type of sign;

2.2. the total number of violations issued in connection with such signs, disaggregated by type of sign;

2.3. the total dollar amount of civil penalties and fines assessed in connection with such violations, disaggregated by type of sign;

3. for listed signs, the total number of criminal proceedings initiated in connection with such signs pursuant to section 28-502.6 and the total number of criminal convictions resulting from such proceedings;

4. for cited signs, the total number of such signs that have been removed; and
 5. for removed signs, the total dollar amount recovered by the department pursuant to section 28-503.7 in connection with such signs.

§28-505.3 Public disclosure. The department shall make the report required by this article available to the public online. The department shall make the data contained in such report available to the public online in a non-proprietary database.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1261

Resolution condemning the senseless shooting of Trayvon Martin and the inadequate investigation that followed, expressing deep sympathy for the Martin family, and calling for a full and impartial investigation holding those responsible to account as well as an examination of “Stand Your Ground” laws nationwide and the role they play in the spread of illegal guns on New York City’s streets.

By Council Members Mark-Viverito, James, the Speaker (Council Member Quinn), Dickens, Jackson, Cabrera, Rose, Foster, Williams, Vann, Van Bramer, Dromm, Koo, Koppell, Palma, Lander, Chin, Eugene, Sanders, Lappin, Recchia, Levin, Ferreras, Mealy, Seabrook, Fidler, Reyna and Garodnick.

Whereas, On February 26, 2012, Trayvon Martin, a 17-year-old black male high school student was shot to death by George Zimmerman, a neighborhood watch volunteer, while walking through a family friend’s gated community in Sanford, Florida; and

Whereas, The death of a child, particularly a death that could have been prevented, is one of life’s greatest tragedies and the New York City Council stands united in extending its most sincere condolences to Tracy Martin and Sybrina Fulton over the loss of their son; and

Whereas, Mr. Zimmerman, a white Hispanic male adult, claimed that he killed Mr. Martin in self-defense, despite the fact that the victim was completely unarmed; and

Whereas, Mr. Zimmerman’s neighborhood watch organization is not recognized by the National Sheriffs’ Association Neighborhood Watch Program, and his actions, which included following and possibly confronting Mr. Martin, despite being told by a 911 operator not to do so, and carrying a concealed weapon, violate neighborhood watch conventions set forth by the Program; and

Whereas, Despite admitting to killing Mr. Martin, Mr. Zimmerman was able to evade arrest because of Florida’s “Stand Your Ground” law, which permits individuals to use deadly force if they reasonably believe that they are acting in self-defense and prevents the arrest of such individuals in the absence of contradictory evidence; and

Whereas, Florida’s “Stand Your Ground” law, versions of which exist in 20 other states, does not require a person to retreat before using deadly force and permits such force to be used both on and off one’s property; and

Whereas, The Sanford police department has been faulted in the aftermath of the Mr. Martin’s death for failing to administer a toxicology test to Mr. Zimmerman; withholding tapes of 911 calls made by Mr. Zimmerman prior to the shooting, including one in which he allegedly uses a racial epithet in reference to Mr. Martin; sending a narcotics detective to the scene instead of a homicide detective; and failing to question Mr. Martin’s girlfriend, with whom he was talking on his cell phone at the time of the shooting; and

Whereas, On March 22, 2012, Sanford Police Chief Bill Lee announced that he was temporarily stepping down from his position in the police department, one day after the city’s commissioners passed a vote of “no confidence” in him as a result of his handling of the investigation; and

Whereas, The Sanford Police Department’s failure to fully investigate, as well as its inability to arrest, Mr. Zimmerman serves only to engender feelings of distrust toward law enforcement, particularly in communities of color; and

Whereas, Mr. Martin’s parents, as well as many leaders in the civil rights community, have expressed their belief that Mr. Martin was targeted by Mr. Zimmerman because of his race; and

Whereas, According to the Tampa Bay Times, Florida Governor Rick Scott has appointed a special prosecutor to investigate Mr. Martin’s death and will form a task force to examine the weaknesses in the “Stand Your Ground” law; and

Whereas, The United States Department of Justice has also announced that it would investigate the killing of Mr. Martin; and

Whereas, The broad allowances of the “Stand Your Ground” law place a dangerous amount of faith in the judgment of a person using deadly force in the name of self-defense; and

Whereas, States with “Stand Your Ground” statutes risk encouraging gun owners to commit deadly acts of violence as they know that they may be able to avoid prosecution; and

Whereas, Since the passage of Florida’s “Stand Your Ground” law in 2005, allegedly justifiable homicides have increased nearly threefold in the state; and

Whereas, Taken to the extreme, “Stand Your Ground” laws can be used to

justify the use of deadly force in domestic disturbances, vigilante behavior and even gang activity; and

Whereas, Inadequate gun control laws coupled with a law like Florida’s “Stand Your Ground” law contribute to the poisonous flow of illegal guns that is permeating communities in New York City and throughout the United States by encouraging gun ownership; and

