

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, MARCH 20, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of
Wednesday, March 20, 2013 3:00 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Barron, Dickens, and Palma.

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

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

There were 48 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. George Haigler, Trinity United Methodist Church, 1076 Washington Avenue, The Bronx, N.Y.

Heavenly Father it is in your name
that we come before you this afternoon
invoking your blessings
upon this legislative session

of the New York City Council
as it takes place now in the Chambers
and meeting place of City Hall
here in our great city, New York.
We ask for blessings upon this Council
and its Speaker, its Majority Leaders,
its Officers and all its assembled Members.
We ask that you guide them
through with your providence and care
and bestow upon them great wisdoms
to carry out the work they do
for the people of this great metropolis
that we call home
where we raise our families,
where we live out our careers
and bask in the glow of our retirements.
Please Father give them the laser focus
to carry out their duties
with the sincerity and heart
of the people's best interests.
Knowing that you preside
over the duties of humankind
and count on our service
to our fellow citizenry with observant care.
Please bless this session of the Council,
their constituents, all their families,
our city, our Mayor and all our elected officials
and the homes and districts they represent.
This we ask in your name.
Amen.

Council Member Foster 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:

John Frank Russell, husband of thirty-one years to Council Assistant Majority Leader Inez Dickens, passed away on March 14, 2013 after a four year bout with lung cancer. He was raised in North Carolina, moved to New York in the 1960's, had a thirty-five year career at UPS and was a member of Teamsters Local 804. The Speaker (Council Member Quinn) offered the Council's thoughts and prayers to the Dickens and the Russell family.

* * *

During this Meeting, the Speaker (Council Member Quinn) recognized the following guests on the Chambers floor: Council Member Fidler's wife Robin, and sons Harry and Max. The Speaker (Council Member Quinn) also recognized Baruch Professor Doug Muzzio's Macauley Honors seminar class in the balcony.

LAND USE CALL UPS

M-1092

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application nos. C 130101 ZSM, C 130102 ZSM, and C 130103 ZSM shall be subject to Council review. These items are related to Uniform Land Use Review

Procedure Application no. C 130100 ZMM which is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1093

By Council Member Rivera:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at located at 2410 Arthur Avenue, Borough of Bronx, Community Board No. 6, Application no. 20135273 TCX shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

Affirmative –Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **48**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Preconsidered M-1094

Report of the Committee on Finance in favor of approving 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 20, 2013, respectfully

REPORTS:

March 13, 2013

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-1094) The Operating Budget of the Council of The City of New York

Precon. (M-1995) 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.

In connection herewith, Council Member Recchia offered the following resolution ("R1"):

Res. No. 1690

RESOLUTION APPROVING THE FISCAL YEAR 2014 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 2014

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
Standards & Ethics
State & Federal Legislation

Infrastructure

Community Development
Economic Development
Environmental Protection
Housing & Buildings
Lower Manhattan Redevelopment
Parks & Recreation
Public Housing
Sanitation & Waste Management
Technology
Waterfronts

Governmental Affairs

Civil Rights
Consumer Affairs
Contracts
Fire & Criminal Justice Services
General Welfare
Governmental Operations
Immigration
Juvenile Justice
Oversight & Investigation
Public Safety

Land Use

Land Use
Landmarks, Public Siting & Maritime Uses (Subcommittee)
Planning, Dispositions & Concessions (Subcommittee)
Zoning & Franchises (Subcommittee)

Finance

Finance

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, Developmental Disability, Alcoholism, Drug Abuse & Disability Services
Drug Abuse (Subcommittee)
Small Business
Transportation
Veterans
Women's Issues
Youth 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 160,000 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 2014

	FISCAL 2013 ADOPTED BUDGET		FISCAL 2013 UPDATED		FISCAL 2014 COUNCIL BUDGET		CHANGE FY2013 ADOPTED & FY2014 BUDGET		% CHANGE
	POS.	\$AMOUNT	POS.	\$AMOUNT	POS.	\$AMOUNT	POS.	\$AMOUNT	
PERSONAL SERVICES									
U/A 001	51	\$19,373,832	51	\$19,373,832	51	\$19,500,752	0	\$126,920	
U/A 002	117	\$8,860,000	117	\$8,860,000	117	\$9,008,933	0	\$148,933	
U/A 005	161	\$10,555,000	161	\$10,555,000	161	\$10,133,080	0	(\$421,920)	
COMMITTEES (U/A 600-690)	0	\$37		\$37	0	\$37	0	\$0	
PS TOTALS		\$38,788,869		\$38,788,869		\$38,642,802		(\$146,067)	-0.28%
OTHER THAN PERSONAL SERVICES									
U/A 100		\$4,626,920		\$4,626,920		\$4,500,000		(\$126,920)	
U/A 200		\$8,673,898		\$8,673,898		\$8,373,898		(\$300,000)	
COMMITTEES (U/A 800-890)		\$37		\$37		\$37		\$0	
OTPS TOTALS		\$13,300,855		\$13,300,855		\$12,873,935		(\$426,920)	-0.82%
COUNCIL BUDGET	329	\$52,089,724	329	\$52,089,724	329	\$51,516,737	0	(\$572,987)	-1.1%

OTPS DETAIL FISCAL YEAR 2014

U/A 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Newsletter (Printing)	101	\$890,000
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$1,240,000
Rent	414	\$2,070,000
TOTAL U/A 100		\$4,600,000

U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$90,000
Printing Supplies	101	\$15,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$40,000
Computer Supplies	199	\$190,000
Equipment - General	300	\$25,100
Telecommunications Equipment	302	\$5,000
Office Furniture	314	\$11,000
Office Equipment	315	\$5,000
Purchase DP Equipment	332	\$30,000
Books - Other	337	\$279,906
Library Books	338	\$30,000
Telephones - Data	40B	\$400,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$56,000
Telephone & Other Comm.	402	\$90,000
Office Services	403	\$31,000
Rentals of Misc. Equip.	412	\$120,000
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	\$50,000
Telecommunications Maint.	602	\$55,000
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$50,000
DP Equipment	613	\$30,000
Printing Contracts	615	\$150,000
Temporary Services	622	\$90,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$20,000
Economic Development	660	\$42,500
Training City Employees	671	\$5,000
Prof. Svces. - Accounting	681	\$5,000
Prof. Svces. - Legal	682	\$80,000
Prof. Svces. - Computer Services	684	\$90,000
Prof. Svces. - Other	686	\$70,000
DCAS Training	79D	\$2,000
TOTAL U/A 200		\$8,373,898

OTPS TOTALS		\$12,973,898
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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 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, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, 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 Immigration** - 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 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, Developmental Disability, 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 retail 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 for the management and dissemination of public information 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 New York City 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, the Office to Combat Domestic Violence and early childhood development.
- 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 2014
CITY COUNCIL CONTRACT BUDGET**

OBJECT CODE	DESCRIPTION	#	AMOUNT
600	Contractual Services General	8	\$50,000
602	Telecommunications Maintenance	4	\$55,000
607	Maint. & Repair Motor Vehicle Equip.	1	\$2,000
608	Maintenance & Repair General	6	\$40,000
612	Office Equipment Maintenance	8	\$50,000
613	Data Processing Equipment	5	\$30,000
615	Printing Contracts	3	\$150,000
622	Temporary Services	3	\$90,000
624	Cleaning Services	1	\$12,000
633	Transportation Expenditures	1	\$20,000
660	Economic Development	4	\$42,500
671	Training Program For City Employees	2	\$5,000
681	Prof. Svcs. - Accounting & Auditing	1	\$5,000
682	Professional Services - Legal	6	\$80,000
684	Prof. Svces. - Computer Services	4	\$90,000
686	Professional Services - Other	8	\$70,000
		65	\$791,500

**APPENDIX A
OTPS DETAIL FISCAL YEAR 2014**

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	\$1,240,000	
Rent	414	\$2,070,000	
TOTAL U/A 100		\$4,600,000	

U/A 200 CENTRAL STAFF			
DESCRIPTION	OBJ CODE	COUNCIL BUDGET	
Storehouse Supplies	10X	\$25,000	
Supplies & Materials	100	\$90,000	
Printing Supplies	101	\$15,000	
Automotive Supplies	105	\$2,000	
Automotive Fuel Supplies	106	\$19,000	
Postage	117	\$40,000	
Computer Supplies	199	\$190,000	
Equipment - General	300	\$25,100	
Telecommunications Equipment	302	\$5,000	
Office Furniture	314	\$11,000	
Office Equipment	315	\$5,000	
Purchase DP Equipment	332	\$30,000	
Books - Other	337	\$279,906	
Library Books	338	\$30,000	
Telephones - Data	40B	\$400,000	
Maintenance Repairs Auto	40G	\$25,000	
Contractual Services - Intra-City	40X	\$10,000	
Contractual Services - General	400	\$56,000	
Telephone & Other Comm.	402	\$90,000	
Office Services	403	\$31,000	
Rentals of Misc. Equip.	412	\$120,000	
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	\$50,000	
Telecommunications Maint.	602	\$55,000	
Maintenance - Motor Vehicles	607	\$2,000	
Maint. & Repairs	608	\$40,000	
Office Equipment Maint.	612	\$50,000	
DP Equipment	613	\$30,000	
Printing Contracts	615	\$150,000	
Temporary Services	622	\$90,000	
Cleaning Services	624	\$12,000	
Transportation Expenditures	633	\$20,000	
Economic Development	660	\$42,500	
Training City Employees	671	\$5,000	
Prof. Svces. - Accounting	681	\$5,000	
Prof. Svces. - Legal	682	\$80,000	
Prof. Svces. - Computer Services	684	\$90,000	
Prof. Svces. - Other	686	\$70,000	
DCAS Training	79D	\$2,000	
TOTAL U/A 200		\$8,373,898	

OTPS TOTALS		\$12,973,898	
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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, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 20, 2013.

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

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

Report for Preconsidered M-1095

Report of the Committee on Finance in favor of approving a 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 20, 2013, respectfully

REPORTS:

(For text of the Memo, please see the Report of the Committee on Finance for M-1094 printed above in these Minutes)

Accordingly, this Committee recommended the adoption of M-1095

In connection herewith, Council Member Recchia offered the following resolution ("R2"):

Res. No. 1691

RESOLUTION APPROVING FOR FISCAL YEAR 2014 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 (c) 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	\$3,517,037
005	COUNCIL SERVICES	\$4,856,861
	TOTAL OTPS	\$8,373,898

*Set forth for informational purposes only in accordance with Charter Section 100 (c)

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, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 20, 2013.

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

Reports of the Committee on Land Use

Report for L.U. No. 766

Report of the Committee on Land Use in favor of approving Application No. C 130052 ZMM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C2-8 District to a C4-6 District property bounded by South Street, Brooklyn Bridge, the U.S. Pierhead Line, and a line 1250 feet easterly of the southerly prolongation of the westerly street line of Old Slip (westerly portion) Borough of Manhattan, Community Board 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 543), respectfully

REPORTS:

**SUBJECT
MANHATTAN CB - 1**

C 130052 ZMM

City Planning Commission decision approving an application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C2-8 District to a C4-6 District property bounded by South Street, Brooklyn Bridge, the U.S. Pierhead Line, and a line 1250 feet easterly of the southerly prolongation of the westerly street line of Old Slip (westerly portion), as shown on a diagram (for illustrative purposes only) dated September 4, 2012.

INTENT

This zoning map amendment, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three
five
Witnesses Against: Thirty-

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: *None*

Abstain: *None*

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

Res. No. 1692

Resolution approving the decision of the City Planning Commission on ULURP No. C 130052 ZMM, a Zoning Map amendment (L.U. No. 766).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by South Street Seaport Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 12b and 12d, changing the zoning designation of certain property from a C2-8 District to a C4-6 District which, in conjunction with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17. The project is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place) zoning text amendment would facilitate the establishment of the Special Hudson Square District in Community District 1 (ULURP No. C 130052 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

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 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130052 ZMM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 12b and 12d, from a C2-8 District to a C4-6 District for the property bounded by South Street, Brooklyn Bridge, the U.S. Pierhead Line, and a line 1250 feet easterly of the southerly prolongation of the westerly street line of Old Slip (westerly portion), as shown on a diagram (for illustrative purposes only) dated September 4, 2012, Community District 1, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 767

Report of the Committee on Land Use in favor of approving Application No. N 130080 ZRM submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution, Article IX Chapter I, Special Lower Manhattan District, related hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, Borough of Manhattan, Community Board 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 543), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

N 130080 ZRM

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX Chapter I, Special Lower Manhattan District, Section 91-664 related to the allowable hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, generally located at 95 South Street.

INTENT

This zoning text amendment, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three
five

Witnesses Against: Thirty-

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

In Favor: Rivera, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, and Ignizio

Against: *None*

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1693

Resolution approving the decision of the City Planning Commission on Application No. N 130080 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I, Special Lower Manhattan District, Section 91-664 related to the allowable hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, generally located at 95 South Street (L.U. No. 767).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the NYC Department of Small Business Services (SBS), for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I, Special Lower Manhattan District, Section 91-664 related to the allowable hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, generally located at 95 South Street (Application No. N 130080 ZRM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

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 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

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 130080 ZRM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

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

ARTICLE IX: SPECIAL PURPOSE DISTRICTS

Chapter 1: Special Lower Manhattan District

* * *

91-60

REGULATIONS FOR THE SOUTH STREET SEAPORT

* * *

91-66

Modification of Use and Bulk Regulations

* * *

91-664

Modification of hours of operation for waterfront public access areas

For any #zoning lot # which was the subject of application N 130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 768

Report of the Committee on Land Use in favor of approving Application No. C 130053 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 544), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

C 130053 ZSM

City Planning Commission decision approving an application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o

Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict).

INTENT

This action, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three
Witnesses Against: Thirty-five

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1694

Resolution approving the decision of the City Planning Commission on ULURP No. C 130053 ZSM (L.U. No. 768), for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by South Street Seaport Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), (ULURP No. C 130053 ZSM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed

waterfront public access areas; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

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 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

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 130053 ZSM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130053 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

Drawing Nos.	Title	Last Date	Revised
Z-101	Zoning Calculations	02/05/2013	
Z-102	Seaward and Upland Area Diagram	08/29/2012	
Z-103	Platform and Pier Diagram	09/04/2012	
Z-104A	Site Plan – Option A	02/05/2013	
Z-104B	Site Plan – Option B	02/05/2013	
Z-109	Waterfront Yards Diagram	02/05/2013	
L-301A	Pier 17 Roof Public Access Area Option A	02/05/2013	
L-301B	Pier 17 Roof Public Access Option B	02/05/2013	
L-302A	Pier 17 Roof Plan A	02/05/2013	
L-302B	Pier 17 Roof Plan B	02/05/2013	

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

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

- (3)
4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the City Planning Commission Report No. C 130055 ZSM, as modified with any necessary administrative and technical changes acceptable to counsel to the Department, is executed by South Street Seaport Limited Partnership or its successor, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
 5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
 6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
 7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 769

Report of the Committee on Land Use in favor of approving Applications No. C 130054 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs and roof sign requirements of Section 32-65 (Permitted Projections or Height of Signs), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 544), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

C 130054 ZSM

City Planning Commission decision approving an application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs and roof sign requirements of Section 32-65 (Permitted Projections or Height of Signs), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John

Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict).

INTENT

This action, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three

Witnesses Against: Thirty-five

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1695

Resolution approving the decision of the City Planning Commission on ULURP No. C 130054 ZSM (L.U. No. 769), for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs and roof sign requirements of Section 32-65 (Permitted Projections or Height of Signs), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by South Street Seaport Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs and roof sign requirements of Section 32-65 (Permitted Projections or Height of Signs), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), (ULURP No. C 130054 ZSM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a

new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

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 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 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

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 130054 ZSM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130054 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

Drawing Nos.	Title	Last Revised Date
Z-101	Zoning Calculations	02/05/2013
Z-110	Signage	02/05/2013
Z-110A	Signage Controls	02/05/2013

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

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

4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the City Planning Commission Report No. C 130055 ZSM, as modified with any necessary administrative and technical changes acceptable to counsel to the Department, is executed by South Street Seaport Limited Partnership or its successor, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

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

alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 770

Report of the Committee on Land Use in favor of approving Application No. C 130055 ZSM submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-834 of the Zoning Resolution to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback requirements Section 62-342 (Developments on piers), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 545), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

C 130055 ZSM

City Planning Commission decision approving an application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-834 of the Zoning Resolution to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback requirements of Section 62-342 (Developments on piers), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict).

INTENT

This action, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three

Witnesses Against: Thirty-five

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1696

Resolution approving the decision of the City Planning Commission on ULURP No. C 130055 ZSM (L.U. No. 770), for the grant of a special permit pursuant to Section 62-834 of the Zoning Resolution to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback requirements of Section 62-342 (Developments on piers), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by South Street Seaport Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 62-834 of the Zoning Resolution to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback requirements of Section 62-342 (Developments on piers), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), (ULURP No. C 130054 ZSM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-834 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 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

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 130055 ZSM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130055 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by SHoP Architects, filed with this application and incorporated in this resolution:

Drawing Nos.	Title	Last Date	Revised
Z-101	Zoning Calculations	02/05/2013	
Z-102	Seaward and Upland Area Diagram	08/29/2012	
Z-103	Platform and Pier Diagram	09/04/2012	
Z-104A	Site Plan – Option A	02/05/2013	
Z-104B	Site Plan – Option B	02/05/2013	
Z-105A	Height and Setback Compliance Sections – Option A	02/05/2013	
Z-105B	Height and Setback Compliance Sections – Option B	02/05/2013	
Z-106A	Height and Setback Compliance Sections – Option A	02/05/2013	
Z-106B	Height and Setback Compliance Sections – Option B	02/05/2013	
Z-107	Width of Building – North/South – Option A&B	09/04/2012	
Z-108	Length of Building – East/West – Option A&B	02/05/2012	

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

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

4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the City Planning Commission report C 130055 ZSM, as modified with any necessary administrative and technical changes acceptable to counsel to the Department, is executed by South Street Seaport Limited Partnership or its successor, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

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

permit hereby granted.

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 771

Report of the Committee on Land Use in favor of approving Application No. N 130056 ZAM submitted by South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a proposed commercial development on property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1. 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 Section 62-822(a) of the New York City Zoning Resolution

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 545), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

N 130056 ZAM

City Planning Commission decision approving an application submitted by South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict).