Whereas, In light of this tragedy, states with “Stand Your Ground” statutes have an obligation to reexamine their laws so that senseless gun violence like that which took Mr. Martin’s life can be avoided in the future; and

Whereas, The circumstances surrounding Mr. Martin’s death must be thoroughly and impartially investigated so that justice will be served and his death will not be in vain; now, therefore, be it

Resolved, That the Council of the City of New York condemns the senseless shooting of Trayvon Martin and the inadequate investigation that followed, expresses deep sympathy for the Martin family, and calls for a full and impartial investigation holding those responsible to account as well as an examination of “Stand Your Ground” laws nationwide and the role they play in the spread of illegal guns on New York City’s streets.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Immigration).

Res. No. 1262

Resolution calling upon the U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013, and to respect states like New York that have taken actions to rescind their participation in this program.

By Council Members Mark Viverito, Chin, Dromm, Ferreras, Lander, Palma, Reyna, Rose, Vann, Williams, Rodriguez and Foster.

Whereas, Secure Communities is one of the U.S. Immigration and Custom Enforcement (“ICE”) programs which, through an information sharing model, uses fingerprints to identify and ultimately deport certain undocumented immigrants; and

Whereas, The Secure Communities program was implemented in 2008, under the pretense to only removing the most dangerous, criminal, and undocumented immigrants and allowing states the option to withdraw from the program; and

Whereas, As of 2011, the Secure Communities program is active in approximately 1,048 jurisdictions in 39 states; and

Whereas, In May 2010, the New York State Division of Criminal Justice Services entered into a Memorandum of Agreement (“MOA”) with ICE to implement the Secure Communities program throughout New York State; and

Whereas, According to ICE’s data, since implementation of the Secure Communities program in New York, more often than not, immigrants apprehended by ICE, who have no criminal convictions were deported; and

Whereas, New York City is home to approximately three million immigrants, many of whom are undocumented, and may fall victim to this program; and

Whereas, The Secure Communities program has contributed to the 400,000 immigrants who were deported in both 2009 and 2010; and

Whereas, Advocates, elected officials, and the immigrant community oppose the Secure Communities program and question its practices and motives; and

Whereas, In December 2010, New York Police Department Commissioner Raymond Kelly stated that the Secure Communities program may compromise the relationship between the immigrant community and local enforcement agencies; and

Whereas, In response, on June 1, 2011, Governor Andrew Cuomo announced New York State’s termination of the MOA with ICE, thus, suspending the Secure Communities program and making New York only the second state in the nation to do so; and

Whereas, During the same period, ICE notified states that terminating the MOA would have no effect on their operations and that they planned to activate the Secure Communities program nationally by 2013; and

Whereas, It is important to protect, promote, and strengthen the relationship between immigrant communities and local enforcement agencies; and

Whereas, A program that may deter immigrants from reporting crimes to local enforcement agencies will only jeopardize the public safety for all; and

Whereas, ICE should respect states like New York, who have rescinded their participation in the Secure Communities program; now, therefore be it

Resolved, That the Council of the City of New York calls upon the U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013, and to respect states like New York that have taken actions to rescind their participation in this program.

Referred to the Committee on Immigration.

Int. No. 824

By Council Members Vacca, Gentile, James, Koo, Koslowitz, Palma, Recchia, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to permissible parking in front of private driveways.

Be it enacted by the Council as follows:

Section 1. Subdivision 2 of section 19-162 of the administrative code of the city of New York is amended to read as follows:

2. Notwithstanding the department of transportation regulation prohibiting parking in front of private driveways, it shall be permissible for the owner or lessor of the lot accessed by such driveway to park a passenger vehicle registered to him or her at that address in front of such driveway, provided that such lot does not contain more than two dwelling units and, further provided that such parking does not violate any other provision of the vehicle and traffic law or [local law, rule or regulation] *restriction involving emergency vehicles*, concerning the [parking,] stopping[,] or standing of motor vehicles, *alternate side parking, or where parking would impede a bike lane*. The hearing officer shall dismiss any notice of violation issued to the owner of such passenger vehicle upon receipt from the owner, in person or by mail, of a copy of the vehicle registration containing the same address as that at which the ticket was given or other suitable evidence showing compliance with the law. The director of the bureau shall set forth the proof required in the case of lots where confusion may arise including, but not limited to, corner lots or lots with dual addresses.

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

Referred to the Committee on Transportation.

Res. No. 1263

Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to mayoral control of the New York City public school system, by requiring that the respective Community Education Council approve a co-location or school closure/phase-out proposal before it may be presented for a vote by the Panel for Educational Policy.

By Council Members Vann, Jackson, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Fidler, Gentile, James, Lander, Levin, Palma, Reyna, Rose, Sanders, Williams and Rodriguez.

Whereas, Although the New York City public schools are currently under mayoral control, City schools are still governed by New York State Education Law; and

Whereas, According to Section 2590-c of the State Education Law, each Community District in New York City shall be governed by a Community District Education Council consisting of eleven voting members and one non-voting member; and

Whereas, Community District Education Councils, referred to as Community Education Councils or CECs by the New York City Department of Education (DOE), are composed of nine parents whose children are currently attending, or attended within the preceding two years, a school under the jurisdiction of the Community District, as well as two borough president appointees who are residents of or business operators in the district and a non-voting student member who is a high school senior residing in the district; and

Whereas, Such composition allows Community Education Councils to effectively represent the views of parents, students and other residents and/or business people in the community; and

Whereas, The Community Education Councils also have certain powers and duties delineated in Section 2590-e of the State Education Law; and

Whereas, Among these is the power and duty to provide input to the Chancellor and the City Board on matters of concern to the district; and

Whereas, There are few issues of greater concern in Community School Districts throughout New York City at present than the proposed closure, phase-out or co-location of schools; and

Whereas, Currently, Section 2590-e(21) of State Education Law requires Community Education Councils to hold a joint public hearing with the Chancellor or designee and the impacted school based management team regarding any proposed significant change in school utilization including, but not limited to, any proposed school closing, phase-out or co-location of schools; and

Whereas, While these joint hearings provide an opportunity for local communities to voice their concerns, their views are largely ignored when decisions on these matters are made by the DOE and voted on by the Panel for Educational Policy; and

Whereas, Community Education Councils currently have the power to approve school zoning lines, but not significant changes in school utilization, such as closing, phase-out or co-location of schools; and

Whereas, Since school closings, phase-outs or co-locations can significantly

impact enrollment, it is logical that Community Education Councils should have the authority to approve closings, phase-outs or co-locations; and

Whereas, Requiring that the appropriate Community Education Council approve any proposed school co-location or closure/phase-out before it can be voted on by the Panel for Educational Policy would ensure that local community concerns are reflected in the decision-making process; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law, in relation to mayoral control of the New York City public school system, by requiring that the respective Community Education Council approve a co-location or school closure/phase-out proposal before it may be presented for a vote by the Panel for Educational Policy.

Referred to the Committee on Education.

Int. No. 825

By Council Members Williams, Barron, Dromm, Rose and Rodriguez.

A Local Law to amend the New York city charter, in relation to the democratic election of the New York City police commissioner.

Be it enacted by the Council as follows:

Section 1. Section 431 of chapter eighteen of the New York city charter is amended to read as follows:

§ 431. Department; commissioner. a. There shall be a police department the head of which shall be the police commissioner who shall be [appointed by the mayor and shall, unless sooner removed, hold office for a term of five years]*elected by the electors of the city at the same time and for the same terms as in this charter prescribed for the mayor. A police commissioner who resigns or is removed from office prior to the completion of a full term shall be deemed to have held that office for a full term for purposes of section 1138 of the charter. The salary of the police commissioner shall be one hundred seventy-five thousand dollars a year.*

b. [Whenever in the judgment of the mayor or the governor the public interests shall so require, the commissioner may be removed from office by either, and shall be ineligible for reappointment thereto]*The police commissioner may be removed or suspended in the same manner as provided in this charter with respect to the mayor.*

c. [Whenever a vacancy shall occur in the office of police commissioner, a police commissioner shall be appointed by the mayor within ten days thereafter]*Any vacancy in the office of police commissioner shall be filled by popular election in the same manner as provided in this charter with respect to the mayor.*

§ 2. Subdivision a of section 1138 of chapter fifty of the New York city charter is amended to read as follows:

a. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected to or serve in the office of mayor, public advocate, comptroller, *police commissioner*, borough president or council member if that person had previously held such office for two or more consecutive full terms, unless one full term or more has elapsed since that person last held such office.

§ 3. This local law shall become effective ninety days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Res. No. 1264

Resolution calling upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.

By Council Members Williams, Dromm, Ferreras, James, Rose, Seabrook, Rodriguez, Vacca, and Foster.

Whereas, The United States is facing an obesity epidemic and according to the Centers for Disease Control and Prevention, more than one-third of adults are obese; and

Whereas, This epidemic also impacts children as approximately 12.5 million children and adolescents between the ages of 2 and 19 are obese; and

Whereas, There are many factors that contribute to obesity including caloric intake, level of physical activity, environment, and genetics; and

Whereas, Obesity is also an acute problem in New York City, as a majority of New Yorkers are overweight or obese, according to the Department of Health and Mental Hygiene (DOHMH); and

Whereas, According to the DOHMH, the biggest contributor to obesity is the sugar that people consume; and

Whereas, Sugar-sweetened beverages, such as soda, sports drinks, fruit drinks and tea drinks, are a common source of sugar, with some containing 16 teaspoons of added sugar in a 20-ounce serving; and