INTENT

This action, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three **Witnesses Against:** Thirty-five

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1697

Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan (Non-ULURP No. N 130056 ZAM; L.U. No. 771).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by the New York City South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Community District 1, Borough of Manhattan (Non-ULURP No. N 130056 ZAM) (the "Application");

WHEREAS, the Application is related to Application C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); C 130059 PPM (L.U. No. 772), a Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place);

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 62-822 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 14, 2013;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822(a)(1) of the Zoning Resolution of the City of New York;

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

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

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

Pursuant to Section 62-822(a)(1)(i) and (ii) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130056 ZAM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The properties that are the subject of this application (N 130056 ZAM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans and filed with this application and incorporated in this resolution:

Drawings by SHoP Architects:

Drawing No.	Title	Last Date Revised
G-002.00	Survey	09/04/2012
Z-102	Seaward and Upland Area Diagram	08/29/2012

Drawings by SHoP Architects:

Drawing No.	Title	Last Date Revised
Z-103	Platform and Pier Diagram	09/04/2012
Z-104A	Site Plan – Option A	02/05/2013
Z-104B	Site Plan – Option B	02/05/2013
L-100	Shore Public Walkway + Visual Corridor Diagrams	02/05/2013
L-101	Upland Connection Diagram	08/29/2012
L-102	WPAA on Pier – Seaward Edge Diagram	09/04/2012
L-103	WPAA on Pier – Landward Portion Diagram	09/04/2012
L-104	WPAA on Pier – Other Edges Diagram	09/04/2012
L-300	Waterfront Public Access Area	02/05/2013
L-303	Zoning Chart	09/04/2012
L-304	Zoning Chart	09/04/2012
L-400	Seating Plan	02/05/2013
L-401	Furnishing Plan	02/05/2013
L-402	Hardscape Material Plan	02/05/2013
L-403	Landscape Lighting Layout	02/05/2013
L-404	Planting Plan	02/05/2013
L-500	Site Sections	02/04/2013
L-600	Seating Details	09/04/2012
L-601	Seating Details	09/04/2012
L-602	Seating Details – Gliders	09/04/2012
L-603	Guardrail Details	09/04/2012
L-603A	Marine Details	02/05/2012
L-604	Railing + Furnishing Details	09/04/2012
L-605	Paving Details	09/04/2012
L-606	Planting Details	09/04/2012
L-607	Signage Details	02/05/2013

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

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 772

Report of the Committee on Land Use in favor of approving Application No. C 130059 PPM submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property to the South Street Seaport Limited Partnership, located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 546), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

C 130059 PPM

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property to the South Street Seaport Limited Partnership, located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), restricted to commercial and community facility uses permitted pursuant to zoning.

INTENT

This action, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17, which is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place).

PUBLIC HEARING

DATE: March 14, 2013

Witnesses in Favor: Twenty-three
Thirty-five

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: March 20, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1698

Resolution approving the decision of the City Planning Commission on ULURP No. C 130059 PPM, for the disposition of one city-owned property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), to the South Street Seaport Limited Partnership, and which is subject to a restriction to commercial and community facility uses permitted pursuant to zoning (C 130059 PPM), Borough of Manhattan (L.U. No. 772).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Department of Small Business Services, for the disposition of one city-owned property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), to the South Street Seaport Limited Partnership, and which is subject to a restriction to commercial and community facility uses permitted pursuant to zoning (Application No. C 130059 PPM), Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130052 ZMM (L.U. No. 766), an amendment to the Zoning Map changing from a C2-8 District to a C4-6 District; N 130080 ZRM (L.U. No. 767), a Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas; C 130053 ZSM (L.U. No. 768), a Special permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development; C 130054 ZSM (L.U. No. 769), a Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development; C 130055 ZSM (L.U. No. 770), a Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers); N 130056 ZAM (L.U. No. 771), Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 14, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DME007M) issued on August 28, 2012 (the "Negative Declaration") and the CEQR Technical Memorandum dated March 19, 2013 (the "Technical Memorandum");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and the Technical Memorandum.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130059 PPM and the Technical Memorandum, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 20, 2013.

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

Report for L.U. No. 775

Report of the Committee on Land Use in favor of approving Application No. 20135346 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property

located at 511 West 149th Street, 524 West 150th Street, 455 Convent Avenue and 457 Convent Avenue, Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 547), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
511 West 149 th Street	2081/124	20135346 HAM	775	Neighborhood Homes
524 West 150 th Street	2081/142			
455 Convent Avenue	2064/47			
457 Convent Avenue	2064/46			

Manhattan

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: March 14, 2013

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: March 14, 2013

The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

In Favor: Levin, Gonzalez, and Koo

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1699

Resolution approving an Urban Development Action Area Project located at 511 West 149th Street (Block 2081/Lot 124), 524 West 150th Street (Block 2081/Lot 142), 455 Convent Avenue (Block 2064/Lot 47), and 457 Convent Avenue (Block 2064/Lot 46), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 775; 20135346 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 7, 2013 its request dated January 22, 2013 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 511 West 149th Street (Block 2081/Lot 124), 524 West 150th Street (Block 2081/Lot 142), 455 Convent Avenue (Block 2064/Lot 47), and 457 Convent Avenue (Block 2064/Lot 46), Community District 9, Borough of Manhattan (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on March 14, 2013;

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

RESOLVED:

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

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

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

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of ten years commencing on the July 1st following the issuance of the first permanent Certificate of Occupancy for the project of the Exemption Area, during the last five years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or the United States Department of Housing and Urban Development. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Report for L.U. No. 776

Report of the Committee on Land Use in favor of approving Application No. 20135347 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 232-34 West 149th Street, 304 West 152nd Street, 2797 8th Avenue and 2472 7th Avenue, Borough of Manhattan, Community Board 10, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 547), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
232-34 West 149 th Street	2034/Lot 52	20135347 HAM	776	Multifamily Preservation Loan
304 West 152 nd Street	2046/Lot 41			
2797 8 th Avenue	2045/Lot 74			
2472 7 th Avenue	2029/Lot 35			

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING

Date: March 14, 2013

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: March 14, 2013

The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law.

In Favor: Levin, Gonzalez, Koo

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1700

Resolution approving an Urban Development Action Area Project located at 232-34 West 149th Street (Block 2034/Lot 52), 304 West 152nd Street (Block 2046/Lot 41), 2797 8th Avenue (Block 2045/Lot 74), and 2472 7th Avenue (Block 2029/Lot 35), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 776; 20135347 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 7, 2013 its request dated January 22, 2013 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 232-34 West 149th Street (Block 2034/Lot 52), 304 West 152nd Street (Block 2046/Lot 41), 2797 8th Avenue (Block 2045/Lot 74), and 2472 7th Avenue (Block 2029/Lot 35), Borough of Manhattan (the "Disposition Area"):

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

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law; and

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

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings and does not require any change in land use permitted under the New York City Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on March 14, 2013;

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

RESOLVED:

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

The Council waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be disposed of and 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.

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

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

(i) "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 HDFC enter into the Regulatory Agreement.

(ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(iii) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2034, Lot 52; Block 2046, Lot 41; Block 2045, Lot 74 and Block 2029, Lot 35 on the Tax Map of the City of New York.

(iv) "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 of an entity wholly controlled by a housing development fund company.

(v) "HDFC" shall mean Dorie Miller Housing Development Fund Company, Inc.

(vi) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(vii) "Owner" shall mean the HDFC or any future owner of the Exemption Area.

(vii) "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.

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- b. Notwithstanding any provision hereof to the contrary, 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 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 (vi) 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- c. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or equivalent document satisfactory to HPD Effective Date.
- d. In consideration of the Exemption, the Owner of the Exemption Area, (i) execute and record the Regulatory Agreement, and (ii) 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.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Report for L.U. No. 777

Report of the Committee on Land Use in favor of approving Application no. 20135309 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ambiance Wine LLC, d/b/a Vella Wine Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1480 Second Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 548), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

20135309 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ambiance Wine LLC, d/b/a Vella Wine Bar,

for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1480 2nd Avenue.

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 14, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2013

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

In Favor: Weprin, Comrie, Jackson, Vann, Garodnick, and Lappin

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1701

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 1480 2nd Avenue, Borough of Manhattan (20135309 TCM; L.U. No. 777).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 20, 2013 its approval dated February 20, 2013 of the petition of Ambiance Wine, LLC, d/b/a Vella Wine Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 1480 2nd Avenue, Community District 8, 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(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 14, 2013; 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; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Report for L.U. No. 778

Report of the Committee on Land Use in favor of approving Application no. 20135312 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Slice West Village, Ltd., d/b/a Slice the Perfect Food, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 535 Hudson Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 548), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20135312 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Slice West Village, Ltd., d/b/a Slice The Perfect Food, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 535 Hudson 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 14, 2013

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2013

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

In Favor: Weprin, Reyna, Comrie, Jackson, Vann, Garodnick and Lappin

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1702

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 535 Hudson Street, Borough of Manhattan (20135312 TCM; L.U. No. 778).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 20, 2013 its approval dated February 20, 2013 of the petition of Slice West Village, Ltd., d/b/a Slice The Perfect Food, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 535 Hudson 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(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 14, 2013; 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; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Report for L.U. No. 779

Report of the Committee on Land Use in favor of approving Application no. 20135267 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Summit of the World Inc., d/b/a Bone Lick Park, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 75 Greenwich Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 549), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20135267 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Summit of the World Inc., d/b/a Bone Lick Park, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 75 Greenwich Avenue.

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 14, 2013

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2013

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

In Favor: Weprin, Reyna, Comrie, Jackson, Vann, Garodnick, and Lappin

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1703

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 75 Greenwich Avenue, Borough of Manhattan (20135267 TCM; L.U. No. 779).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 20, 2013 its approval dated February 20, 2013 of the petition of Summit of the World Inc., d/b/a Bone Lick Park, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 75 Greenwich Avenue, 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(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 14, 2013; 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; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Report for L.U. No. 780

Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20135381 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, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 141 Seventh Avenue South, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 549), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20135381 TCM

Application pursuant to Section 20-225 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 enclosed sidewalk café located at 140 Seventh Avenue South.

By letter dated February 27, 2013, and submitted to the City Council on February 27, 2013, the Department of Consumer Affairs withdrew its recommendation for approval.

SUBCOMMITTEE RECOMMENDATION

DATE: March 14, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the Department of Consumer Affairs.

In Favor: Weprin, Reyna, Comrie, Jackson, Vann, Garodnick, and Lappin

Against: None

Abstain: None

COMMITTEE ACTION

Date: March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran

Against: None

Abstain: None

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

Res. No. 1704

Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an enclosed sidewalk café located at 140 Seventh Avenue South, Borough of Manhattan (20135381 TCM; L.U. No. 780).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 20, 2013 its approval dated February 20, 2013 of the petition of Four Green Fields, LLC, d/b/a Agave, for a revocable consent to establish, maintain and operate an enclosed sidewalk café located at 140 Seventh Avenue South, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-225(e) of the Administrative Code;

WHEREAS, by letter dated February 27, 2013, and submitted to the City Council on February 27, 2013, the Department of Consumer Affairs withdrew its recommendation for approval for the revocable consent.

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; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 781

Report of the Committee on Land Use in favor of approving Application no. 20135275 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Yo Burger, Inc., d/b/a Yo-Burger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3720-3726 Roverdale Avenue, Borough of Bronx, Community Board 8, Council District 11. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 549), respectfully

REPORTS:

SUBJECT**BRONX CB - 8****20135275 TCX**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Yo-Burger Inc., d/b/a Yo-Burger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3720-3726 Riverdale Avenue.

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 14, 2013**Witnesses in Favor:** One **Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 14, 2013

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

In Favor: Weprin, Reyna, Comrie, Jackson, Vann, Garodnick, and Lappin
Against: None
Abstain: None

COMMITTEE ACTION**Date:** March 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio, and Halloran
Against: None
Abstain: None

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

Res. No. 1705

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 3720-3726 Riverdale Avenue, Borough of the Bronx (20135275 TCX; L.U. No. 781).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on February 20, 2013 its approval dated February 20, 2013 of the petition of Yo-Burger, Inc., d/b/a Yo-Burger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 3720-3726 Riverdale Avenue, Community District 8, Borough of the Bronx (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(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 14, 2013; 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; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN

WILLS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, March 18, 2013.

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

Reports of the Committee on Veterans

Report for Int. No. 945-A

Report of the Committee on Veterans in favor of approving and adopting, as amended, a Local Law to amend the New York city administrative code, in relation to employment resources for veterans.

The Committee on Veterans, to which the annexed amended proposed local law was referred on October 11, 2012 (Minutes, page 4014), respectfully

REPORTS:**INTRODUCTION**

On March 19, 2013, the Committee on Veterans, chaired by Council Member Mathieu Eugene, held a hearing on Int. No. 945-A, a Local Law to amend the administrative code of the city of New York, in relation to employment resources for veterans. This was the second hearing on this legislation. The first hearing was held on March 11, 2013. Representatives from the Mayor's Office of Veterans Affairs and various veterans' advocates presented testimony at the first hearing. Amendments were made to the legislation since that first hearing.

BACKGROUND

Veterans who have served since September 2001 have experienced higher rates of employment than older veterans and that of the general population, even as the economy has improved following the recent recession.¹ Between January 2012 and January 2013, the unemployment rate for recent veterans rose from 9.1 to 11.7 percent.² During the same period, the general civilian unemployment rate fell from 8.3 to 7.9 percent.³ The rate of unemployment for recent female veterans in January 2013, at 17.1 percent, was among the highest for any subset of the population tracked by the U.S. Bureau of Labor Statistics.⁴

The federal government and New York State offer a number of resources designed to assist veterans seeking civilian employment. In November 2011, President Barack Obama announced the launch of the veterans job bank, an online tool which collects job postings through various search engines and job boards, including positions specifically tagged for veterans by the posting organization.⁵ The job bank allows veterans to search for job postings by location, keyword, or military occupation.⁶ Employers seeking to hire veterans post their openings to the job bank by inserting HTML coding into the posting before it is uploaded online.⁷ The federal veterans job bank's search tool can be displayed on any website by installing a simple widget into the website's code.⁸

The U.S. Department of Labor offers an online translation tool that provides veterans with civilian occupations related to their military skills, helping veterans to translate the often highly specialized language used by the military into terminology more familiar to civilian employers.⁹ The New York State Department of Labor website includes details on how veterans can access priority services at Career Centers and information on State programs and benefits designed to support veterans during a job search.¹⁰

The City of New York provides veteran employment services through the Department of Small Business Services' (SBS) Workforce1 Career Centers and referrals to employment resources through the Mayor's Office of Veterans' Affairs (MOVA).¹¹ In addition, veterans seeking civil service positions with the City are provided certain benefits and preference. The City Department of Citywide Administrative Services (DCAS), which administers the civil service examination

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¹ R. Jason Faberman and Taft Foster, Federal Reserve Bank of Chicago, *Unemployment among recent veterans during the Great Recession 1* (2013), available at http://www.chicagofed.org/digital_assets/publications/economic_perspectives/2013/1Q2013_part1_faberman_foster.pdf.

² Press Release, U.S. Bureau of Labor Statistics, *The Employment Situation – January 2013*, Feb. 1, 2013, available at <http://www.bls.gov/news.release/empst1.htm>.

³ *Id.*

⁴ *Id.*

⁵ Press Release, The White House, *We Can't Wait: Obama Administration Announces New Initiatives to Get Veterans Back to Work*, Nov. 7, 2011, available at <http://www.whitehouse.gov/the-press-office/2011/11/07/we-cant-wait-obama-administration-announces-new-initiatives-get-veterans>.

⁶ National Resource Directory, Job Search Widget, https://www.nrd.gov/home/job_search_widget (last accessed Mar. 7, 2013).

⁷ *Id.*

⁸ *Id.*

⁹ U.S. Department of Labor CareerOneStop, Military to Civilian Occupation Translator, <http://www.careerinfonet.org/moc/default.aspx?nodeid=213> (last accessed Mar. 7, 2013).

¹⁰ N.Y. State Department of Labor, Veterans' Services, <http://www.labor.state.ny.us/vets/vetintropage.shtm> (last accessed Mar 7, 2013).

¹¹ Workforce1, Workforce1 Veterans Services, <http://www.nyc.gov/html/sbs/wf1/html/about/veterans.shtml> (last accessed Mar. 7, 2013); N.Y.C. Mayor's Office of Veterans' Affairs, Home, <http://www.nyc.gov/html/vets/html/home/home.shtml> (last accessed Mar. 7, 2013).

process for the City, estimates more than 100 competitive examinations for City positions will be offered in 2013.¹² Veterans are eligible for both a waiver of the examination fee¹³ and a point preference over non-veteran applicants for civil service positions.¹⁴

ANALYSIS

Section one of Int. No. 945-A would amend chapter one of title three of the Administrative Code (the Code) to add a new subchapter three concerning MOVA and a new section 3-130 concerning employment resources for veterans. Subdivision a of new section 3-130 would define the applicable terms for the new section. "Office" would mean MOVA. "Federal veterans job bank" would mean the federal job bank developed for use by veterans. "City job" would mean employment with the city of New York. "Military occupation" would mean the classification or code used by each branch the United States Armed Forces to refer to a service member's occupation specialty, specialty, rating, designator, or any subsequent term used relating to a service member's duties.

Subdivision b of new section 3-130 of the Code would require MOVA to include various veteran employment resources on its website including, but not limited to, the federal veterans job bank; veteran employment resource websites provided by the United States Departments of Labor and Veterans Affairs, the New York State Departments of Labor and Veterans' Affairs, and the New York City Department of Small Business Services (SBS); federal military occupation translation websites; and job opportunities posted by SBS.

Subdivision c of new section 3-130 of the Code would require MOVA to work with DCAS and other city agencies to ensure that all city jobs are included in the federal veterans job bank. MOVA and DCAS would be required to ensure that such job postings are updated as necessary.

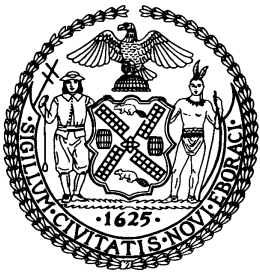
Subdivision d of new section 3-130 of the Code would require MOVA and DCAS to identify military occupations that relate to qualifications for city jobs offered through the competitive examination process and post such information on MOVA's website along with the competitive examination schedule. MOVA would be required to ensure that competitive examination schedule posted on its website was updated as necessary.

Section two of Int. No. 945-A states the law would take effect ninety days following its enactment.

UPDATE

On March 19, 2013, the Committee on Veterans voted 7-0 in favor of the bill, with no abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 945-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 945-A
 COMMITTEE:
 Veterans

TITLE: A Local Law to amend the New York city administrative code, in relation to employment resources for veterans.

SPONSOR(S): By Council Members Eugene, the Speaker (Council Member Quinn), Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Mendez, Nelson, Palma, Rose, Williams, Wills, Rodriguez, Dromm, Halloran and Ulrich

SUMMARY OF LEGISLATION: This legislation would require the Mayor's Office of Veteran's Affairs (MOVA) to include various veteran employment resources on its website including, but not limited to, the federal veterans job bank, veteran employment resource websites provided by the United States Departments of Labor and Veterans Affairs, the New York State Departments of Labor and Veterans' Affairs, Small Business Services, and federal military occupation translation websites.