Whereas, Due to the negative impact that sugar sweetened beverages can have

on an individual's health, many organizations have urged the United States Food and Drug Administration to take action; and

Whereas, The Center for Science in the Public Interest (CSPI), along with other health groups and state agencies, including, but not limited to, the American Public Health Association, the Trust for America's Health, and the New York State Department of Health, have advocated for messages warning consumers about the risks of weight gain, obesity, diabetes, and other associated health problems; and

Whereas, CSPI recommended several labels including: "This drink contains 250 calories. Consider switching to water;" "Drinking too many sugary drinks can promote diabetes and heart disease;" and "For better health, the U.S. government recommends that you limit your consumption of sugary drinks;" and

Whereas, CSPI believes that warning labels will raise public awareness about the possible health concerns associated with consuming sugar sweetened beverages; and

Whereas, Government must take an increased role in combating the obesity epidemic; and

Whereas, Providing warning labels on sugar sweetened beverages is one method to educate the public about the serious health consequences associated with these products; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.

Referred to the Committee on Health.

Res. No. 1265

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would add an excise tax on sugar sweetened beverages.

By Council Members Williams, Ferreras, Rose and Rodriguez.

Whereas, New York State is facing an obesity epidemic; and

Whereas, New York City is no different, as the majority of New Yorkers are overweight or obese, and four out of ten elementary school children also fall under this category, according to the Department of Health and Mental Hygiene (DOHMH); and

Whereas, Reports indicate that the obesity rates are even higher in low-income communities, where 7 out of 10 residents are either overweight or obese; and

Whereas, The health consequences from obesity can include serious health conditions such as diabetes, hypertension, heart disease, stroke, and kidney failure; and

Whereas, According to the DOHMH, the biggest contributor to obesity is the sugar that people consume; and

Whereas, The DOHMH has indicated that Americans consume 200 to 300 more calories than they did 30 years ago and half of these calories come from sugar-sweetened beverages; and

Whereas, Sugar-sweetened beverages, such as soda, sports drinks, fruit drinks and tea drinks, are a common source of sugar, with some containing 16 teaspoons of added sugar in a 20-ounce serving; and

Whereas, The New York State Comptroller estimated that obesity-related illness costs New York State residents \$7.6 billion in medical costs every year; and

Whereas, In 2010, then-Governor David Paterson and the late State Health Commissioner Dr. Richard Daines proposed a tax of one penny per ounce on sugar-sweetened beverages; and

Whereas, Commissioner Daines had indicated that this proposal would generate nearly \$1 billion in revenue after being fully phased in; and

Whereas, Multiple public health organizations believe that sugar-sweetened beverages are the food category most strongly linked with the rise in obesity; and

Whereas, At that time in 2010, the New York Academy of Medicine, the Greater New York Hospital Association, the Healthcare Association of New York State, the Center for Science in the Public Interest, the Commission for the Public's Health System, Community Health Care Association of New York State, the New York Chapter of the American Academy of Pediatrics, the Medical Society of the State of New York, and the New York State Dental Association all supported the excise tax; and

Whereas, Additionally, in a nationwide study conducted at Columbia University Medical Center and the University of California, San Francisco, researchers estimated that the imposition of an excise tax on sugar sweetened beverages would result in approximately a 15 percent reduction in consumption and reduce the prevalence of obesity, diabetes and cardiovascular disease; and

Whereas, Government must take affirmative steps to stem the tide of the obesity epidemic and the impact that sugar sweetened beverages have on New Yorkers; 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 add an excise tax on sugar sweetened beverages.

Referred to the Committee on Health.

Res. No. 1266

Resolution calling on the United States Congress to pass H.R. 3618/S.1670, the End Racial Profiling Act of 2011.

By Council Members Williams, James, Dromm, Ferreras, Lander, Levin, Mark-Viverito, Palma, Rose, Sanders, Vann and Rodriguez.

Whereas, The United States Department of Justice defines racial profiling as "any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual on who has been identified as being, or having been, engaged in criminal activity"; and

Whereas, In addition to being discriminatory, racial profiling is an ineffective policing tool that draws attention away from crimes that are actually being committed; and

Whereas, Racial profiling engenders feelings of distrust towards law enforcement agencies in communities of color; and

Whereas, In the United States, racial profiling violates a person's constitutional rights to protection from unreasonable searches and seizures, due process of the law, and equal protection under the law; and

Whereas, Despite widespread agreement that racial profiling is counterproductive and unfair, its practice continues to prevail throughout the country; and

Whereas, There were numerous reports in the days that followed the terrorist attacks on September 11, 2001 of innocent Muslim-, Arab- or South Asian-appearing men in the United States being mistreated, detained and/or investigated by law enforcement agencies, despite having no association with terrorist organizations or activities; and

Whereas, In April 2010, the Governor of Arizona signed into law a bill that enables law enforcement officers to determine a person's legal status if there is suspicion that that person might be an undocumented immigrant, a move which was loudly criticized by many in the country as encouraging racial profiling of Latinos in that state; and

Whereas, Racial profiling is also a problem in a city as diverse as New York, where in 2011, of the 685,724 New Yorkers stopped and frisked by police (of whom 88 percent were innocent), 53 percent were black and 34 percent were Latino; and

Whereas, A 2009 report from the United Nations Human Rights Council on racial intolerance in the United States found that "instances of direct discrimination and concrete racial bias still exist and are most pronounced with regards to law enforcement agencies," and that "the Government should clarify to law enforcement officials the obligation of equal treatment and, in particular, the prohibition of racial profiling"; and

Whereas, If passed, H.R. 3618/S.1670, introduced by Congressman John Conyers, Jr. and Senator Ben Cardin, respectively, would address this issue by creating the tools to prevent and eliminate racial profiling by law enforcement officers; and

Whereas, Known as the End Racial Profiling Act of 2011, H.R. 3618/S.1670 would prohibit law enforcement agencies at all levels of government from engaging in profiling on the basis of race, ethnicity, national origin or religion throughout the course of an investigation, and would create a private right of action for those who have been inappropriately profiled; and

Whereas, H.R. 3618/S.1670 would also require federal law enforcement agencies to maintain policies that would prevent racial profiling including the cessation of existing policies that encourage racial profiling; and

Whereas, H.R. 3618/S.1670 would address racial profiling at the state, local and tribal level by requiring those law enforcement agencies which receive certain law enforcement grants from the United States Department of Justice (USDOJ) to demonstrate that they have taken adequate steps to prevent and eliminate policies which would encourage racial profiling; and

Whereas, H.R. 3618/S.1670 would also enable the USDOJ to administer grants to state, local and tribal law enforcement agencies for the purposes of data collection and the development of best practices as it relates to ending racial profiling; and

Whereas, To ensure that racial profiling is being effectively combatted, H.R. 3618/S.1670 would require the United States Attorney General to issue regulations, as necessary, to ensure compliance and to submit annual reports to Congress on continuing incidences of racial profiling by law enforcement agencies; and

Whereas, Passage of H.R. 3618/S.1670 is critical if we are to truly prevent the mistreatment of certain communities by law enforcement agencies in this country; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass H.R. 3618/S.1670, the End Racial Profiling Act of 2011.

Referred to the Committee on Public Safety.

Int. No. 826

By Council Members Wills, Eugene, James, Koslowitz, Levin, Palma, Rose, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to posting of truck route road conditions by the department of transportation.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-154.2 of the administrative code of the city of New York is amended to read as follows:

§ 19-154 Publication of street resurfacing information. a. The commissioner shall make available online through the department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to:

- (i) what year city blocks were last resurfaced or received capital improvement;
- (ii) the current rating for city blocks pursuant to the department's street rating system as one of the following: good, fair, or poor[.]; and
- (iii) whether a city block has been designated as part of a truck route by the department.

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 827

By Council Members Wills, Gennaro, Vallone, Brewer, Cabrera, Gentile, James, Koppell, Koslowitz, Palma, Rose, Sanders, Vann, Williams, Vacca, Rivera and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the manufacture and sale of products containing synthetic cannabinoid.

Be it enacted by the Council as follows:

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

Chapter 15. Prohibition on Manufacture and Sale of Products Containing Synthetic Cannabinoid.

§17-1501. *Definitions.* For the purposes of this section, the following terms shall be defined as follows:

a. "Manufacture" means the production, preparation, propagation, compounding, cultivation, conversion or processing of a substance containing synthetic cannabinoid, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

b. "Sell" means to sell, exchange, give or dispose of to another, or offer or agree to do the same.

c. "Synthetic cannabinoid" shall mean any chemical compound that is chemically synthesized and has been demonstrated to have a binding activity at one or more cannabinoid receptors or is a chemical isomer, salt or salt of an isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors, and shall include, but not be limited to, the following:

(1) Any compound structurally derived from 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(2) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

(3) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

(4) Any compound structurally derived from 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

(5) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; or

(6) Any chemical compound that contains the following:

(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohex-anol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

(xiii) 1-pentyl-3-[(4-methoxy-benzoyl)]indole (SR-19 and RCS-4);

(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8);

(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); or

(7) Any other substance determined by the commissioner to constitute synthetic cannabinoid pursuant to the commissioner's rulemaking power under section 17-1505.

"Synthetic cannabinoid" shall not include any products that have been approved for medical use by the United States Food and Drug Administration.

§17-1502. *Manufacture and sale of products containing synthetic cannabinoid.* It shall be unlawful for any firm, corporation, partnership, association, limited liability company or other entity, or agent or employee thereof, to manufacture or sell or possess with the intent to manufacture or sell any product containing synthetic cannabinoid in the city of New York.