MOVA would work with Department of Citywide Administrative Services (DCAS) and other city agencies to ensure that all city jobs are included in the federal veteran's job bank. MOVA and DCAS would be required to ensure that such job postings are updated as necessary.

MOVA and DCAS would identify military occupations that relate to qualifications for city jobs offered through the competitive examination process and post such information on MOVA's website along with the competitive examination schedule. MOVA would be required to ensure that competitive examination schedule posted on its website was updated as necessary.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

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

IMPACT ON EXPENDITURES: This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst
ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on October 11, 2012 and referred to the Committee on Veterans. On March 11, 2013, the Committee on Veterans held a hearing on Intro. 945, an amendment was offered, and the legislation was laid over. The Committee will vote on the amended legislation, Proposed Intro 945-A on March 19, 2013 and upon successful vote, Proposed Intro. 945-A will be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 945-A:)

Int. No. 945-A

By Council Members Eugene, the Speaker (Council Member Quinn), Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Mendez, Nelson, Palma, Rose, Williams, Wills, Rodriguez, Dromm, Mealy, Recchia, Crowley, Jackson, Lappin, Reyna, Richards, Halloran and Ulrich.

A Local Law to amend the New York city administrative code, in relation to employment resources for veterans.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

Subchapter 3 Office of Veterans' Affairs

§ 3-130 Employment resources. a. Definitions. For the purposes of this section:

- 1. "Office" shall mean the office of veterans' affairs.*
- 2. "Federal veterans job bank" shall mean the job bank developed by the federal government for veterans or any subsequent online tool that the federal government utilizes to connect veterans with employment opportunities.*

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¹² N.Y.C. Department of Citywide Administrative Services, Tentative Annual Examination Schedule Through June 30, 2013, http://www.nyc.gov/html/dcas/downloads/pdf/misc/yearly_examshedule_alpha.pdf (last accessed Mar. 7, 2013).

¹³ N.Y.C. Department of Citywide Administrative Services, Fee Waiver FAQ, <https://a856-eeexams.nyc.gov/OLEE/oasys/FAQFeeWaiver.aspx> (last accessed Mar. 7, 2013).

¹⁴ N.Y. State Cont., Art. V, § 6; N.Y. Civil Service Law §§ 85-88.

3. "City job" shall mean employment with the government of the city of New York.

4. "Military occupation" shall mean the classification or code provided by each branch of the United States armed forces designating a service member's occupation specialty, specialty, rating, designator, or any subsequent term used by the armed forces relating to a service member's duties.

b. The office shall publish on its website information concerning resources intended to assist veterans in obtaining employment including, but not limited to:

1. a link to the federal veterans job bank;

2. links to websites describing veteran employment services provided by the federal government and the New York state government including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state department of veterans' affairs;

3. links to federal government websites providing translation of military occupations to civilian jobs;

4. links to websites describing veteran employment services and job opportunities provided by the department of small business services including, but not limited to, the Workforce1 website and any online tools or resources developed by the department to help connect veterans with employment opportunities; and

5. links to any additional resources deemed relevant by the office.

c. The office shall consult with the department of citywide administrative services and other appropriate city agencies to ensure that all city job postings are included in the federal veterans job bank and that such postings are updated as necessary to maintain accuracy.

d. The office shall consult with the department of citywide administrative services to identify military occupations with duties or skills that relate to qualifications for competitive examinations administered by such department pursuant to section 50 of the civil service law and section 814(a)(3) of the charter and shall make such information available on its website. The office shall also ensure that the schedule for such competitive examinations is published on its website and is updated as necessary to maintain accuracy.

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

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, VINCENT J. GENTILE, FERNANDO CABRERA, DANIEL DROMM, DAVID G. GREENFIELD; DONOVAN RICHARDS; Committee on Veterans, March 20, 2013.

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

Report for Int. No. 1014

Report of the Committee on Veterans in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to recognizing certain military service as qualifying as experience in a trade.

The Committee on Veterans, to which the annexed proposed local law was referred on March 13, 2013 (Minutes, page 835), respectfully

REPORTS:

INTRODUCTION

On March 19, 2013, the Committee on Veterans, chaired by Council Member Mathieu Eugene, held a hearing on Int. No. 1014, a Local Law to amend the administrative code of the city of New York, in relation to recognizing certain military service as qualifying as experience in a trade. This was the second on this legislation. The first hearing was held on March 11, 2013. Presenting testimony at the first hearing was the Mayor's Office of Veterans Affairs and various veterans' advocates. This legislation was not amended after the first hearing.

BACKGROUND

Veterans who have served since September 2001 have experienced higher rates of employment than older veterans and that of the general population, even as the economy has improved following the recent recession.¹ Between January 2012 and January 2013, the unemployment rate for recent veterans rose from 9.1 to 11.7 percent.² During the same period, the general civilian unemployment rate fell from 8.3 to 7.9 percent.³ The rate of unemployment for recent female veterans in January 2013, at 17.1 percent, was among the highest for any subset of the population tracked by the United States Bureau of Labor Statistics.⁴

New York City first addressed the issue of improving veteran employment following the end of World War II. In 1946, the City Council enacted a local law that allowed service in the United States Armed Forces during a time of war to count as experience required for a trade license, certificate or permit, so long as the veteran was honorably discharged and had at least one year of required experience in such trade that was interrupted by their military service.⁵ Under the law, a veteran's occupation or duties during military service did not need to relate to the license, certificate, or permit being sought.⁶ The law exempted the license of master rigger and the certificate of qualification for steam boiler operator, a precursor to the license

of high pressure boiler operator, due to concerns that a certain amount of practical experience was necessary in order to maintain public safety.⁷ The law was subsequently amended in later years to include veterans with service in the Korean and Vietnam conflicts, to exempt the license of master plumber, and to require certain related military experience for veterans seeking to apply conflict service toward a high pressure boiler operator license.⁸ Nevertheless, since 1970, the law has not been amended to include veterans of more recent conflicts such as Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom, limiting the applicability of the law.⁹

ANALYSIS

Section one of Int. No. 1014 would amend section 22-504 of the Administrative Code (the Code) to remove the existing language requiring service in a "time of war" or a specifically named conflict, and would substitute language requiring service in an area designated as a combat zone at any time during a period of combatant activities upon the designation of such area and zone by the President of the United States by Executive Order. The amended language would expand the service time for eligibility under this bill to encompass the Korea, Vietnam, and Kosovo conflicts, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and future military conflicts as designated. This amendment would ensure that the provisions of section 22-504 of the Code would not need to be amended to include veterans of future conflicts.

Pursuant to the provisions of new section 22-504.1 of the Code, amended section 22-504 of the Code would allow an honorably discharged veteran with at least one year of experience in a trade acquired before entering military service, who is seeking a trade license, certificate, or permit, to also apply equivalent military experience toward the experience required for such a trade license, certificate, or permit. Further, the licenses of hoist machine operator, site safety coordinator, and site safety manager would be added to the list of licenses to which the provisions of 22-504 do not apply, as work in such trades concern public safety. Additionally, amended section 22-504 would allow agency heads to determine whether additional experience before issuing any trade license, certificate, or permit is necessary.

Section two of Int. No. 1014 provides that the law would take effect immediately following its enactment.

UPDATE

On March 19, 2013, the Committee on Veterans voted 7-0 in favor of the bill, with no abstentions.

¹ R. Jason Faberman and Taft Foster, Federal Reserve Bank of Chicago, *Unemployment among recent veterans during the Great Recession 1* (2013), available at http://www.chicagofed.org/digital_assets/publications/economic_perspectives/2013/1Q2013_part1_faberman_foster.pdf.

² Press Release, U.S. Bureau of Labor Statistics, *The Employment Situation – January 2013*, Feb. 1, 2013, available at <http://www.bls.gov/news.release/empsit.htm>.

³ *Id.*

⁴ *Id.*

⁵ New York Legislative Service, Inc., NYLS' New York City Legislative History – 1946 Local Law #34.

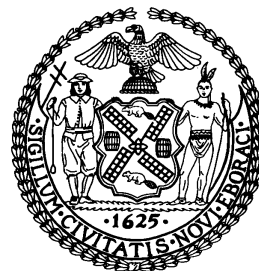
⁶ *Id.*

⁷ *Id.*

⁸ N.Y.C. Admin. Code § 22-504.

⁹ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 1014:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 1014

COMMITTEE:
Veterans

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain military service as qualifying as experience in a trade.

SPONSOR(S): By Council Members Gonzalez, the Speaker (Council Member Quinn), Chin, Comrie, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Nelson, Palma, Rose, Vann, Williams, Halloran and Ulrich

SUMMARY OF LEGISLATION: Intro. 1014 allows for an honorably discharged veteran applicant to apply military experience during a time of war in a combat zone to satisfy experience prerequisites for an applicable license, certificate or permit, provided that such applicant prior to his or her entry into the armed forces possessed not less than one year of the experience in a particular trade, and further provided that such experience was interrupted by entry into the armed forces. This provision will not apply to license of hoist machine operator, master rigger, master plumber, site safety coordinator, site safety manager and license of high-pressure boiler operating engineer. The head of each city agency issuing any license, certificate or permit for which experience in a particular trade is a prerequisite would have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit.

EFFECTIVE DATE: This local law would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst

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

LEGISLATIVE HISTORY: On March 11, 2013, the Committee on Veterans held a hearing on this bill as preconsidered legislation. On March 13, 2013 the Preconsidered legislation was introduced to the Full Council, where it became Intro. 1014 and was referred back to the Committee on Veterans. On March 19, 2013, the Committee will vote on Intro. 1014, and upon successful vote of the Committee, Intro. 1014 will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1014:)

Int. No. 1014

By Council Members Gonzalez, the Speaker (Council Member Quinn), Chin, Comrie, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Nelson, Palma, Rose, Vann, Williams, Recchia, Dromm, Rodriguez, Crowley, Jackson, Mealy, Reyna, Richards, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain military service as qualifying as experience in a trade.

Be it enacted by the Council as follows:

Section 1. Section 22-504 of the administrative code of the city of New York is amended to read as follows:

§ 22-504 Experience; honorably discharged members of the armed forces of the United States. Whenever, by the provisions of the code, experience in a particular trade is a prerequisite for obtaining any license, certificate or permit issued thereunder, the period of service in the armed forces of the United States in [time of war, including the period of service with said armed forces in the Korean conflict, or in the Vietnam conflict] *an area designated by the president of the United States by executive order as a "combat zone" at any time during the period designated by the president as the period of combatant activities in such zone*, by an honorably discharged member thereof who shall apply for such license, certificate or permit, shall be deemed the equivalent of such experience on a year for year basis and shall be accepted accordingly, provided, however, that such applicant prior to his or her entry into the said armed forces possessed not less than one year of the experience required under the code, and further provided that such experience was interrupted by such entry into the said armed forces. *An applicant may apply the provisions of this section and section 22-504.1 of this chapter to satisfy the experience prerequisite in a particular trade for the applicable license, certificate or permit.* The provisions of this section shall not apply to license of *hoist machine operator*, master rigger, master plumber, *site safety coordinator*, *site safety manager* and license of high-

pressure boiler operating engineer, except that of an applicant for a license of high-pressure boiler operating engineer, who has had, during the ten years immediately preceding the filing of this application, at least five years' experience required under the code, or at least one year's experience prior to his or her entry into the said armed forces, and while in the said armed forces served as a firefighter, oiler, boilermaker, machinist, water tender or engineer, or while in the said armed forces performed duties equivalent to the duties performed by firefighter, oiler, boilermaker, machinist, water tender or engineer for an additional period of time, to make a total of five years' experience, shall be deemed to possess the required experience as applicant for a license of high-pressure boiler operating engineer. *Notwithstanding any other provision of this section, the head of each city agency issuing any license, certificate or permit for which experience in a particular trade is a prerequisite shall have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit.* The [provision] *provisions* of this section shall apply only to applicants who are at least eighteen years of age; and are able to read and write the English language.

§2. This local law shall take effect immediately.

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, VINCENT J. GENTILE, FERNANDO CABRERA, DANIEL DROMM, DAVID G. GREENFIELD; DONOVAN RICHARDS; Committee on Veterans, March 20, 2013.

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

Report for Int. No. 1019

Report of the Committee on Veterans in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to recognizing certain equivalent military service as qualifying as experience in a trade.

The Committee on Veterans, to which the annexed proposed local law was referred on March 13, 2013 (Minutes, page 851), respectfully

REPORTS:

INTRODUCTION

On March 19, 2013, the Committee on Veterans, chaired by Council Member Mathieu Eugene, held a hearing on Int. No. 1019, a Local Law to amend the administrative code of the city of New York, in relation to recognizing certain equivalent military service as qualifying as experience in a trade. This was the second hearing on this legislation. The first hearing was held on March 19, 2013. Presenting testimony at the first hearing was the Mayor's Office of Veterans Affairs and various veterans' advocates. This legislation was not amended after the first hearing.

BACKGROUND

Veterans who have served since September 2001 have experienced higher rates of employment than older veterans and that of the general population, even as the economy has improved following the recent recession.¹ Between January 2012 and January 2013, the unemployment rate for recent veterans rose from 9.1 to 11.7 percent.² During the same period, the general civilian unemployment rate fell from 8.3 to 7.9 percent.³ The rate of unemployment for recent female veterans in January 2013, at 17.1 percent, was among the highest for any subset of the population tracked by the United States Bureau of Labor Statistics.⁴

New York City first addressed the issue of improving veteran employment following the end of World War II. In 1946, the City Council enacted a local law that allowed service in the United States Armed Forces during a time of war to count as experience required for a trade license, certificate or permit, so long as the veteran was honorably discharged and had at least one year of required experience in such trade that was interrupted by their military service.⁵ Under the law, a veteran's occupation or duties during military service did not need to relate to the license, certificate, or permit being sought.⁶ The law exempted the license of master rigger and the certificate of qualification for steam boiler operator, a precursor to the license of high pressure boiler operator, due to concerns that a certain amount of practical experience was necessary in order to maintain public safety.⁷ The law was subsequently amended in later years to include veterans with service in the Korean and Vietnam conflicts, to exempt the license of master plumber, and to require certain related military experience for veterans seeking to apply conflict service toward a high pressure boiler operator license.⁸ Nevertheless, since 1970, the law has not been amended to include veterans of more recent conflicts such Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom, limiting the applicability of the law.⁹

The United States Armed Forces offer a wide array of military occupations and specialties, a number of which are related to trade licenses, certificates, and permits issued by the City.¹⁰ However, City law mandates that the experience required for many such licenses, certificates, and permit require be gained either in the United States or the City, disqualifying military experience gained overseas or at bases or installations outside the City.¹¹

ANALYSIS

Section one of Int. No. 1019 would amend chapter five of title 22 of the administrative code of the city of New York by adding a new section 22-504.1. This new section would apply to all honorably discharged veterans and would not require service during a conflict. Under this provision, an honorably discharged veteran could apply time in the service that was spent performing duties equivalent to the experience required for a trade license, certificate, or permit toward the experience requirements for such license, certificate, or permit.

The new section would also allow an honorably discharged veteran seeking to apply equivalent military experience toward a trade license, certificate, or permit to also apply service during a conflict toward the experience required for a trade license, certificate, or permit under the provisions of section 22-504 of the code, so long as such veteran had at least one year experience in a trade before military service, as per the provisions of that section. Section 22-504.1 would allow agency heads to determine whether additional experience is necessary before issuing any trade license, certificate, or permit. Only honorably discharged veterans who are at least eighteen years old and are able to read and write English would be eligible to apply the provisions of the new section.

Section two of Int. No. 1019 provides that the law would take effect immediately following its enactment.

UPDATE

On March 19, 2013, the Committee on Veterans voted 7-0 in favor of the bill, with no abstentions.

¹ R. Jason Faberman and Taft Foster, Federal Reserve Bank of Chicago, *Unemployment among recent veterans during the Great Recession 1* (2013), available at http://www.chicagofed.org/digital_assets/publications/economic_perspectives/2013/1Q2013_part1_faberman_foster.pdf.

² Press Release, U.S. Bureau of Labor Statistics, *The Employment Situation – January 2013*, Feb. 1, 2013, available at <http://www.bls.gov/news.release/empsit.htm>.

³ *Id.*

⁴ *Id.*

⁵ New York Legislative Service, Inc., NYLS' New York City Legislative History – 1946 Local Law #34.

⁶ *Id.*

⁷ *Id.*

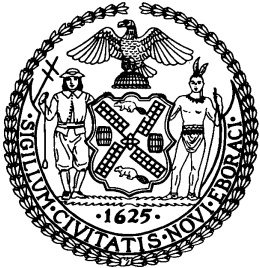
⁸ N.Y.C. Admin. Code § 22-504.

⁹ *Id.*

¹⁰ See U.S. Department of Labor CareerOneStop, Military to Civilian Occupation Translator, <http://www.careerinfonet.org/moc/default.aspx?nodeid=213>.

¹¹ See, N.Y.C. Admin. Code §§ 27-3010, 28-214.4, 28-402, 28-403, 28-404, 28-405, 28-408, 28-410, 28-412, 28-413, 28-414, and 28-415.

(The following is the text of the Fiscal Impact Statement for Int. No. 1019:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR

JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1019

COMMITTEE:
Veterans

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain equivalent military service as qualifying as experience in a trade.

SPONSOR(S): By Council Members Wills, the Speaker (Council Member Quinn), Cabrera, Chin, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Palma, Rose, Halloran and Ulrich

SUMMARY OF LEGISLATION: Intro. 1019 allows for an honorably discharged veteran applicant to apply military experience in a particular trade to satisfy any experience prerequisite for an applicable license, certificate or permit, provided that such applicant, while in the armed forces, performed duties equivalent to experience required for any such license, certificate or permit. The head of each city agency issuing any license, certificate or permit for which experience in a particular trade is a prerequisite shall have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst

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

LEGISLATIVE HISTORY: On March 11, 2013, the Committee on Veterans held a hearing on this bill as preconsidered legislation. On March 13, 2013 the Preconsidered legislation was introduced to the Full Council, where it became Intro. 1019 and was referred back to the Committee on Veterans. On March 19, 2013, the Committee will vote on Intro. 1019, and upon successful vote of the Committee, Intro. 1019 will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1019:)

Int. No. 1019

By Council Members Wills, the Speaker (Council Member Quinn), Cabrera, Chin, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Palma, Rose, Mendez, Recchia, Dromm, Rodriguez, Crowley, Jackson, Lappin, Mealy, Reyna, Richards, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain equivalent military service as qualifying as experience in a trade.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-504.1 to read as follows:

§ 22-504.1 *Equivalent experience; honorably discharged members of the armed forces of the United States. Whenever, by the provisions of the code, experience in a particular trade is a prerequisite for obtaining any license, certificate or permit issued thereunder, the period of service in the armed forces of the United States by an honorably discharged member thereof who shall apply for such license, certificate or permit, shall be deemed the equivalent of such experience on a year for year basis and shall be accepted accordingly, provided, however, that such applicant while in said armed forces performed duties equivalent to experience required for any such license, certificate or permit, and provided further that only the period of service during which such equivalent duties were performed shall be deemed equivalent experience. An applicant may apply the provisions of this section and section 22-504 of this chapter to satisfy the experience prerequisite in a particular trade for the applicable license, certificate or permit. Notwithstanding any other provision of this section, the head of each city agency issuing any license, certificate or permit for which experience in a particular trade is a prerequisite shall have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit. The provisions of this section shall apply only to applicants who are at least eighteen years of age; and are able to read and write the English language.*

§2. This local law shall take effect immediately.

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, VINCENT J. GENTILE, FERNANDO CABRERA, DANIEL DROMM, DAVID G. GREENFIELD; DONOVAN RICHARDS; Committee on Veterans, March 20, 2013.

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

Report of the Committee on Youth Services

Report for Int. No. 866-A

Report of the Committee on Youth Services 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 reporting data related to sexually exploited children. Amended and Coupled on GO

The Committee on Youth Services, to which the annexed amended proposed local law was referred on May 31, 2012 (Minutes, page 1772), respectfully

REPORTS:

INTRODUCTION

On March 19, 2013, the Committee on Youth Services, chaired by Council Member Lewis A. Fidler, will consider Proposed Int. No. 866-A, in relation to reporting data related to sexually exploited children. The Committee first heard testimony regarding the original bill on February 25, 2013.

BACKGROUND

Sexually exploited children are commonly defined as “juveniles (18 and under) who perform sexual acts in exchange for money, drugs, food, or shelter.”¹ A 2001 study found that the number of children at risk of sexual exploitation nationwide is between 200,000 and 300,000.² Other estimates put this number somewhere between 100,000 and 3 million.³

There have been two New York City-based studies on commercially exploited youth. In 2007, a report was prepared by Westat, a research corporation, for the New York State Office of Children and Family Services (OCFS), titled, “New York Prevalence Study of Commercially Sexually Exploited Children” (OCFS Report).⁴ The OCFS Report asked agencies in New York City that were likely to interact with commercially exploited youth to report on the number of such youth.⁵ Based on that data, the OCFS Report estimated that there were 2,253 commercially sexually exploited children in New York City.⁶ In 2008, the Center for Court Innovation and John Jay College of Criminal Justice authored “The Commercial Sexual Exploitation of Children in New York City,” (CSEC Study) which was submitted to the National Institute of Justice, United States Department of Justice. The CSEC Study gathered data by interviewing a small number of sexually exploited youth who were referred by social services agencies, and then paid those youth to recruit other commercially exploited youth to participate in the study. In total, 329 commercially sexually exploited youth were interviewed, and researchers estimated that there were 3,946 commercially sexually exploited youth in New York City.⁷

NYC Services for Sexually Exploited Youth

In New York City, DYCD and ACS are the two agencies most likely to interact with sexually exploited youth. DYCD provides housing for at-risk youth through their runaway and homeless youth (RHY) portfolio, which includes drop-in centers, crisis shelters and transitional independent living (TIL) programs.⁸ According to DYCD, in 2008, “42 young people [in crisis shelters] identified themselves as victims of sexual exploitation.”⁹ Young women who identify themselves as being sexually exploited can obtain services through the DYCD-funded TIL that is operated by Girls Educational and Mentoring Services (“GEMS”). GEMS provides holistic case management, trauma-based therapy and clinical support for girls and young women aged 12 through 24, and residential treatment for girls between 16 and 21, who have been the victims of commercial sexual exploitation.¹⁰

ACS is the agency responsible for overseeing New York City’s child welfare system, as well as its juvenile detention facilities. ACS has worked with several non-profit organizations to provide a continuum of service options for sexually exploited youth, including residential and family foster care programs operated by Jewish Child Care Association (JCCA) that are tailored specifically to this population.¹¹ JCCA’s residential program, Gateways, is an intensive, specialized residential and treatment program for girls ages 12 to 16 who have been victims of commercial sexual exploitation and domestic trafficking.¹² The program currently has a capacity of only 14 beds.¹³

NYS Safe Harbor Act

In 2008, New York State enacted the Safe Harbor for Exploited Children Act (Safe Harbor Act), which requires local social services districts to provide crisis intervention services and community-based programming for sexually exploited children.¹⁴ A “sexually exploited child” as defined under this Act is someone under the age of 18 who has been subject to sexual exploitation because he or she engaged in or agreed or offered to engage in sexual conduct in return for a fee, food, clothing or a place to stay.¹⁵ Such a child would also be defined as sexually exploited if he or she stripped, was filmed doing sexual acts, traded sex for drugs or engaged in loitering for the purpose of prostitution.¹⁶

Meeting the Needs of Sexually Exploited Youth

It is important to know the number, demographic breakdown and needs of youth being commercially sexually exploited in order to provide services for such youth yet the exact number of sexually exploited youth living in New York City is unknown. Both the OCFS Report and the CSEC Study were limited to certain periods of time, and currently no mechanism exists to obtain an updated number on an ongoing basis.

Additionally, it is difficult to determine an exact number, likely because of the underground nature of the sex market and the stigma associated with sex work.¹⁷ This lack of information, however, can result in a lack of appropriate services. For example, the available research has found that males comprise a significant proportion of sexually exploited youth in New York City, with some estimates as high as 50 percent.¹⁸ In addition, while all homeless youth are vulnerable to sexual exploitation, youth identifying as lesbian, gay, bisexual and transgender (“LGBT youth”) are more at risk.¹⁹ One study found that LGBT homeless youth were three times more likely to participate in survival sex than their heterosexual peers.²⁰ Given these facts, there may be a gap in services for exploited male and LGBT youth who are in need of housing that is supportive of their specific needs.

Sexually exploited youth may need a variety of services including mental health, medical, legal, educational and career services. Many sexually exploited youth come from family or foster care settings where they have experienced traumatic events, including abuse or being thrown out of their homes.²¹ Studies have shown that two thirds of prostituted women and girls suffer from PTSD.²² The 2007 OCFS study found that 73% of commercially exploited girls in New York City exhibited significant mental health needs.²³ Further, many of these young people suffer from low self-esteem and depression.²⁴ Sexual exploitation also puts the health and safety of these young people at risk, including increased exposure to sexually transmitted diseases, HIV and violence from both clients and pimps.²⁵

ANALYSIS

Section one of Proposed Int. No. 866-A would amend section 21-401 of the Administrative Code of the City of New York (the Code) by adding new subdivisions c, d and e. New subdivision c would define “Runaway and homeless youth services” as DYCD-administered street outreach and referral services, drop-in centers, crisis shelters, and transitional independent living centers. New subdivision d would define “Sexually exploited child” as having the same meaning as provided in subdivision one of section 447-a of the New York State social services law. New subdivision e would define “Youth” as any person under twenty-four years of age.

Section two of this legislation would amend section 21-402 of the Code by adding a new subdivision c which would require that commencing on January 1, 2014 and no later than every January 1st thereafter, the Commissioner of DYCD, in consultation with the ACS Commissioner, shall submit a yearly report to the Speaker of the City Council, documenting the number of youth in contact with DYCD’s runaway and homeless youth services or ACS who are referred as, self-report as, or who DYCD or ACS later determine to be sexually exploited children, disaggregated by age utilizing the following ranges under 12 years old, 12-16 years old, 16-18 years old and over 18 years old, by gender and by whether such children had contact with ACS or DYCD. DYCD and ACS shall also determine and document in such report the number of such children identified as having received services from both the department and ACS. The report shall also include the services which are provided by DYCD and ACS to meet the needs of youth who are or have been sexually exploited children including, but not limited to the number of beds designated for such children, and the types of mental health services and health services provided to such children. The report shall also include the DYCD’s and ACS’s methods for collecting data regarding the number of sexually exploited youth and the services available.

Section two would note that nothing in this legislation shall require DYCD or ACS to share information that identifies such children and that none of the information that is required to be reported by this legislation shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of such children’s information.

Section three of this legislation would provide that this local law take effect immediately after its enactment into law.

¹ Rick Curtis, Karen Terry, Meredith Dank, Kirk Dombrowski, and Bilal Khan, Center for Court Innovation and John Jay College of Criminal Justice, *The Commercial Sexual Exploitation of Children in New York City Volume One The CSEC Population in New York City: Size, Characteristics and Needs*, 1-2 (2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/225083.pdf> (last visited Feb. 12, 2013) (hereinafter *CSEC Report*).

² Ecpat-USA, Inc., *Who Is There to Help Us: How the System Fails Sexually Exploited Girls in the United States* 2 (2005), <http://ecpatusa.org/wp-content/uploads/2010/11/Who-Is-There-to-Help-Us.3.pdf> (last visited Feb. 12, 2013) (hereinafter *Who Is There*).

³ Gragg, F. et al, NYS Office of Children and Family Services, *New York Prevalence Study of Commercially Sexually Exploited Children* 3 (2007) <http://www.ocfs.state.ny.us/main/Reports/CSEC-2007.pdf> (last visited Feb. 12, 2013) (hereinafter *OCFS Report*).

⁴ *Id.*

⁵ *Id.* at 89.

⁶ *Id.* at 23.

⁷ *CSEC Report supra* note 1 at 33.

⁸ NYC.gov, *Runaway & Homeless Youth*,

<http://www.nyc.gov/html/dycd/html/runaway/runaway.shtml> (last visited Feb. 12, 2013).

⁹ See Testimony of Robyn Causey, former DYCD Director of Youth Services before the Committee on Youth Services, April 29, 2009.

¹⁰ Testimony of Katherine Mullen and Alexander Wolff, The Legal Aid Society, before the New York City Council General Welfare Committee and Women’s Issues Committee, June 27, 2011.

¹¹ Testimony of Jan Flory, Deputy Commissioner for Child Protection at ACS, before the New York City Council Committees of General Welfare and Women’s Issues, June 27, 2011.

¹² *Id.*

¹³ JCCAny.org, The Gateways Program,

http://www.jccany.org/site/PageServer?pagename=programs_residential_gateways (last visited Feb. 12, 2013).

¹⁴ New York State Social Services Law §447-b

¹⁵ New York State Social Services Law §447-a

¹⁶ *Id.*

¹⁷ *CSEC Report, supra* note 1 at 1-2.

¹⁸ Mia Spangenberg, ECPAT-USA, *Prostituted Youth in New York City: An Overview* (2001), <http://www.hawaii.edu/hivandaids/Commercial%20Sexual%20Exploitation%20of%20Young%20People%20in%20New%20York%20City.pdf> (last visited Feb. 12, 2013). (hereinafter *Spangenberg*).

¹⁹ Nicholas Ray, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, National Gay and Lesbian Task Force Policy Institute and National Coalition for the Homeless, 12/06, at 3.

²⁰ *Id.*

²¹ *Spangenberg supra* note 18.

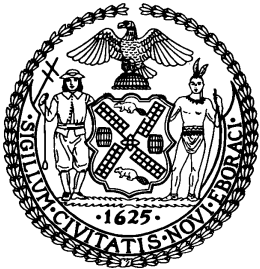
²² *Who Is There, supra* note 2 at 6.

²³ *OCFS Report, supra* note 3 at 53.

²⁴ *Spangenberg, supra* note 18.

²⁵ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 866-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 866-A

COMMITTEE: Youth Services

TITLE: To amend the administrative code of the city of New York, in relation to the Department of Youth and Community Development (DYCD) reporting data related to sexually exploited children.

SPONSOR(S): Fidler, Gonzalez, Ferreras, Barron, Brewer, Cabrera, Chin, Dickens, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Van Bramer, Vann, Williams, Wills, Rodriguez, Nelson, Levin, Foster, Mark-Viverito, Garodnick, Vacca, and Arroyo

SUMMARY OF LEGISLATION:

Commencing on January 1, 2014, the Commissioner of the DYCD, in consultation with the Commissioner of ACS shall submit an annual report to the Speaker of the City Council detailing the number of sexually exploited youth in contact with DYCD’s runaway and homeless youth services or ACS, who are referred as, self-report as, or who DYCD or ACS later determine to be sexually exploited, categorized by the following:

- Age (under 12 years old, 12-16 years old, 16-18 years old and over 18 years old);
- Gender; and
- Whether such children had contact with DYCD or ACS.

The report shall also include a description of the services provided by DYCD and ACS to meet the needs of the youth who are, or have been, sexually exploited children, including but not limited to;

- The number of beds designated for such children; and
- Types of mental health and health services provided to such children.

Such report shall also include DYCD’s and ACS’s methods for collecting data regarding the number of sexually exploited children.

Effective Date: This legislation would take immediately after its enactment into law.

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	\$210,000	\$210,000
Net	\$0	\$210,000	\$210,000

IMPACT ON REVENUES: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: According to DYCD, it should be able to capture required data under this local law with existing resources and staff. However,

ACS estimates the fiscal impact of the legislation to be approximately \$210,000, to hire a developer at \$150 per hour (at 1400 hours) to create a tracking system that currently does not exist. Therefore, it is estimated that there would be a nominal impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: The Department of Youth and Community Development (DYCD)

The Administration for Children’s Services (ACS)

ESTIMATE PREPARED BY: CRYSTAL COSTON, SENIOR LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: LATONIA MCKINNEY, DEPUTY DIRECTOR NAME, AND TANISHA EDWARDS, FINANCE COUNSEL

LEGISLATIVE HISTORY: Introduced as Intro. 866 by the Council on May 31, 2012 and referred to the Committee on Youth Services. On February 25, 2013 the Committee on Youth Services held a joint hearing with the Committee on General Welfare after which Intro 866 was amended and laid over. On March 19, 201, the amended version of Proposed Intro. 866-A will be voted on by the Committee on Youth Services. Upon a successful committee vote, Proposed Intro 866-A will be submitted to the full Council for a vote on March 20, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 866-A:)

Int. No. 866-A

By Council Members Fidler, Gonzalez, Ferreras, Barron, Brewer, Cabrera, Chin, Dickens, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Van Bramer, Vann, Williams, Wills, Rodriguez, Nelson, Levin, Foster, Mark-Viverito, Garodnick, Vacca,, Arroyo, King, Dromm, Lappin, Crowley, Eugene, Mealy, Reyna and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to reporting data related to sexually exploited children.

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended by adding new subdivisions c, d, and e to read as follows:

c. “Runaway and homeless youth services” shall mean department-administered street outreach and referral services, drop-in centers, crisis shelters, and transitional independent living centers.

d. “Sexually exploited child” shall have the same meaning as provided in subdivision one of section 447-a of the New York State social services law.

e. . “Youth” shall mean any person under twenty-four years of age.

§2. Section 21-402 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Commencing on January 1, 2014 and annually thereafter, no later than every January 1st, the commissioner, in consultation with the commissioner of the administration for children’s services (“ACS”) shall submit a yearly report to the speaker of the city council, documenting the number of youth in contact with the department’s runaway and homeless youth services or ACS who are referred as, self-report as, or who the department or ACS later determine to be sexually exploited children, disaggregated by age utilizing the following ranges under 12 years old, 12-16 years old, 16-18 years old and over 18 years old, by gender and by whether such children had contact with the department or ACS. The department and ACS shall also determine and document in such report the number of such children identified as having received services from both the department and ACS. Such report shall also include a description of the services provided by the department and ACS to meet the needs of youth who are or have been sexually exploited children including, but not limited to the number of beds designated for such children and the types of mental health and health services provided to such children. Such report shall also include the department’s and ACS’s methods for collecting data regarding the number of sexually exploited children. Nothing herein shall require the department or ACS to share information that identifies such children. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of such children’s information.

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

LEWIS A. FIDLER Chairperson; SARA M. GONZALEZ, MELISSA MARK-VIVERITO, DARLENE MEALY, YDANIS A. RODRIGUEZ, FERNANDO CABRERA, PETER A. KOO, JUMAANE D. WILLIAMS, DONOVAN RICHARDS; Committee on Youth Services, March 19, 2013.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 757 & Res 1706

Report of the Committee on Land Use in favor of approving Application No. C 120380 ZMM submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a, changing an M1-5B District to an M1-6 District and establishing a Special Hudson Square District, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 158), and originally before the Council on March 13, 2013 (Minutes, page 744) respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120380 ZMM

City Planning Commission decision approving an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a:

1. changing from an M1 -5B District to an M1 -6 District property bounded by the former centerline of the Avenue of the Americas and its southerly prolongation, Canal Street, and the Avenue of the Americas and its southerly centerline prolongation; and
2. establishing a Special Hudson Square District bounded by West Houston Street, a line 100 feet easterly of Varick Street, Vandam Street, Avenue of the Americas, Spring Street, Avenue of the Americas and its southerly centerline prolongation, Canal Street, Hudson Street, Spring Street, and Greenwich Street;

as shown on a diagram (for illustrative purposes only) dated August 20, 2012, and subject to the conditions of CEQR Declaration E-288.

INTENT

To facilitate the establishment of the Special Hudson Square District, in Manhattan Community District 2.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Twenty-five Witnesses Against: Twenty-four

SUBCOMMITTEE RECOMMENDATION

DATE: March 13, 2013

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

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

Against: None**Abstain:** NoneCOMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Palma, Garodnick, Lappin, Mendez, Levin, Weprin, Williams, Wills, Ignizio

Against: Barron**Abstain:** None

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

Res. No. 1706

Resolution approving the decision of the City Planning Commission on ULURP No. C 120380 ZMM, a Zoning Map amendment (L.U. No. 757).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 25, 2013 its decision dated January 23, 2013 (the "Decision"), on the application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, which in conjunction with its related zoning text amendment would facilitate the establishment of the Special Hudson Square District, Community District 2 (ULURP No. C 120380 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application N 120381(A) ZRM (L.U. No. 758), an amendment to the Zoning Resolution, establishing the Special Hudson Square District, in Article VIII, Chapter 8, and amending related sections of the Zoning Resolution;

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 February 12, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Generic Environmental Impact Statement ("FGEIS") for which a Notice of Completion was issued on January 11, 2013 and the Technical Memorandum dated March 18, 2013 (the "Technical Memorandum") (CEQR No. 12DCP045M);

RESOLVED:

Having considered the FGEIS and the Technical Memorandum with respect to the Decision and Application, the Council finds that:

- (1) The FGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the proposed actions adopted herein, as modified, are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FGEIS and Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable as set forth in the Restrictive Declaration dated as of March 20, 2013 as executed on March 18, 2013, by the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, with respect to the Subject Properties, as defined therein, and as further set forth in the letter dated March 13, 2013, by the New York City Department of Park and Recreation.
- (4) The Decision together with the FGEIS and Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120380 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12a:

- 1) changing from an M1-5B District to an M1-6 District property bounded by the former centerline of the Avenue of the Americas and its southerly prolongation, Canal Street, and the Avenue of the Americas and its southerly centerline prolongation; and
- 2) establishing a Special Hudson Square District bounded by West Houston Street, a line 100 feet easterly of Varick Street, Vandam Street, Avenue of the Americas, Spring Street, Avenue of the Americas and its southerly

centerline prolongation, Canal Street, Hudson Street, Spring Street, and Greenwich Street;

as shown on a diagram (for illustrative purposes only) dated August 20, 2012, and subject to the conditions of CEQR Declaration E-288, Community District 2, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 2013.