§17-1503. *Violations and penalties.* Any firm, corporation, partnership, association, limited liability company or other entity, or agent or employee thereof, who violates section 17-1502 of this chapter or any rules promulgated hereunder shall be liable for a civil penalty of not less than five hundred dollars, nor more than two thousand and five hundred dollars for the first violation. Any firm, corporation, partnership, association, limited liability company or other entity, or agent or employee thereof, who violates section 17-1502 of this chapter or any rules promulgated hereunder shall be guilty of a misdemeanor and punishable by a fine of not less than five hundred dollars, nor more than two thousand and five hundred dollars for each subsequent violation, or by imprisonment for not less than six months, nor more than one year, or both.

§17-1504. *Civil enforcement.* The department and the department of consumer affairs shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-1503 of this chapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health where the department issues such a notice or to the adjudication division of the department of consumer affairs where such department issues such a notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The administrative tribunal of the board of health and the adjudication division of the department of consumer affairs shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-1503 of this chapter, 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. The department and the department of consumer affairs shall notify each other within thirty days of finding that an entity or an employee or agent of such entity has been found liable for a violation of section 17-1502 of this chapter.

§17-1505. *Rules.* The commissioner of the department and the commissioner of the department of consumer affairs shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§2. *Severability.* If any provision of this local law shall be held invalid or ineffective in whole or in part, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective.

§3. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Health.

Res. No. 1267

Resolution calling on the United States Senate to pass and the President to sign the Dangerous Synthetic Drug Control Act of 2011, which would amend the Controlled Substances Act by banning synthetic cannabinoids commonly used in herbal incense.

By Council Members Wills, Nelson, Comrie, Ferreras, Vallone Jr., Cabrera, Gentile, James, Koppell, Koslowitz, Palma, Rose, Sanders, Vann, Williams, Vacca, Rivera, and Rodriguez.

Whereas, Herbal incense is an aromatic substance often containing synthetic cannabinoids, which are man-made chemicals that mimic the effects of Tetrahydrocannabinol, the active chemical in marijuana, and it is often sold in convenience stores, gas stations, smoke shops, and over the Internet at affordable prices; and

Whereas, Herbal incense, which is marketed under such brand names as "K2" and "Spice," is considered by The United States Office of National Drug Control Policy to be a synthetic drug; and

Whereas, Synthetic drug manufacturers and retailers heavily advertise their hazardous products to teenagers, often packaging them in attractive, colorfully

designed containers that include inadequate descriptions of their ingredients and fail to provide sufficient warnings against ingestion or inhalation of the product; and

Whereas, According to the American Association of Poison Control Centers, in 2010, 2,906 calls relating to exposure to synthetic drugs were received and approximately 7,000 calls were received in 2011; and

Whereas, Effects from synthetic drugs include, but are not limited to, agitation, nausea, elevated blood pressure, paranoia, seizures, and hallucinations; and

Whereas, In an effort to stem the number of incidents associated with using synthetic drugs, in March 2011, the United States Drug Enforcement Administration (“DEA”) exercised its emergency scheduling authority to control certain synthetic cannabinoids by temporarily categorizing them as Schedule I substances, which are substances that have no accepted medical use and have a likelihood of causing dependence; and

Whereas, This emergency action was necessary to prevent an imminent threat to public health and safety; and

Whereas, The emergency ban on these synthetic drugs by the DEA is set to expire on August 29, 2012; and

Whereas, In an effort to make the sale and possession of synthetic drugs illegal, numerous states including Arizona, Michigan, and New Jersey have legislated to ban the sale and possession of synthetic drugs; and

Whereas, Legislation is currently pending in the New York State Legislature seeking to prohibit the sale and/or distribution of products containing a synthetic cannabinoid; and

Whereas, Additionally, S.605, also known as the Dangerous Synthetic Drug Control Act of 2011, is currently pending in the United States Senate; and

Whereas, The United States House of Representatives passed H.R. 1254, a companion bill to S.605, on December 8, 2011; and

Whereas, The Dangerous Synthetic Drug Control Act of 2011 seeks to ban specific cannabimimetic and hallucinogenic agents used in synthetic drugs, such as herbal incense, by designating these narcotics as Schedule I controlled substances; and

Whereas, It is paramount to the safety of Americans that the United States Senate pass and the President sign the Dangerous Synthetic Drug Control Act of 2011 in order to criminalize the production, sale, and use of these products; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Senate to pass and the President to sign the Dangerous Synthetic Drug Control Act of 2011, which would amend the Controlled Substances Act by banning synthetic cannabinoids commonly used in herbal incense.

Referred to the Committee on Health.

Res. No. 1268

Resolution calling upon the New York State Legislature to pass and the Governor to sign the Veterans Cemetery Bill (A.1386A/S.5381A), legislation that would provide for the establishment of a State veterans cemetery in New York.