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

Report for L.U. No. 758 & Res 1707

Report of the Committee on Land Use in favor of approving Application No. N 120381 (A) ZRM submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City 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, to add Article VIII Chapter 8, establishing the Special Hudson Square District and to modify related Sections, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 158), and originally before the Council on March 13, 2013 (Minutes, page 747) respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 N 120381 (A) ZRM

City Planning Commission decision approving an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City 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, to add Article VIII Chapter 8, establishing the Special Hudson Square District in Community District 2, Borough of Manhattan and to modify related Sections.

INTENT

To facilitate the establishment of the Special Hudson Square District, in Manhattan Community District 2.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Twenty-five **Witnesses Against:** Twenty-four

SUBCOMMITTEE RECOMMENDATION

DATE: March 13, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Palma, Garodnick, Lappin, Mendez, Levin, Weprin, Williams, Wills, Ignizio

Against: Barron

Abstain: None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 14, 2013. The City Planning Commission filed a letter dated March 18, 2013, with the Council on March 19, 2013, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1707

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 120381 (A) ZRM, for an amendment of the Zoning Resolution of the City of New York, to add Article VIII, Chapter 8, establishing the Special Hudson Square District in Community District 2, Borough of Manhattan and to modify related Sections, (L.U. No. 758).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 25, 2013 its decision dated January 23, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, to add Article VIII, Chapter 8, which in conjunction with its related zoning map amendment would facilitate the establishment of the Special Hudson Square District, (Application No. N 120381 (A) ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 120380 ZMM (L.U. No. 757), an amendment to the Zoning Map, Section No. 12a, rezoning and mapping the Special Hudson Square 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 February 12, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Generic Environmental Impact Statement ("FGEIS") for which a Notice of Completion was issued on January 11, 2013 and the Technical Memorandum dated March 18, 2013 (the "Technical Memorandum") (CEQR No. 12DCP045M);

RESOLVED:

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

- (1) The FGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the proposed actions adopted herein, as modified, are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FGEIS and Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable as set forth in the Restrictive Declaration dated as of March 20, 2013 as executed on March 18, 2013, by the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, with respect to the Subject Properties, as defined therein, and as further set forth in the letter dated March 13, 2013, by the New York City Department of Park and Recreation.
- (4) The Decision together with the FGEIS and Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120381 (A) ZRM, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
Matter in **bold double-underline** is to be added by the City Council;
Matter in [brackets] is to be deleted by the City Council;
* * * indicates where unchanged text appears in the Zoning Resolution

Article 1
General Provisions

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12
Establishment of Districts

* * *

Establishment of the Special Hillside Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.

Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square District# is hereby established.

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
Definitions

* * *

Special Hillside Preservation District (2/2/11)

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson Square District

The #Special Hudson Square District# is a Special Purpose District designated by the letters "HSQ", in which special regulations set forth in Article VIII, Chapter 8, apply.

Special Hudson Yards District (2/2/11)

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

* * *

Article VII - Administration

* * *

Chapter 3 - Special Permits by the Board of Standards and Appeals

* * *

73-244

In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District

In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
(b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
(c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
(d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
(e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and
(f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue

* * *

Article VIII - Special Purpose Districts

* * *

Chapter 8
Special Hudson Square District

88-00
GENERAL PURPOSES

The Special Hudson Square District established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;
- (b) recognize and enhance the vitality and character of the neighborhood for workers and residents;
- (c) encourage the development of buildings compatible with existing development;
- (d) regulate conversion of buildings while preserving continued manufacturing or commercial use;
- (e) encourage the development of affordable housing;
- (f) promote the opportunity for workers to live in the vicinity of their work;
- (g) retain jobs within New York City; and
- (h) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

88-01
Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a “qualifying #building#” shall be any #building# that contained at least 70,000 square feet of #floor area# on (date of referral).

88-02
General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

88-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Square District# Plan.

The District Plan includes the following map in the Appendix to this Chapter:

Map 1 Special Hudson Square District and Subdistrict

This map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

88-04
Subdistricts

In order to carry out the purposes and provisions of this Chapter, the following subdistrict is established:

Subdistrict A

The Subdistrict is specified on Map 1 (Special Hudson Square District and Subdistrict) in the Appendix to this Chapter.

88-05
Applicability of District Regulations

88-051
Applicability of Article I, Chapter 5

The conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b), except as superseded or modified by the provisions of this Chapter.

88-052
Applicability of district bulk regulations to certain enlargements

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), for the #enlargement# of a #building# which is the subject of Department of Buildings application number 121326742 filed on December 3, 2012, to create a single commercial development, such #enlarged building# shall not be subject to the height and setback regulations of Section 88-33, paragraph (b), and may continue, provided that a building permit has been issued for such commercial development within two years of (date of adoption). In addition, should the #zoning lot# which is the subject of the above-referenced Department of Buildings application merge with an adjacent #zoning lot# containing #wide street# frontage on Sixth Avenue, such a #zoning lot# merger and the subsequent combining of adjacent #buildings# shall not be deemed to create a new #non-compliance#, nor an increase in the degree of #non-compliance# in regards to Section 88-33, paragraph (b)(4), (Maximum length of street wall).

88-10
SUPPLEMENTAL USE REGULATIONS

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

88-11
Residential Use

#Residential use# shall be permitted in accordance with the provisions of this Section.

(a) Residential use as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on (date of referral), was not occupied by a qualifying #building#. As a condition to receiving a building permit, such absence of a qualifying #building# on the #zoning lot# must be demonstrated to the satisfaction of the Department of Buildings.

(b) Residential use by certification

#Residential use# shall be permitted on a #zoning lot# that, on (date of referral), was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on (date of referral), will contain at least the amount of non-#residential floor area# that existed within such qualifying #buildings# on the zoning lot on (date of referral), subject to the following:

- (1) non-#residential floor area# that is preserved within existing non-qualifying #buildings# on the #zoning lot# through restrictive declaration may count toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count toward meeting the requirements of this certification.

However, non-#residential floor area# converted to #residential# vertical circulation space and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within

such qualifying #buildings# on (date of referral) on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for any #development# containing #residences#.

88-12**Community Facility Use**

The #community facility use# regulations applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on (date of referral), was not occupied by a qualifying #building#. As a condition to receiving a building permit, such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on (date of referral), was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on (date of referral), subject to the following:
- (1) non-#residential floor area# that is preserved within existing non-qualifying #buildings# on the #zoning lot# through restrictive declaration may count toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within such qualifying #buildings# on (date of referral) on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

- (c) Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131 (Streetscape Provisions).

88-13**Commercial Use**

The #commercial use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to the size of the establishment;
- (b) #uses# listed in Use Group 6A, other than food stores, Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;
- (c) ground floor #commercial uses# shall be subject to special streetscape provisions set forth in Section 88-131 (Streetscape Provisions);
- (d) #commercial uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;

- (e) #transient hotels# shall be allowed, except that:

- (1) #development# or #enlargement# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 88-11, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the “residential development goal” has been met for the #Special Hudson Square District# as set forth in this paragraph. (e)(1), or, where such “residential development goal” has not been met, by special permit pursuant to Section 88-132 (Special permit for large transient hotels):

Residential Development Goal

The residential development goal shall be met when at least 2,255 #dwelling units#, permitted pursuant to the provisions of Section 88-11 (Residential Use), within the #Special Hudson Square District# have received temporary or final certificates of occupancy subsequent to [date of enactment].

- (2) A change of #use# within a qualifying #building# to a #transient hotel# with greater than 100 sleeping units shall only be allowed by special permit, pursuant to Section 88-132;
- (f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

88-131**Streetscape provisions**

For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements:

- (a) For #uses# located on the ground floor or within five feet of #curb level#, limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B, shall have a depth of at least 30 feet from the #building wall# facing the #street# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#.
- (b) The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet per #street# frontage. The 30 foot minimum depth requirement shall not apply where a reduction in such depth is necessary in order to accommodate a #residential lobby# or vertical circulation core.
- (c) In Subdistrict A, for portions of a #building# bounding a #public park#, the ground floor #use# requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the #street# frontage of the #zoning lot#, and #residential# lobbies and #schools# shall be permitted #uses# on the ground floor for purposes of compliance with paragraph (a) of this Section.

For #zoning lots# with #street frontage# of less than 50 feet, no special ground floor #use# requirements shall apply.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet from the #building wall# facing the #street#.

Any ground floor #street wall# of a #development# or #enlargement# that contains #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such ground floor #street wall# between a height of two feet, and 12 feet or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. The lowest level of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#, with the exception of transom windows. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, where an entrance to a parking facility is provided, the requirements of this Section shall not apply to that portion of the ground floor #street wall# occupied by such an entrance.

88-132**Special permit for large transient hotels**(a) Developments or enlargements

In the Special Hudson Square District, prior to the “residential development goal” set forth in paragraph [(f)] (e) of Section 88-13 (Commercial Use) having been achieved, the City Planning Commission may permit developments or enlargements of transient hotels with greater than 100 sleeping units on zoning lots where residential use is permitted as-of-right, in accordance with paragraph (a) of Section 88-11 (Residential Use), provided the Commission finds that:

- (1) sufficient development sites are available in the area to meet the “residential development goal”; or
- (2) a harmonious mix of residential and non-residential uses has been established in the surrounding area, and such transient hotel resulting from a development or enlargement is consistent with the character of such surrounding area.

(b) Changes of use

In the Special Hudson Square District, the City Planning Commission may permit the change of use of floor area within qualifying buildings to a Use Group 5 transient hotel with greater than 100 sleeping units provided that, at minimum, the amount of floor area changed to such transient hotel is:

- (1) preserved for Use Group 6B office use within a qualifying building located within the Special Hudson Square District, or
- (2) created for Use Group 6B office use within a building developed after (date of referral), or within the enlarged portion of a building, where such enlargement was constructed within one year of the date an application pursuant to this Section is filed with the Department of City Planning (DCP). Such developed or enlarged buildings may be located anywhere within the Special Hudson Square District, and shall have either temporary or final certificates of occupancy for Use Group 6B office use.

In order to permit such change of use, the Commission shall find that the proposed transient hotel is so located as not to impair the essential character, or the future use or development, of the surrounding area.

A restrictive declaration acceptable to the DCP shall be executed and recorded, binding the owners, successors and assigns to preserve an amount of Use Group 6B office use within a qualifying building, or created within a development or enlargement, as applicable. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in use from Use Group 6B office use to any other use.

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

88-14**Manufacturing Use**

In the Special Hudson Square District, manufacturing uses permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive.

88-20**SIGN REGULATIONS**

In the Special Hudson Square District, signs are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

88-30**SPECIAL BULK REGULATIONS**

Except as modified in this Chapter, the following bulk regulations shall apply:

- (a) For developments, enlargements, or changes of use containing residences, the bulk regulations of an R10 District, as set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply;

- (b) For developments, enlargements, or changes of use containing manufacturing, commercial or community facility uses, the bulk regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a wide street.

88-31**Floor Area Regulations**

Except in Subdistrict A, the maximum floor area ratio for zoning lots that do not contain residences shall be 10.0; no floor area bonuses shall apply.

The maximum base floor area ratio for zoning lots that contain residences shall be 9.0 plus an amount equal to 0.25 times the non-residential floor area ratio provided on the zoning lot, provided that such base floor area ratio does not exceed 10.0. Such floor area ratio may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

88-311**Special floor area regulations in Subdistrict A**

For zoning lots in Subdistrict A that do not contain residences, the maximum floor area ratio shall be 10.0; no floor area bonuses shall apply.

For zoning lots in Subdistrict A containing residences, the maximum floor area ratio shall be 9.0 plus an amount equal to 0.25 times the non-residential floor area ratio provided on the zoning lot, provided that such base floor area ratio does not exceed 10.0.

Any floor space designated for use as a school shall be exempted from the definition of floor area for the purposes of calculating the permitted floor area ratio for community facility uses and the total maximum floor area ratio of the zoning lot, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or
- (b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

88-32**Inclusionary Housing**

The Special Hudson Square District, except Subdistrict A, shall be an Inclusionary Housing designated area, and the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts shall apply.

88-33**Height and Setback**

In the Special Hudson Square District, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all buildings.

(a) Rooftop regulations(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all buildings, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either the product, in square feet, of the aggregate width of street walls of such obstructions facing each street frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the street wall of the building facing such frontage; or that the lot coverage of all such obstructions does not exceed 20 percent of the lot coverage of the building, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height provided that on any street frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the street wall of the highest story entirely below

the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of non-#residential floor area# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph, (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.

On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:

(i) Along #wide streets#

Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(ii) Along #narrow streets#

Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from its intersection with a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#.

The portion of such #building# above a height of 125 feet shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of such #buildings# shall be 185 feet. **However, for #buildings# that include #floor area compensation# pursuant to Sections 88-32 and 23-90 (Inclusionary Housing) for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#, the maximum height of such #building# shall be 210 feet where such #building# is on a #block# with a depth between #narrow streets# of more than 180 feet, and the maximum height of such #building# shall be 230 feet where such #building# is on a #block# where the depth between #narrow streets# is less than 180 feet.**

For #buildings# containing #residences#, **all [no] portions of such #building# exceeding a height of 125 feet above the level of the #residential rear yard# shall be set back no less than ten feet from [nearer to] a #rear yard line# [than ten feet]. No setback shall be required for #buildings# that include #floor area compensation# pursuant to Sections 88-32 and 23-90 (Inclusionary Housing) for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#.**

(4) Maximum length of #street wall#

The maximum length of any #street wall# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the #street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.

(5) Vertical #enlargements#

(i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.

(ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided

such #enlarged# portion is located at least 10 feet from a #wide street# and at least 15 feet from a #narrow street#.

88-331
Special height and setback regulations in Subdistrict A

For #zoning lots# in Subdistrict A, the regulations in paragraph (b) of Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) Lot coverage

Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning lot line# #abutting# the boundary of a #public park#, such #zoning lot line# shall be considered to be a #wide street line# for the purposes of applying all #bulk# regulations of this Resolution except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning lot line# #abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

[88-332
Special permit to modify height and setback regulations on shallow block sites]

[The City Planning Commission may, by special permit, modify height and setback regulations for portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth between #narrow streets# bordering the #block# is 180 feet or less. The provisions of Section 88-33, paragraph (b)(3)(ii), may be modified to permit a maximum #building# height of up to 210 feet, and a waiver of rear setback requirements at a height of 125 feet, provided that the #street wall# of the #building# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# up to a minimum base height of 60 feet.]

[In granting such special permit, the Commission shall find that such modification is not inconsistent with the scale of the surrounding area.]

[The City Planning Commission may prescribe appropriate conditions and safeguards to ensure compatibility with the character of the surrounding area.]

88-332
[88-333]

Courts

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements), inclusive.

88-40
YARD REGULATIONS

In the #Special Hudson Square District#, except as provided in Section 88-41 (Rear yard regulations for shallow through lots), the #yard# provisions applicable in R10 Districts shall apply to the #residential# portion of a #building#, and the #yard# provisions applicable in C6 Districts shall apply to non-#residential buildings#, or the non-#residential# portion of a #building#.

88-41

Rear yard regulations for shallow through lots

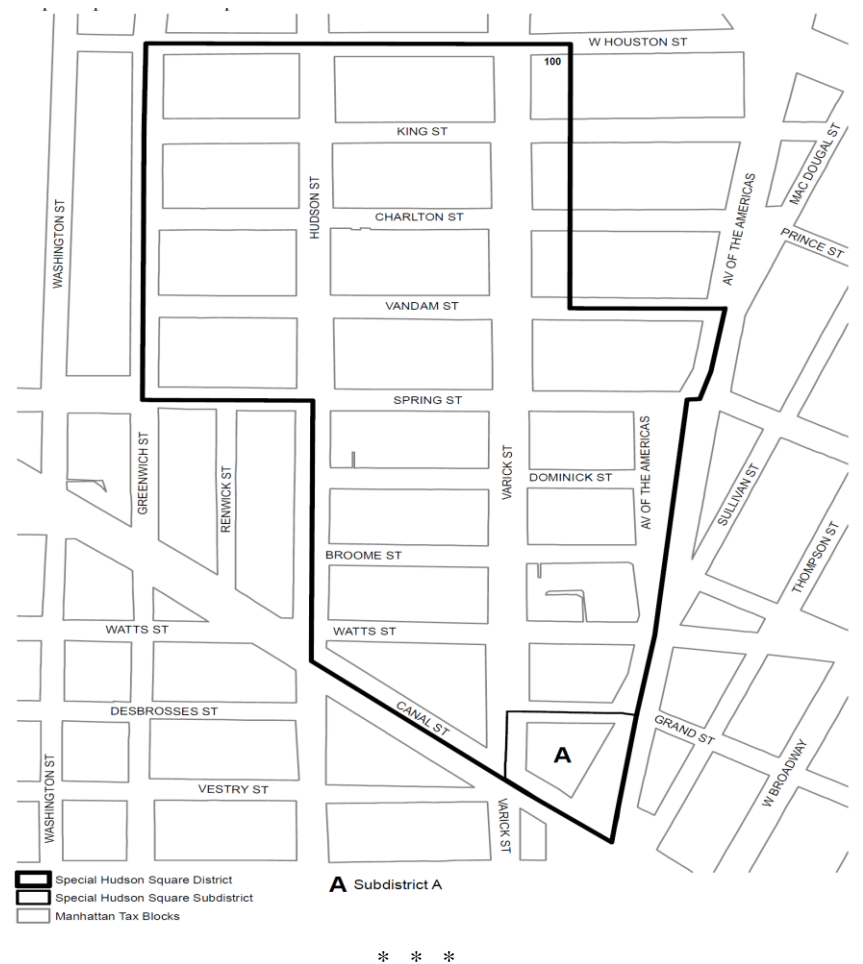
For #through lot# portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth of such #through lot# between #narrow streets# is 180 feet or less, any required #rear yard equivalent# shall be provided as an open area with a minimum depth of 60 feet, midway (or within ten feet of being midway) between the two #narrow street lines# upon which such #through lot# fronts.

88-50
PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1,2,3,4,5,6,7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) shall apply.

Appendix A

Map 1 - Special Hudson Square District and Subdistrict



APPENDIX F
Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of
Inclusionary Housing Designated Areas
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
* * *	* * *	* * *
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
<u>12a</u>	<u>Manhattan CD 2</u>	<u>Map 1</u>
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
* * *	* * *	* * *

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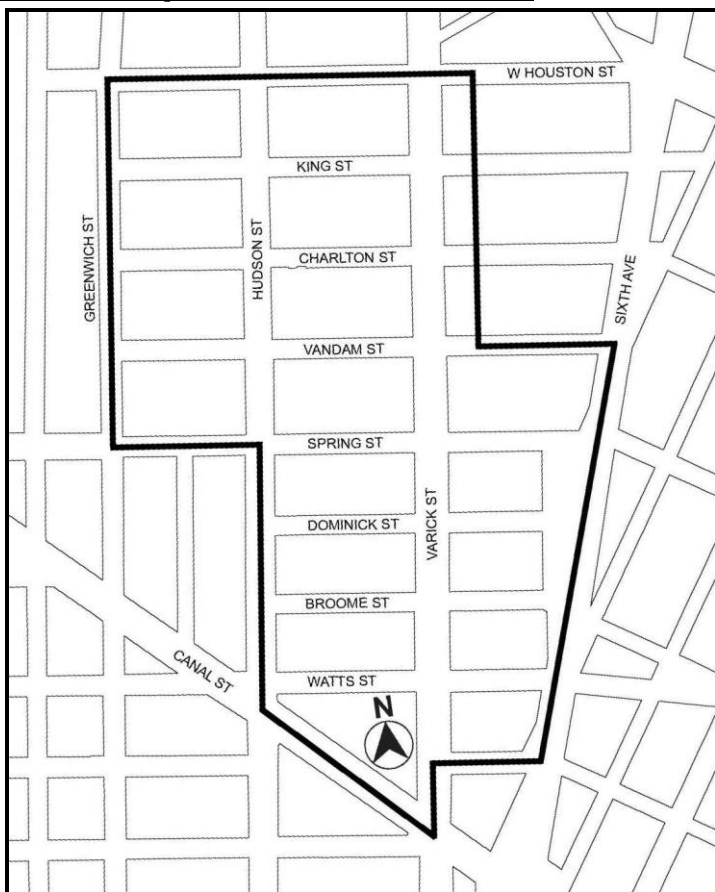
Manhattan
Manhattan Community District 1

* * *

Manhattan Community District 2

In the M1-6 Districts within the areas shown on the following Map 1:

Map 1
#Special Hudson Square District# – see Section 88-32



Portion of Community District 2, Manhattan

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 2013.

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

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

Name	Address	District #
Rebecca Best	3150 Broadway #20B New York, N.Y. 10027	7
Claribel Morales	720 West 181 st Street #50 New York, N.Y. 10033	7
Eva Rich Vaillancourt	221 Seaman Avenue New York, N.Y. 10034	7
Jollibelle Buenaventura	500 Kappock Street #4L Bronx, N.Y. 10463	11
Kelvin Caraballo	2964 Perry Avenue #5J Bronx, N.Y. 10458	11
Annabelle Feldman	500 Kappock Street #4L Bronx, N.Y. 10463	11
Lynda Metzger	64-28 82nd Place Middle Village, N.Y. 11379	30
Patricia A. McCarthy	243 Ridgcrest Avenue Staten Island, N.Y. 10312	51

Approved New Applicants and Reapplicants

Name	Address	District #
Iris M. Fontanez	100 Beekman Street New York, N.Y. 10038	1
Jacqueline Levy	15 Cliff Street #14C New York, N.Y. 10038	1
Xing Wen Wu	169 Mott Street #8 New York, N.Y. 10013	1
Natainya Curry	485 1 st Avenue #4N New York, N.Y. 10016	2
Niurka M. Almonte	1990 Lexington Avenue #15H New York, N.Y. 10035	8
Kenneth W. Majerus	372 Central Park West #12T New York, N.Y. 10025	8
Olga I. Rodriguez	420 East 111 th Street #509 New York, N.Y. 10029	8
Johnny Rodriguez	115 East 116 th Street #3H New York, N.Y. 10029	8
Delores Gilmore	30 West 141 st Street #14C New York, N.Y. 10037	9
Alice Faye Henson	485 Lenox Avenue #13E New York, N.Y. 10037	9
Audra King	60 St. Nicholas Avenue #2E New York, N.Y. 10026	9
Sharon Danner	150 West 225 th Street Bronx, N.Y. 10463	10
Maritza Mejias	3162 Bainbridge Avenue #4B Bronx, N.Y. 10467	11
Cortney A. Thornhill	3578 White Plains Road #103 Bronx, N.Y. 10467	12
Robert Parchen	445 Revere Avenue Bronx, N.Y. 10465	13
Loizaida DeJesus	2121 Grand Concourse #6B Bronx, N.Y. 10453	14
Josephine Raton	1376 Ogeden Avenue #4B Bronx, N.Y. 10452	16
Maria Abreu	1025 Freeman Street #2A Bronx, N.Y. 10459	17

Lynnette S. Hill	1035 Bryant Avenue Bronx, N.Y. 104593	17	Donna A. Kirshy	Brooklyn, N.Y. 11209 452 84 th Street	43
Rodolfo A. Rodriguez	840 Union Avenue Bronx, N.Y. 10459	17	Jacob Landau	Brooklyn, N.Y. 11209 1826 50 th Street	44
Marisela Bolanos	1520 Archer Road #1G Bronx, N.Y. 10462	18	Moshe Steinberg	Brooklyn, N.Y. 11204 1956 61 st Street	40
Frankie Curry	950 Underhill Avenue Bronx, N.Y. 10473	18	Yehuda Jason Schupper	Brooklyn, N.Y. 11204 820 Ocean Parkway #209	45
Jennifer E. Mazzio	1233 Bronx River Avenue #2R Bronx, N.Y. 10472	18	Gloria Jerro	Brooklyn, N.Y. 11230 2767 Strickland Avenue	46
Carole E. Stallworth	1040 Rosedale Avenue #1H Bronx, N.Y. 10472	18	Arseniy Kushnir	Brooklyn, N.Y. 11234 3415 Neptune Avenue #512	47
Jerome Amato	26-25 Union Street #2G Queens, N.Y. 11354	20	Sharon L. Williams	Brooklyn, N.Y. 11224 39 Regal Walk	49
Joann Guzman-Feliz	2507 Gillmore Street East Elmhurst, N.Y. 11369	21	Linda Cinquini	Staten Island, N.Y. 10303 350 Bay 10 th Street	50
Alice Ansele	20-02 43 rd Street Astoria, N.Y. 11105	22	Tiffany Marone	Brooklyn, N.Y. 11228 75 Churchill Avenue	50
Joyce Antipov	23-30 Newton Avenue #513E Astoria, N.Y. 11102	22	Michelle T. Messer	Staten Island, N.Y. 10309 78A Debbie Street	50
Debra S. Siegel	85-36 213 th Street Queens, N.Y. 11427	23	Phyllis Monahan	Staten Island, N.Y. 10314 57 Hett Avenue	50
Phyllis Sutton	155-05 71 st Avenue Queens, N.Y. 11314	24	Patricia A. Morlando	Staten Island, N.Y. 10306 24 Cannon Avenue	50
Marie Robinson	96-04 57 th Avenue #7 Queens, N.Y. 11368	25	Gloria Sanchez	Staten Island, N.Y. 10314 33 School Road	50
Andre Rodriguez	92-15 56 th Avenue Queens, N.Y. 11373	25	Sandra Stimell	Staten Island, N.Y. 10305 234 Amsterdam Avenue	50
Pamela Browne	165-18 116 th Avenue Queens, N.Y. 11434	27	Michele Agoglia	Staten Island, N.Y. 10314 412 Main Street	51
Velma P. Lewis	120-56 164 th Street Jamaica, N.Y. 11434	27	Ralph Carosella	Staten Island, N.Y. 10307 34 Dogwood Drive	51
Michael B. Williams	115-53 228 th Street Queens, N.Y. 11411	27	Marie Lara	Staten Island, N.Y. 10312 119 Hanover Avenue	51
Anthony B. Hart	115-44 147 th Street Queens, N.Y. 11436	28	Odette Rivera	Staten Island, N.Y. 10309 132 Russek Drive	51
Della Fields	220-43 135 th Avenue Queens, N.Y. 11413	31		Staten Island, N.Y. 10312	
Millicent Nicholas-Richards	142-31 249 th Street Rosedale, N.Y. 11422	31			
Magali Sanz	142-22 231 st Street Springfield Gardens, N.Y. 11413	31			
Jonathan Addison	8100 Shorefront Pkwy #11J Queens, N.Y. 11693	32			
Shim. Ali	101-34 117 th Street Queens, N.Y. 11419	32			
Norma Paiva	89-29 85 th Street Queens, N.Y. 11421	32			
Ivestia Blake	195 Adams Street #2G Brooklyn, N.Y. 11201	33			
Marion Rago	131 Nassau Avenue Brooklyn, N.Y. 11222	33			
Denise A. Martinez	292 St. Johns Place #55 Brooklyn, N.Y. 11238	35			
Adriel Tucker	1125 Sterling Place #3F Brooklyn, N.Y. 11213	36			
Yvonne Powell	120 Essex Street Brooklyn, N.Y. 11208	37			
Beatrice A. DeSapio	288 17 th Street Brooklyn, N.Y. 11215	38			
Diana P. Murray	203 22 nd Street #1R Brooklyn, N.Y. 11232	40			
Lorretta Easley-Gipson	573 Decatur Street Brooklyn, N.Y. 11233	41			
Norma J. Rogers	973 Jefferson Avenue #1 Brooklyn, N.Y. 11221	41			
Brenda A. Blocker	714 Vermont Street Brooklyn, N.Y. 11207	42			
Farrah Brown	406 Hinsdale Street Brooklyn, N.Y. 11207	42			
Jerry Katz	10564 Flatlands 10 th Street Brooklyn, N.Y. 11236	42			
Mindy Edelman	9040 Ft. Hamilton Pkwy #5B	43			

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 1094 & Res 1690 - | The Operating Budget of the Council of the City of New York. |
| (2) | M 1095 & Res 1691 - | Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York. |
| (3) | Int 866-A - | In relation to reporting data related to sexually exploited children. |
| (4) | Int 945-A - | In relation to employment resources for veterans. |
| (5) | Int 1014 - | In relation to recognizing certain military service as qualifying as experience in a trade. |
| (6) | Int 1019 - | In relation to recognizing certain equivalent military service as qualifying as experience in a trade. |
| (7) | L.U. 757 & Res 1706 - | App. C 120380 ZMM, amendment of the Zoning Map, Section No. 12a, changing an M1-5B District to an M1-6 District and establishing a Special Hudson Square District, Borough of Manhattan, Community Board 2, Council District 3. |
| (8) | L.U. 758 & Res 1707 - | App. N 120381 (A) ZRM amendment of the Zoning Resolution of the City of New York, to add Article VIII Chapter 8, establishing the Special Hudson Square District and to modify related Sections, Borough of Manhattan, Community Board 2, Council District 3. |
| (9) | L.U. 766 & Res 1692 - | App. C 130052 ZMM, property bounded by South Street, Brooklyn Bridge, the U.S. Pierhead Line, and a line 1250 feet easterly of the southerly prolongation of the westerly |

- street line of Old Slip (westerly portion) Borough of Manhattan, Community Board 1, Council District 1.
- (10) **L.U. 767 & Res 1693 -** App. N **130080 ZRM**, amendment of the Zoning Resolution, Article IX Chapter I, Special Lower Manhattan District, related hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal, Borough of Manhattan, Community Board 1, Council District 1.
- (11) **L.U. 768 & Res 1694 -** App. C **130053 ZSM**, property located at Pier 17, , in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1.
- (12) **L.U. 769 & Res 1695 -** App. C **130054 ZSM**, property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community Board 1, Council District 1.
- (13) **L.U. 770 & Res 1696 -** App. C **130055 ZSM**, property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1.
- (14) **L.U. 771 & Res 1697 -** App. N **130056 ZAM**, property located at Pier 17, within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict) Borough of Manhattan, Community Board 1, Council District 1.
- (15) **L.U. 772 & Res 1698 -** App. C **130059 PPM**, disposition of one city-owned property to the South Street Seaport Limited Partnership, located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), Borough of Manhattan, Community Board 1, Council District 1.
- (16) **L.U. 775 & Res 1699 -** App. **20135346 HAM**, 511 West 149th Street, 524 West 150th Street, 455 Convent Avenue and 457 Convent Avenue, Borough of Manhattan, Community Board 9, Council District 7.
- (17) **L.U. 776 & Res 1700 -** App. **20135347 HAM**, 232-34 West 149th Street, 304 West 152nd Street, 2797 8th Avenue and 2472 7th Avenue, Borough of Manhattan, Community Board 10, Council District 7.
- (18) **L.U. 777 & Res 1701 -** App. **20135309 TCM**, 1480 Second Avenue, Borough of Manhattan, Community Board 8, Council District 5.
- (19) **L.U. 778 & Res 1702 -** App. **20135312 TCM**, 535 Hudson Street, Borough of Manhattan, Community Board 2, Council District 3.
- (20) **L.U. 779 & Res 1703 -** App. **20135267 TCM**, 75 Greenwich Avenue, Borough of Manhattan, Community Board 2, Council District 3.
- (21) **L.U. 780 & Res 1704 -** App. **20135381 TCM**, 141 Seventh Avenue South, Borough of Manhattan, Community Board 2, Council District 3 (**Filed pursuant to a Letter of Withdrawal**).
- (22) **L.U. 781 & Res 1705 -** App. **20135275 TCX**, 3720-3726 Roverdale Avenue, Borough of Bronx, Community Board 8, Council District 11.
- (23) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 766 & Res No. 1692; LU No. 767 & Res No. 1693; LU No. 768 & Res No. 1694; LU No. 769 & Res No. 1695; LU No. 770 & Res No. 1696; LU No. 771 & Res No. 1697; LU No. 772 & Res No. 1698:**

Affirmative – Arroyo, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **47**.

Abstention – Brewer – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 866-A, 945-A, 1014, 1019.

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. 916-A

Report of the Committee on Transportation in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement.

The Committee on Transportation, to which the annexed amended resolution was referred on June 29, 2011 (Minutes, page 2703), respectfully

REPORTS:

INTRODUCTION

On March 19, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Res. No. 916-A, calling on the New York State Legislature to pass and the Governor to sign into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement. This was the second hearing on this resolution. The first hearing was held on March 18, 2013, at which the committee heard testimony from interested stakeholders.

RES. NO. 916-A

Res. No. 916-A would assert that excessive speeding constitutes a threat to public safety and is one of the major causes of vehicle crashes and deaths on roads and highways. The Resolution would also note that although the speed limit within New York City is 30 miles per hour ("mph"), according to Transportation Alternatives, 39% of New York drivers exceed the speed limit, and according to 2008 New York State Department of Motor Vehicle data, speeding causes more fatal crashes in New York City than any other driving behavior and is the number four cause of all New York City vehicular related crashes, fatal and non-fatal. The Resolution would further state that in 2008, 79 people were killed and 3,793 people were injured as the result of speeding-related crashes in New York City, and that if a pedestrian is hit by a car traveling 40 mph or faster, there is a 70% chance that the pedestrian will be killed, while if a car is traveling at 30 mph there is an 80% chance that the pedestrian will live.

The Resolution would assert that the use of speed cameras is an effective enforcement tool that can be a continuous enforcement mechanism 24 hours a day, by taking a photo of the rear end of a speeding vehicle, which captures the license plate color. In addition, the Resolution would state that speed cameras are a proven technology, having been used in Europe for almost 40 years and in the United States since 1987, and according to a January 1998 article in the British Medical Journal, the number of deaths in a test corridor in London were reduced from 68 to 20, and

the number of serious injuries fell by over a quarter, from 813 to 596 after the installation of speed cameras. The Resolution would also note that in 2007 the National Highway Safety Administration published a study on the use of automatic enforcement systems, which found that the use of speed cameras at certain locations reduced injuries from vehicle crashes by 20% to 25%. Furthermore, the Resolution would state that speed cameras would operate similarly as red light cameras, which according to DOT have decreased injuries by 24% at monitored locations, and in addition, speed cameras could be used in conjunction with School Safety Zones to provide enhanced enforcement of the lower speed limit near schools.

The Resolution would note that currently there is a bill pending in the State Assembly, A.4327, which would authorize the City of New York to establish a speed camera enforcement demonstration project. The Resolution would state that New York City residents have called upon DOT to install speed cameras in neighborhoods affected by drag racing, in order to combat this problem.

Finally, Res. No. 916-A would call upon the New York State Legislature to pass and the Governor to sign into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement.

UPDATE

On March 19, 2013, the Committee on Transportation passed Res. No. 916-A by a vote of 10 in the affirmative, 1 in the negative, and no abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 916-A:)

Res. No. 916-A

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement.

By Council Members Van Bramer, Fidler, James, Levin, Arroyo, Chin, Greenfield, Rodriguez, Ferreras, Garodnick, Brewer, Mark-Viverito, Koppell, Lander, Nelson, Koslowitz, Lappin, Dromm, Weprin, Comrie, Richards, Barron and the Public Advocate (Mr. de Blasio).

Whereas, Excessive speeding constitutes a threat to public safety and is one of the major causes of vehicle crashes and deaths on roads and highways; and

Whereas, Although the speed limit within New York City is 30 miles per hour ("mph"), according to Transportation Alternatives, 39% of New York drivers exceed the speed limit; and

Whereas, According to 2008 New York State Department of Motor Vehicle data, speeding causes more fatal crashes in New York City than any other driving behavior and is the number four cause of all New York City vehicular related crashes, fatal and non-fatal; and

Whereas, In 2008, 79 people were killed and 3,793 people were injured as the result of speeding-related crashes in New York City; and

Whereas, If a pedestrian is hit by a car traveling 40 mph or faster, there is a 70% chance that the pedestrian will be killed, while if a car is traveling at 30 mph there is an 80% chance that the pedestrian will live; and

Whereas, The use of speed cameras is an effective enforcement tool that can be a continuous enforcement mechanism 24 hours a day, by taking a photo of the rear end of a speeding vehicle, which captures the license plate color; and

Whereas, Speed cameras are a proven technology having been used in Europe for almost 40 years and in the United States since 1987; and

Whereas, According to a January 1998 article in the British Medical Journal, the number of deaths in a test corridor in London were reduced from 68 to 20, and the number of serious injuries fell by over a quarter, from 813 to 596 after the installation of speed cameras; and

Whereas, In 2007 the National Highway Safety Administration published a study on the use of automatic enforcement systems, which found that the use of speed cameras at certain locations reduced injuries from vehicle crashes by 20% to 25%; and

Whereas, Speed cameras would operate similarly as red light cameras, which according to the New York City Department of Transportation (NYCDOT) have decreased injuries by 24% at monitored locations; and

Whereas, Speed cameras could be used in conjunction with School Safety Zones to provide enhanced enforcement of the lower speed limit near schools; and

Whereas, Currently there is a bill pending in the State Assembly, A.4327, which would authorize the City of New York to establish a speed camera enforcement demonstration project; and

Whereas, New York City residents have called upon the NYCDOT to install speed camera in neighborhoods affected by drag racing, in order to combat this problem; 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 into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, PETER A. KOO; Committee on Transportation, March 19, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Ignizio, Ulrich, and Oddo.