By Council Members Wills, Cabrera, Dickens, Dromm, Eugene, Ferreras, Fidler, Gentile, James, Koppell, Levin, Mark-Viverito, Palma, Rose, Sanders, Williams, Rivera, Rodriguez, and Ulrich.

Whereas, The New York State Veterans Cemetery Bill A.8320/S.5720, legislation introduced by New York State Senators Greg Ball and Bill Larkin and New York Assembly Member Felix Ortiz, would allow the State of New York to authorize the State Division of Veteran’s Affairs to establish, maintain, and care for a State veterans cemetery; and

Whereas, Veterans in New York should be recognized for their commitment and sacrifice through the provision of a final resting place in their home state to honor their service; and

Whereas, The 2009 American Community Survey reported that 21.9 million veterans live in the United States; and

Whereas, According to a 2009 report by New York State Senator Kirsten Gillibrand regarding unemployment among veterans, New York is home to over one million veterans, of which 237,302 live in New York City; and

Whereas, The U.S. Department of Veterans Affairs’ (“VA”) system of national cemeteries was established to honor U.S. veterans with final resting places that serve as lasting tributes to commemorate their service and sacrifice to our nation; and

Whereas, Recognizing the growing need for gravesites and the limitations of the VA National Cemetery Administration, which maintains 131 national cemeteries in 39 states and Puerto Rico, the VA established a Veterans Cemetery Grants Program (“the Program”) to assist states, territories, and federally recognized tribal governments in providing gravesites for veterans in those areas where the 131 national cemeteries cannot fully satisfy their burial needs; and

Whereas, Public Law 105-368, which established the Program and became effective in 1999, authorized the VA to provide up to 100 percent of the development cost for an approved project and can now provide for operating equipment for the establishment of new cemeteries; and

Whereas, The VA aims to provide the service of a veterans cemetery within 75

miles of 90 percent of the veterans across the country; and

Whereas, New York comprises 54,556 square miles and has seven national veterans cemeteries, two of which are closed to interments and two of which are limited to cremated remains unless someone is buried in the same gravesite of a previously interred family member; and

Whereas, To date, the Veterans Cemetery Grants Program has awarded grants totaling more than \$438 million to help establish, expand, or improve 84 veterans cemeteries in 41 states and territories, which provided more than 29,000 burials in 2011 alone; and

Whereas, New York has never participated in this federally sponsored program, leaving New York City veterans without access to this earned benefit; and

Whereas, Providing a mechanism for the establishment of a State veterans cemetery would constitute a necessary and prudent step toward increasing the availability and accessibility of this earned benefit to veterans in New York State, including those in New York City; 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 the Veterans Cemetery Bill (A.1386A/S.5381A), legislation that would provide for the establishment of a State veterans cemetery in New York.

Referred to the Committee on Veterans.

L.U. No. 582

By Council Member Recchia:

Southern Boulevard Apartments, Block 2684, Lot 79, Block 2707, Lots 74 & 85, Block 2720, Lots 5, 24, 54, 57 & 63, Bronx, Council District No. 17

Adopted by the Council (preconsidered and adopted by the Committee on Finance).

L.U. No. 583

By Council Member Recchia:

MHANY BK Cluster 1, Block 1377, Lots 30 & 31, Block 1666, Lot 43, Brooklyn, Council District No. 36

Adopted by the Council (preconsidered and adopted by the Committee on Finance).

L.U. No. 584

By Council Member Recchia:

Israel Senior Housing, Block 15810, Lots 25 & 40, Council District No. 31

Adopted by the Council (preconsidered and adopted by the Committee on Finance).

L.U. No. 585

By Council Member Recchia:

Quadrant Properties HDFC, Block 2712, Lot 28, Bronx, Council District 17

Adopted by the Council (preconsidered and adopted by the Committee on Finance).

L.U. No. 586

By Council Member Comrie:

Application no. 20125334 HKK (N 120185 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Williamsburg Branch, Public National Bank of New York located at 47-49 Graham Avenue [Block 3105, Lot 26] (List No.451, LP-2471)], Borough of Brooklyn, Community District 1, Council District 34.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 587

By Council Member Comrie:

Application no. 20125346 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Anfield Road Inc., d.b.a. Banter, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 132 Havemeyer Street, Borough of Brooklyn, 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(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises .

L.U. No. 588

By Council Member Comrie:

Application no. 20125363 HKK (N 070006(A) HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the New York and Long Island Coignet Stone Company located at 360 Third Avenue (Block 978, Lot 7, now lot 7 in part) (List No.452-A, LP-2202-A), Borough of Brooklyn, Community District 6, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 589

By Council Member Comrie:

Application no. 20125456 HKM (N 120184 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the East 10th Street Historic District (List No.451, LP-2492), Borough of Manhattan, Community District 3, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 590

By Council Members Comrie and Weprin (by request of the Mayor):

Application no. 20125458 GFY, Authorizing franchises for cable television services.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, March 29, 2012

Note Location Change

- 10:00 a.m. General Welfare Committee – Council Chambers – City Hall
10:00 a.m. Department of Homeless Services
12:00 p.m. Human Resources Administration / Department of Social Services
1:30 p.m. Administration for Children’s Services (Agency for Child Development) joint with Women’s Issues Committee
3:30 p.m. Administration for Children’s Services (Juvenile Justice Issues) joint with Juvenile Justice Committee

4:15 p.m. Public

Thursday, March 29, 2012

Note Time Change

- 10:00 a.m. Governmental Operations Committee – Committee Room – 250 Broadway, 14th Floor
10:00 a.m. Financial Information Services Agency
10:30 a.m. Office of Payroll Administration
11:15 a.m. Board of Elections
12:00 a.m. Law Department
12:45 p.m. Department of Citywide Administrative Services
1:15 p.m. Community Boards
1:45 p.m. Public

Friday, March 30, 2012

- Note Topic and Committee Addition
Committee on SMALL BUSINESS jointly with the
Committee on WOMEN’S ISSUES.....10:00 A.M.
Oversight - Women Entrepreneurs and Small Business Owners
Committee Room – 250 Broadway, 16th Floor
Diana Reyna, Chairperson
Julissa Ferreras, Chairperson

- Addition
Committee on LOWER MANHATTAN REDEVELOPMENT 1:00 P.M.
Tour: South Street Seaport Museum
Location: 12 Fulton Street
New York, NY 10038
Details Attached
Margaret Chin, Chairperson

Monday, April 2, 2012

- Committee on TRANSPORTATION.....10:00 a.m.
Oversight - Examining the State of the City’s Roads
Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Tuesday, April 3, 2012

- Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available Thursday, March 29, 2012
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson
Committee on AGING jointly with the
Committee on HEALTH 10:00 A.M.
Oversight - Alzheimer’s Disease in New York City
Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson
Maria del Carmen Arroyo, Chairperson

- Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Thursday, March 29, 2012
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

- Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS 1:00 P.M.
See Land Use Calendar Available Thursday, March 29, 2012
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, April 4, 2012

- Committee on PARKS AND RECREATION..... 10:00 A.M.
Int. 689 - By Council Members Koppell, Foster, James, Mendez and Rose - A Local Law to amend the administrative code of the city of New York, in relation to the replacement of trees unlawfully removed from a Special Natural Area District.

Int. 748 - By Council Members Oddo, Ignizio, Comrie, Jackson, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to exempting the Department of Environmental Protection from tree replacement requirements when it performs construction work on Bluebelts.

Committee Room – 250 Broadway, 14th Floor

..... Melissa Mark-Viverito, Chairperson

Committee on **LAND USE**10:00 A.M.

All items reported out of the subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Monday, April 16, 2012

Committee on **GOVERNMENTAL OPERATIONS**.....10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson

Committee on **YOUTH SERVICES**.....10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson

Committee on **HOUSING AND BUILDINGS**1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor

..... Erik Martin-Dilan, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**.....1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor

..... James Van Bramer, Chairperson

Tuesday, April 17, 2012

Committee on **COMMUNITY DEVELOPMENT**.....10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

Committee on **CIVIL SERVICE AND LABOR**1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor James Sanders, Chairperson

Committee on **SMALL BUSINESS**.....1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson

Wednesday, April 18, 2012

Stated Council Meeting.....Ceremonial Tributes – 1:00 p.m.

..... Agenda – 1:30 p.m.

Location~ Council Chambers ~ City Hall.....

MEMORANDUM

March 21, 2012

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON LOWER MANHATTAN REDEVELOPMENT

Please be advised that all Council Members are invited to attend a tour to:

**South Street Seaport Museum
12 Fulton Street
New York, NY 10038**

The tour will be on **Friday, March 30, 2012 beginning at 1:00 p.m.** Those who are interested in attending please meet at **250 Broadway, in the Lobby at 12:30 p.m. sharp.**

Please Contact Patrick Mulvihill at 212-788-9108 if you have any questions.

Margaret Chin, Chairperson

Committee on Lower Manhattan Redevelopment

Christine Quinn

Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Wednesday April, 18, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 791-A, 448-A, and 707-A, all adopted by the Council at the March 14, 2012 Stated Meeting, were signed into law by the Mayor on March 26, 2012 as, respectively, Local Laws Nos. 16, 17, and 18 of 2012.

Int Nos. 490-A and 546-A, both originally adopted by the Council at the January 18, 2012 Stated Meeting before being re-adopted by the Council at this March 28, 2012 Stated, were both enacted into law by the Council's override of the Mayor's February 17, 2012 vetoes. Int Nos. 490-A and 546-A were subsequently assigned, respectively, as Local Laws 19 and 20 of 2012.