The following Council Member formally abstained to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1332-A

Report of the Committee on Transportation in favor of approving, as amended, a Resolution calling on the New York State Legislature to enact S3644/A2012, and for the Governor to sign the legislation into law. The legislation gives authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, even if the police officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver.

The Committee on Transportation, to which the annexed amended resolution was referred on May 15, 2012 (Minutes, page 1586), respectfully

REPORTS:

INTRODUCTION

On March 19, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Res. No.1332-A, calling on the New York State Legislature to enact S3644/A2012, and for the Governor to sign the legislation into law. The state legislation would give authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, even if the police officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver. This was the second hearing on this resolution. The first hearing was held on March 18, 2013, at which the committee heard testimony from interested stakeholders.

RES. NO.1332-A

Res. No.1332-A would note that under section 1146 of the Vehicle and Traffic Law drivers are required to exercise due care to avoid collision with bicyclists, pedestrians, or domestic animals and that failure to exercise due care can result in civil fine of no more than \$750 or imprisonment of no more than fifteen days.

The Resolution would further point out that in 2010 the State Legislature amended Article 26 of the Vehicle and Traffic law by passing section 1146, commonly known as Hayley and Diego's Law, to create an infraction for failure to exercise due care in operating a motor vehicle; however, current implementation of section 1146 has been narrow because of the requirement that a police officer witness the actual collision in order to issue a violation.

The Resolution would state that the New York State Attorney General has issued an opinion contradicting the requirement that a violation has to be witnessed by a police officer; nonetheless there have been a number of high profile incidences recently where the driver was suspected of not exercising due care, but no violation was issued because a police officer did not witness the collision.

The Resolution would also point out that Erika Lefevre testified before a joint Public Safety Committee and Transportation Committee hearing on February 15, 2012 about the death of her son Mathieu Lafevre. Mathieu Lefevre was dragged 171 feet before the car finally stopped, and there is strong suspicion that Mr. Lefevre was killed because the driver failed to exercise due care, however no arrest was made and no violation was issued to the driver.

The Resolution would note that the current legislation pending in the New York Legislature (A.2012 Sponsored by Assemblyman Brian Kavanaugh and S.3644 sponsored by Senator Dan Squadron) will allow police officers to issue a violation or make an arrest under section 1146, if there is reasonable cause to believe that the driver did not exercise due care, and assert that passage of A.2012/S.3644 will close a loophole in the current law and will contribute to saving lives.

Finally, Res. No.1332-A would call upon the New York State Legislature to enact A.2012/S.3644, and for the Governor to sign the legislation into law. The legislation gives authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, even if the police officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver.

UPDATE

On March 19, 2013, the Committee on Transportation passed Res. No. 1332-A by a vote of 11 in the affirmative, none in the negative, and no abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 1332-A:)

Res. No. 1332-A

Resolution calling on the New York State Legislature to enact S3644/A2012, and for the Governor to sign the legislation into law. The legislation gives authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, even if the police officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver.

By Council Members Vallone, Jr., Vacca, Comrie, Jackson, Koo, Lander, Rodriguez, Brewer, Lappin, Richards and Ulrich.

Whereas, Under section 1146 of the Vehicle and Traffic law drivers are required to exercise due care to avoid collision with bicyclists, pedestrians, or domestic animals; and

Whereas, Failure to exercise due care can result in civil fine of no more than \$750 or imprisonment of no more than fifteen days; and

Whereas, In 2010, the State Legislature amended Article 26 of the Vehicle and Traffic law by passing section 1146, commonly known as Hayley and Diego's Law to create an infraction for failure to exercise due care in operating a motor vehicle; and

Whereas, However, current implementation of section 1146 has been narrow because of the requirement that a police officer witness the actual collision in order to issue a violation; and

Whereas, The New York State Attorney General has issued an opinion contradicting the requirement that a violation has to be witnessed by a police officer; and

Whereas, There have been a number of high profile incidences recently where the driver was suspected of not exercising due care, but no violation was issued because a police officer did not witness the collision; and

Whereas, Erika Lefevre testified before a joint Public Safety Committee and Transportation Committee hearing on February 15 about the death of her son Mathieu Lafevre; and

Whereas, Mathieu Lefevre was dragged 171 feet before the car finally stopped. There is strong suspicion that Mr. Lefevre was killed because the driver failed to exercise due care, however no arrest was made and no violation was issued to the driver; and

Whereas, The current legislation pending in the New York Legislature (A.2012 Sponsored by Assemblyman Brian Kavanagh and S.3644 sponsored by Senator Dan Squadron) will allow police officers to issue a violation or make an arrest under section 1146, if there is reasonable cause to believe that the driver did not exercise due care ; and

Whereas, Passage of A.2012/S.3644 will close a loophole in the current law and will contribute to saving lives; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A.2012/S.3644, and for the Governor to sign the legislation into law. The legislation gives authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, even if the police officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, March 19, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) 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 Member formally voted against this item: Council Member Wills.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1671

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, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597).

The Committee on Immigration, to which the annexed resolution was referred on March 13, 2013 (Minutes, page 833), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, March 19, 2013, the Committee on Immigration, chaired by Council Member Daniel Dromm, will vote on Resolution Number 1671 ("Res. No. 1671"), a resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597). Those invited to testify include community-based organizations, student groups, and other interested members of the public.

II. BACKGROUND

Immigrants can legally enroll in most colleges and universities regardless of their status; however, their ability to afford a higher education is often contingent upon their immigration status and that of their parents. Undocumented immigrant youth are prohibited from accessing financial aid and are not eligible for most academic loans or scholarships.¹ The children of immigrants, even those with lawful status, may also face financial obstacles when pursuing a higher education, when one or both parents are undocumented and therefore lack the identification necessary to complete financial aid applications or establish college savings accounts.² As a result, these young people often have limited financial resources and can be discouraged from pursuing a higher education.³

In an effort to make higher education more accessible for immigrant families, state and federal lawmakers have considered various types of legislation. For example, twelve states, including New York,⁴ have passed laws to permit qualified undocumented students to pay in-state tuition at public colleges and universities.⁵ Additionally, since 2001, versions of the federal DREAM Act have been considered by Congress. The most recent version of the DREAM Act (the DREAM Act of 2010, H.R.5281) sought to provide a pathway to citizenship for eligible undocumented youth and allow them access to work-study, federal student loans, and other forms of financial aid when pursuing a higher education.⁶ Since the most recent defeat of the federal DREAM Act in December 2010, California, Texas, and Illinois have enacted laws that provide eligible undocumented youth access to state and local financial aid for college.⁷ New York State legislators have also sought to ease the burden that immigrant families face when considering higher education with the introduction of legislation to establish a local DREAM Act and Fund.

III. THE NEW YORK STATE DREAM ACT AND DREAM FUND OF 2011

In March 2011, New York State Senator Bill Perkins and Assemblyman Guillermo Linares introduced the New York Dream Act of 2011 (S.4179/A.6829).⁸ The New York Dream Act would have amended the state's Executive Law to provide eligible undocumented students access to state, city, town, and village funded financial aid programs, grants, loans, or scholarships.⁹ Also in 2011, Senator Adriano Espaillat and Assemblyman Francisco Moya introduced legislation (S.6071/A.8689) that would have amended the state's Education Law to create a New York Dream Fund Commission.¹⁰ The bill would also have allowed individuals with a taxpayer identification number to open a New York 529 family tuition account. The bill called for the Dream Fund Commission and the fund itself to be financed entirely by private contributions. These legislative efforts received immense support from immigrant, student, and education advocates. Additionally, in March 2012, the New York City Council adopted two resolutions in support of these bills. Unfortunately, however, both bills died in the 2011-2012 New York State Legislative Session.

IV. NEW YORK STATE DREAM ACT OF 2013

In January 2013, Assemblyman Francisco Moya and Senator Jose Peralta introduced the New York State DREAM Act (S.2378/A.2597), a bill that would establish the New York DREAM fund commission and amend eligibility requirements and conditions governing academic financial aid awards.¹¹ The New York State DREAM Act of 2013 would establish the New York DREAM fund commission and amend eligibility requirements and conditions governing academic financial aid awards. The New York State DREAM Fund Commission would be responsible for raising private dollars to establish a scholarship program for eligible students interested in pursuing a college degree. In order to be eligible for a scholarship under the DREAM Fund, a student would have to establish that he or she:

- (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; and
- (iv) has at least one parent or guardian who immigrated to the United States.

If enacted, the New York State DREAM Act of 2013 would allow undocumented immigrants to apply for an array of state financial assistance programs such as the Tuition Assistance Program, Higher Education Opportunity Program, Collegiate Science and Technology Entry Program, Educational Opportunity Program, and opportunity programs available at community colleges.¹² In order to be eligible for state financial assistance programs, an applicant would have to establish that he or she:

- (i) attended a registered New York high school for two or more years, graduated from registered New York high school, and applied for attendance at the institution of higher education for undergraduate

study for which an award is sought within five years of receiving a high school diploma; or

- (ii) attended an approved program for a state high school equivalency diploma, received a diploma, and applied for attendance at the institution of higher education for undergraduate study for which an award is sought within five years of receiving such diploma; and
- (iii) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the State University of New York, the City University of New York or community colleges.¹³

Additionally, immigrant students would have to prove that steps have been taken to legalize their status or will do so when the opportunity arises.¹⁴

Lastly, the bill would allow immigrant families, regardless of their status, to participate in the New York State 529 family tuition account under the New York State College Tuition Savings Program.¹⁵

V. RES. NO. 1671

Res. No. 1671 calls on the New York State Legislature to pass, and the Governor to sign the New York State DREAM Act of 2013 (S.2378/ A.2597). Res. No. 1671 describes the barriers that many immigrant families face when trying to send a child to college. Additionally, the resolution highlights the efforts made at federal and state levels to pass legislation that would increase immigrant families' access to financial aid for college. The resolution describes the legislation considered by the New York State Legislature during the 2011-2012 Legislative Session and the support that those pieces of legislation received by advocacy groups and the New York City Council.

V. CONCLUSION

With the cost of college on the rise,¹⁶ immigrant students may be deterred from pursuing a higher education because they are faced with the high cost of tuition and limited means to subsidize education costs. The passage of the New York State DREAM Act of 2013 would allow immigrant students, regardless of their status or that of their parents, to access various forms of financial aid so that they can pursue a higher education. Creating access for immigrant families to financial aid and scholarships will lessen the financial burdens faced by immigrants who seek to enter college. If enacted, this legislation would greatly improve the quality of life for children of immigrant families, regardless of status, residing in New York State and New York City. In fact, more than 105,000 eligible undocumented students could benefit from the passage of the New York State DREAM Act of 2013.¹⁷

¹ Immigration Policy Center, *The DREAM Act: Creating Opportunities for Immigrant Students and Supporting the U.S. Economy*, 1 (May 18, 2011), http://www.immigrationpolicy.org/sites/default/files/docs/Dream_Act_updated_051811.pdf (last visited Mar. 18, 2013); New York State Youth Leadership Council, *The New York State Youth Leadership Council (NYSYLC) Supports The New York Dream Act (A.2597/S.2378)*, <http://www.nydreamact.org/wp-content/uploads/2013/03/Legislative-Memorandum.pdf> (last visited Mar. 18, 2013).

² 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.

³ See, Immigration Policy Center, *supra* note 1, at 6.

⁴ The twelve states are Texas, California, Utah, Washington, Illinois, Oklahoma, New York, Kansas, Nebraska, New Mexico, Maryland, and Connecticut. National Conference of State Legislatures, *Allow In-State Tuition for Undocumented Students*, July 2012, <http://www.ncsl.org/issues-research/educ/undocumented-student-tuition-state-action.aspx> (last visited Mar. 15, 2013).

⁵ 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.

⁶ Immigration Policy Center, *The DREAM Act: Creating Opportunities for Immigrant Students and Supporting the U.S. Economy*, (updated May 18, 2011), <http://www.immigrationpolicy.org/just-facts/dream-act> (last visited Mar. 15, 2013).

⁷ National Conference of State Legislatures, *Allow In-State Tuition for Undocumented Students*, (July 2012) available at <http://www.ncsl.org/issues-research/educ/undocumented-student-tuition-state-action.aspx> (last visited Mar. 15, 2013).

⁸ S.4179/A.6829 (2011-2012 Regular Sessions).

⁹ *Id.*

¹⁰ 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. 12, 2013).

¹¹ S.2378/A.2597 (2013-2014 Legislative Session)

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 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 Mar. 12, 2013).

¹⁷ Jeanne Batalova and Michelle Mittelstadt, *Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Play*, 3, Migration Policy Institute (Aug. 2012), http://www.migrationpolicy.org/pubs/FS24_deferredaction.pdf (last visited Mar. 15, 2013).

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1671:)

Res. No. 1671

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597).

By Council Members Dromm, Rodriguez, Barron, Brewer, Chin, Comrie, Eugene, Ferreras, Gonzalez, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Palma, Richards, Rose, Van Bramer, Vann, Williams, Lappin, Jackson, Mealy and Reyna.

Whereas, According to the 2010 U.S. Census, New York State is home to 4.3 million immigrants, three million of whom live in New York City; and

Whereas, New York State is also home to 1.4 million children of immigrant parents, many of whom live in New York City; and

Whereas, As of 2011, New York State public schools were educating approximately 400,000 undocumented youth yearly; and

Whereas, Immigrant youth, regardless of their immigration status or the immigration status of their parents, are entitled to free public education through the 12th grade and are eligible to enroll in college; and

Whereas, Undocumented immigrant students and the children of undocumented immigrants with a high school diploma often do not pursue higher education because the fact they do not have legal immigration status renders them ineligible for financial aid assistance and makes higher education impossible for them to afford; and

Whereas, Federal legislation has been introduced to address this issue, for example, the federal DREAM Act of 2009 and the Comprehensive Immigration Reform Act of 2011, among others, but nothing has been passed; and

Whereas, Although the federal government failed to act, Texas, New Mexico, and California offer state financial aid to children of undocumented immigrants and undocumented youth; and

Whereas, In order to do more to help immigrant families and youth, two pieces of legislation, known as the New York DREAM Act and the New York DREAM fund were introduced in the New York State Legislature during the 2011-2012 Regular Session; and

Whereas, The 2011/2012 New York DREAM Act and the New York DREAM fund legislation sought to provide certain higher education-related benefits to eligible undocumented immigrants and to establish a fund that would provide financial assistance to eligible immigrants who wished to pursue higher education; and

Whereas, Despite the support for both of these bills from many, including the State University of New York Board of Trustees, and the advocacy of many, including New York City's immigrant youth and the New York City Council, both bills died during the 2011-2012 Legislative Session; and

Whereas, In January 2013, modifying and combining those bills, Assemblyman Francisco Moya and Senator Jose Peralta introduced the New York State DREAM Act of 2013 (S.2378/ A.2597), a bill that would "enact the New York State DREAM Act by creating the New York DREAM fund commission and amend eligibility requirements and conditions governing certain awards"; and

Whereas, The New York State DREAM Act of 2013 would establish a New York DREAM fund commission that would raise private dollars to provide scholarships to eligible immigrant students in order to assist them in pursuing a higher education; and

Whereas, Also, the New York State DREAM Act of 2013 would increase access for eligible immigrant youth and the children of undocumented immigrants to various forms of financial assistance, including the Tuition Assistance Program, Higher Education Opportunity Program, Collegiate Science and Technology Entry Program, Educational Opportunity Program, and opportunity programs available at community colleges; and

Whereas, In addition, the New York State DREAM Act of 2013 would give immigrant families, regardless of status, the opportunity to save for higher education costs, by allowing immigrants with a taxpayer identification number to open a New York State 529 family tuition account under the New York State College Tuition Savings Program; and

Whereas, To be eligible for benefits under the New York State DREAM Act of 2013, an applicant would be required to establish that he or she: (1) attended a registered New York high school for two or more years, graduated from registered New York high school, and applied for attendance at the institution of higher education for undergraduate study for which an award is sought within five years of receiving a high school diploma; (2) attended an approved program for a state high school equivalency diploma, received a diploma, and applied for attendance at the institution of higher education for undergraduate study for which an award is sought within five years of receiving such diploma; or (3) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the State University of New York, the City University of New York or community colleges; and

Whereas, Undocumented immigrant youth would also be required to submit an affidavit to the higher education institution to demonstrate that steps have been taken to legalize their immigration status, or that they will take such steps as soon as they are eligible to apply for such status; and

Whereas, If enacted, the New York State DREAM Act of 2013 would have a profound positive impact on both New York State itself and the estimated 400,000 undocumented youth who call New York their home; 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 State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597).

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS A. RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, March 19, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Halloran, Ignizio and Oddo.

The following Council Member formally abstained to vote on this item: Council Member Ulrich.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1020

By Council Members Arroyo, Cabrera, Chin, Comrie, Dromm, Fidler, King, Lander, Lappin, Rodriguez, Levin, Vann, Vacca, Palma, Gennaro, Koslowitz, Van Bramer and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the display of cigarettes and tobacco products by retail dealers of cigarettes and age restrictions on entry to retail tobacco stores.

Be it enacted by the Council as follows:

Section 1. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-705.1 to read as follows:

§ 17-705.1. Age restriction for retail tobacco stores.

a. For purposes of this section, “retail tobacco store” means “retail tobacco store” as defined in subdivision (u) of section 17-502 of the code.

b. No retail tobacco store shall employ, or permit to be employed, any person under the age of eighteen years where the duties of such person require or permit such person to handle cigarettes or tobacco products, or to work in an area where cigarettes and tobacco products are on display, absent written consent from such person’s parent or guardian.

c. No retail tobacco store shall permit any person under the age of eighteen years to enter such store unless such person is accompanied by a parent or guardian.

d. Retail tobacco stores shall post a sign in a conspicuous place at any public entrance to such stores on which the following statement shall be imprinted, “NO PERSON UNDER THE AGE OF 18 IS PERMITTED TO ENTER THIS STORE, unless accompanied by a parent or guardian.” The sign shall be printed on a white card in red letters at least one-half inch in height.

§ 2. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3 DISPLAY OF CIGARETTES AND TOBACCO PRODUCTS

§17-719 Definitions. For purposes of this subchapter, the following terms shall be defined as follows:

a. “Cigarette” means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

b. “Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purpose.

c. “Retail dealer” means any person licensed to sell cigarettes pursuant to section 20-202 of this code.

d. “Legal tobacco customer” means a person who is at least eighteen years of age.

e. “Retail tobacco store” means “retail tobacco store” as defined in section subdivision (u) of section 17-502 of this code.

§17-720 Display of cigarettes and tobacco products prohibited.

a. Prohibition of display of cigarettes or cigarette packaging. A retail dealer shall not display or permit the display of any cigarettes or cigarette packaging in a manner that allows a person to view such cigarettes or cigarette packaging prior to purchase at any place of business operated by such dealer.

b. Prohibition of display of tobacco products or tobacco product packaging. A

retail dealer shall not display or permit the display of any tobacco product or tobacco product packaging in a manner that allows a person to view such product or packaging prior to purchase at any place of business operated by such dealer.

c. Exceptions. Notwithstanding subdivisions a and b of this section, a retail dealer shall not be prohibited from displaying cigarette packaging or other tobacco product packaging during:

(1) a sale to a legal tobacco customer; or

(2) the restocking of cigarettes or tobacco products.

d. Subdivisions a and b of this section shall not apply to retail tobacco stores.

e. (1) Subdivisions a and b of this section shall not apply to any place of business operated by a retail dealer that is not a chain store until one hundred eighty days after the enactment of the local law that added this subdivision.

(2) For purposes of paragraph (1) of this subdivision, a “chain store” shall mean a retail establishment within the city of New York that is one of a group of fifteen or more retail establishments doing business nationally, operating under common ownership or control, or as franchised outlets of a parent business, or do business under the same name.

f. The provisions of this section may be enforced by any authorized agent or employee of the department or the department of consumer affairs, or the successor of either such agency.

g. Penalties. Any person who violates of this section shall be liable for a civil penalty in the following amounts:

(1) one thousand dollars for a first violation within a five year period;

(2) two thousand dollars for a second violation within a five year period; and

(3) five thousand dollars for a third or subsequent violation within a five year period.

h. Violations. Notices of violation of this section may be adjudicated at any tribunal authorized to hear a violation issued by the issuing agency.

§ 3. This local law shall take effect ninety days after it shall have been enacted into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Health.

Int. No. 1021

By Council Members Arroyo, Cabrera, Chin, Comrie, Dromm, Fidler, King, Lander, Lappin, Rodriguez, Levin, Vann, Vacca, Palma, Gennaro, Koslowitz, Van Bramer and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the sale of cigarettes and tobacco products, the regulation of retail dealers and wholesale dealers of cigarettes, and repealing subdivision c of section 17-176 of the administrative code of the city of New York, relating to an exemption from such section, and repealing section 17-707 of the administrative code of the city of New York, relating to requiring public health messages where tobacco advertisements appear.

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council hereby finds that tobacco use is a leading cause of preventable premature death in the United States and the City of New York, and cigarette trafficking costs New York City and State hundreds of millions of dollars annually in foregone tax revenue. Cigarettes and tobacco products are the only consumer products that, when used exactly as intended, kill up to one-half of regular users. Currently, 930,000 adults smoke in New York City. In 2011, 28,000 New York City public high school students under the age of eighteen experimented with smoking for the first time; of those, more than one-third (35%) currently smoke. In total, approximately 19,000 New York City public high school students under the age of eighteen smoke. Smoking-related illnesses cost New Yorkers billions of dollars annually in health care costs and lost productivity.

Given the substantial human and economic costs associated with tobacco use, New York City has taken numerous steps to reduce tobacco use among adults and to stop youth (persons under the age of eighteen) from starting to use cigarettes and tobacco products. In 2002, New York City employed a comprehensive, multifaceted tobacco control program incorporating the following components: (1) high cigarette excise taxes; (2) educational media campaigns on the risks of tobacco use; (3) a cessation program that helps people to quit; and (4) laws imposing restrictions and regulations on the sale and use of tobacco products. The City has succeeded in reducing the prevalence of adult tobacco use from 21.5% in 2002 to 14.8% in 2011, a 31% reduction. Prevalence among youth also declined substantially from 17.6% in 2001 to 8.5% in 2007. Youth smoking rates, however, have plateaued since, and remain at 8.5% as of 2011.

Because tobacco use persists among youth and adults, the City must take further action. Preventing youth and young adults (persons between eighteen and twenty-six years old) from taking up smoking is critical because, according to the United States Surgeon General, 88% of adults who become daily smokers start using tobacco products before reaching the age of eighteen, and 99% start by age twenty-six. Although the City employs a strong retail inspection program to prevent illegal sales to youth - inspecting more than 8,000 retailers annually, only 10% of which result in violations - more than a quarter of underage New York City public high school students who smoke buy their cigarettes from retail stores.

The Council further finds, based on numerous studies, that high tobacco prices reduce tobacco consumption among both youth, who are especially price-sensitive, and adults. A 10% increase in cigarette prices reduces demand among adult smokers by 3-5% and among youth by 7%. This reduction in demand is manifested in several ways: high prices reduce the prevalence of tobacco use, the probability of trying tobacco for the first time, the average cigarettes consumed per smoker, initiation of daily smoking, and initiation of daily heavy smoking. In addition, reductions in smoking prevalence indirectly lead to even greater reductions by eliminating peer and parental influences and by helping addicted smokers to succeed in quitting.

Just as high tobacco prices decrease demand, the availability of low-priced cigarettes and tobacco products increases demand and contributes to continued tobacco use. Low-priced cigarettes and tobacco products are widely available in New York City through a number of sources:

First, tax-free contraband cigarettes are widely available and lower effective cigarette prices, thereby undermining the purpose of high cigarette taxes in New York City. Criminal actors take advantage of the disparities in cigarette prices among states along the east coast by trafficking cigarettes from low-tax jurisdictions like Virginia to high-tax jurisdictions like New York City, violating numerous laws in the process. For example, the state excise tax on a pack of cigarettes in Virginia is \$0.30; in New York City, the combined excise tax is \$5.85, including the \$4.35 State tax and the \$1.50 City tax. A trafficker smuggling 10,000 packs of cigarettes purchased legally in Virginia could make a profit of approximately \$55,500 by reselling them in New York City, earning more than double the initial outlay.

Several studies show the widespread availability of trafficked cigarettes. In a 2011 study of littered cigarette packs in New York City, only 39% of littered packs bore the proper New York City tax stamp; and among packs with out-of-state stamps, 71.4% were from Virginia. Targeted investigations of 877 licensed retailers in 2012 by the New York City Department of Finance's Sheriff's Office found that 52% of the retailers possessed cigarettes without the required New York City tax stamp. In a 2010 survey, approximately 11% of New York City smokers reported purchasing their last pack of cigarettes from another person or on the street, presumably without payment of the City excise tax.

Cigarette tax evasion puts law-abiding retailers at a competitive disadvantage relative to retailers and street sellers selling untaxed cigarettes. On a broader level, New York State's Department of Health estimated that cigarette excise tax evasion deprived the State of \$500 million in 2009. New York City's cigarette tax revenue losses amount to a substantial fraction of New York State's losses. Available evidence suggests the extent of cigarette tax revenue losses has likely increased since 2009.

Second, the use of coupons, multipackage discounts and other price reduction instruments, all of which are widely available in New York City, reduce retail prices for cigarettes and tobacco products. In a 2011 study of New York City smokers attempting to quit, 25% reported using a coupon or other discount on their last purchase, saving an average \$1.25 per package of cigarettes. Discounts entice consumers - often price-sensitive youth - to purchase deadly and highly addictive products. In addition, retailers do not display the prices of cigarettes and tobacco products in a uniform manner that includes all applicable taxes. This can deceive consumers, leading them to believe cigarettes and tobacco products are less expensive than they actually are.

Third, as the price of cigarettes has increased, smokers, particularly youth and young adults, have migrated to cheaper tobacco products. Little cigars, for example, appear virtually identical to cigarettes and cost substantially less. Manufactured cigarillos, cigars and smokeless tobacco are also less expensive alternatives. These products are not subject to New York City excise taxes and are often sold individually for one to two dollars. Despite well-documented risks, smokers of all ages - especially youth and young adults in low-income urban areas - erroneously perceive cigars as less harmful than cigarettes, and increasingly opt for inexpensive cigars.

The Council hereby declares that enactment of this law is necessary to address the persistent availability of low-priced cigarettes and tobacco products in New York City. This law will (1) reduce the illegal evasion of cigarette excise taxes; (2) ban the redemption of coupons and other price reduction instruments in the sale of cigarettes and tobacco products to consumers; (3) require retailers to disclose to consumers complete and accurate pricing information, including all applicable taxes, on cigarettes and tobacco products; (4) create a price floor for a package of cigarettes and little cigars; and (5) require inexpensive cigars to be sold in packages of no fewer than four. Such actions are necessary to maximize the public health impact of high tobacco prices, prevent consumer deception and ensure the accuracy of pricing information in the cigarette and tobacco product marketplace, prevent traffickers from profiting from illegal cigarette sales and New York City and State from losing billions of dollars in tax revenue, and protect law-abiding retailers who are at a competitive disadvantage relative to retailers who illegally evade excise taxes.

§ 2. Subdivision 7 of section 11-1301 of the administrative code of the city of New York is amended to read as follows:

7. "Retail dealer." Any person other than a wholesale dealer engaged in selling cigarettes. For the purposes of this chapter, the possession or transportation at any one time of [five thousand or] more than four hundred cigarettes by any person other than a manufacturer, an agent, a licensed wholesale dealer or a person delivering cigarettes in the regular course of business for a manufacturer, an agent or a licensed wholesale or retail dealer, shall be presumptive evidence that such person is a retail dealer.

§ 3. Section 11-1304 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. (1) Except as provided in this subdivision, it shall be unlawful for any person to sell, offer for sale, possess or transport any affixed or unaffixed false, altered or

counterfeit cigarette tax stamps, imprints or impressions.

(2) Paragraph one of this subdivision shall not apply to:

(A) a person, other than a retail dealer, in possession of twenty or fewer affixed tax stamps;

(B) public officers or employees in the performance of their official duties requiring possession or control of affixed or unaffixed false, altered or counterfeit cigarette tax stamps, imprints or impressions; or

(C) any person authorized by the commissioner of finance or the commissioner of the department of taxation and finance of the state of New York to perform law enforcement functions.

§ 4. Chapter 40 of title 11 of the administrative code of the city of New York is amended by adding new sections 11-4023 and 11-4024 to read as follows:

§ 11-4023 Authority to seal premises.

(a) If any person has been finally determined to have engaged in the acts described in subdivision b of this section, the commissioner of finance shall be authorized to order:

(1) the sealing of any or all premises operated by such person where such acts occurred; and

(2) the removal, sealing or making inoperable of any devices, items or goods used in connection with any of such acts.

(b) The following acts shall serve as the basis for a sealing order pursuant to this section:

(1) the violation of subdivisions a or b of section 11-1303 of this title or section 17-703 or 20-202 of the code on at least two occasions within a two-year period; or

(2) the violation of any provision of chapter thirteen of this title or any of sections 17-703, 17-703.1, 17-703.2, 17-704, 17-705, 17-706, 17-715 or 20-202 of the code on at least three occasions within a three-year period.

(c) Orders of the commissioner to seal premises.

(1) Orders of the commissioner issued pursuant to this section shall be posted at the premises at which the acts described in subdivision b of this section have occurred.

(2) Ten days after the date of such posting, and upon the written directive of the commissioner, police officers designated in section 1.20 of the criminal procedure law and peace officers employed by the department of finance, including but not limited to the sheriff, undersheriff and deputy sheriffs of the city of New York designated as peace officers in subdivision two of section 2.10 of the criminal procedure law, are authorized to act upon and enforce such orders.

(3) Any devices, items or goods removed pursuant to this section, other than items seized and forfeited pursuant to section 11-4021 of this chapter, shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such devices, items or goods may be charged with reasonable costs for removal and storage payable prior to the release of such devices, items or goods to such owner or such other person.

(4) The owner or other person lawfully entitled to reclaim the devices, items or goods described in paragraph three of this subdivision shall reclaim such devices, items or goods. If such owner or such other person does not reclaim such devices, items or goods within ninety days of their removal, such devices, items or goods shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture the department shall, upon a public notice of at least five days, sell such forfeited devices, items or goods at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

(d) Unsealing of premises. The commissioner shall order that any premises which are sealed pursuant to this section shall be unsealed and that any devices, items or goods removed, sealed or otherwise made inoperable pursuant to this section shall be released, unsealed or made operable upon:

(1) payment of all outstanding cigarette taxes and civil penalties and all reasonable costs for removal and storage; and

(2) the expiration of a period of time from the date of enforcement of the order to be determined by the commissioner not to exceed sixty days.

(e) Any person aggrieved by an order issued pursuant to this section may seek judicial review of such order through a proceeding pursuant to article seventy-eight of the civil practice law and rules.

(f) Removal of seal. Any person who removes the seal on any premises or removes the seal on or makes operable any devices, items or goods sealed or otherwise made inoperable in accordance with an order of the commissioner shall be guilty of a misdemeanor.

§ 11-4024 Seizure and forfeiture of taxed and lawfully stamped cigarettes sold or possessed by unlicensed retail or wholesale dealers and flavored tobacco products.

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer employed by the department of finance, including but not limited to the sheriff, undersheriff or deputy sheriffs of the city of New York designated as peace officers in subdivision two of section 2.10 of the criminal procedure law, shall discover (1) any cigarettes subject to any tax provided by chapter thirteen of this title, and upon which the tax has been paid and the stamps affixed as required by such chapter, but such cigarettes are sold, offered for sale or possessed by a person in violation of section 11-1303, 17-703 or 20-202 of this code, or (2) any flavored tobacco product that is sold, offered for sale or possessed with intent to sell in violation of section 17-715 of this code, he or she is hereby authorized and empowered forthwith to seize and take possession of such cigarettes or flavored tobacco product, together with any vending machine or receptacle in which such cigarettes or flavored tobacco product are held for sale. Such cigarettes or flavored tobacco product, vending machine or receptacle seized by such police officer or such peace officer shall be turned over to the commissioner of finance.

(b) The seized cigarettes or flavored tobacco product and any vending machine or receptacle seized therewith, but not the money contained in such vending machine or receptacle, shall thereupon be forfeited to the city, unless the person from whom the seizure is made, or the owner of such seized cigarettes or flavored tobacco product, vending machine or receptacle, or any other person having an interest in such property, shall within ten days of such seizure, apply to the commissioner of finance for a hearing to determine the propriety of the seizure, or unless the commissioner of finance shall on his own motion release the seized cigarettes, flavored tobacco product, vending machine or receptacle. After such hearing the commissioner of finance shall give notice of his decision to the petitioner. The decision of the commissioner shall be reviewable for error, illegality, unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules.

(c) The commissioner of finance may, within a reasonable time after the forfeiture to the city of such vending machine or receptacle under this section, upon publication of a notice to such effect for at least five successive days, in a newspaper published or circulated in the city, sell such forfeited vending machine or receptacle at public sale and pay the proceeds into the treasury of the city to the credit of the general fund. Such seized vending machine or receptacle may be sold prior to forfeiture if the owner of the seized property consents to the sale. Cigarettes and flavored tobacco products forfeited to the city under this section shall be destroyed or used for law enforcement purposes, except that cigarettes that violate, or are suspected of violating, federal trademark laws or import laws shall not be used for law enforcement purposes. If the commissioner determines the cigarettes forfeited under this section may not be used for law enforcement purposes, the commissioner of finance must, within a reasonable time after the forfeiture to the city of such cigarettes, upon publication of a notice to such effect for at least five successive days, prior to destruction, in a newspaper published or circulated in the city, destroy such forfeited cigarettes.

(d) In the alternative, the commissioner of finance, on reasonable notice by mail or otherwise, may permit the person from whom a seizure of cigarettes or flavored tobacco product under this section was made, to redeem any vending machine or receptacle seized with such cigarettes or flavored tobacco product, or may permit the owner of any such vending machine or receptacle to redeem the same, upon the payment of any civil penalty imposed pursuant to chapter seven of title seventeen or subchapter one of chapter two of title twenty of this code and the costs incurred in such proceeding.

§ 5. Subdivision c of section 17-176 of the administrative code of the city of New York is REPEALED.

§ 6. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-176.1 to read as follows:

§ 17-176.1 Prohibition on the sale of discounted cigarettes and tobacco products.

a. Definitions. For purposes of this section:

"Cigar" means any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece. Cigar does not include a little cigar as defined in this section.

"Cigarette" means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

"Cigarette price floor" means the minimum price, including all applicable taxes, for which one package of twenty cigarettes or more may be sold by a retail dealer.

"Listed price" means the price listed for cigarettes or tobacco products on their packages or on any related shelving, posting, advertising or display at the place where the cigarettes or tobacco products are sold or offered for sale, including all applicable taxes.

"Little cigar" means any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco and that weighs no more than four pounds per thousand or has a cellulose acetate or other integrated filter.

"Little cigar price floor" means the minimum price, including all applicable taxes, for which one package of twenty little cigars or more may be sold by a retail dealer.

"Person" means any natural person, corporation, partnership, firm, organization or other legal entity.

"Price reduction instrument" means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

"Retail dealer" means retail dealer as defined in section 11-1301 of the code, and any employee or other agent of such retail dealer.

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purpose.

b. Requirement to display listed price of cigarettes and tobacco products. For any cigarettes and tobacco products on display for sale, a retail dealer shall display the listed price for all such cigarettes and tobacco products at the point of display or

at the point of sale of such cigarettes and tobacco products.

c. Prohibition on the sale of cigarettes for less than the listed price. No person shall:

(1) honor or accept a price reduction instrument in any transaction related to the sale of cigarettes to a consumer;

(2) sell or offer for sale cigarettes to a consumer through any multi-package discount or otherwise provide to a consumer any cigarettes for less than the listed price in exchange for the purchase of any other cigarettes by the consumer;

(3) sell, offer for sale, or otherwise provide any product other than cigarettes to a consumer for less than the listed price in exchange for the purchase of cigarettes by the consumer; or

(4) sell, offer for sale, or otherwise provide cigarettes to a consumer for less than the listed price.

d. Prohibition on the sale of tobacco products for less than the listed price. No person shall:

(1) honor or accept a price reduction instrument in any transaction related to the sale of tobacco products to a consumer;

(2) sell or offer for sale tobacco products to a consumer through any multi-package discount or otherwise provide to a consumer any tobacco product for less than the listed price in exchange for the purchase of any other tobacco product by the consumer;

(3) sell, offer for sale, or otherwise provide any product other than a tobacco product to a consumer for less than the listed price in exchange for the purchase of a tobacco product by the consumer; or

(4) sell, offer for sale, or otherwise provide tobacco products to a consumer for less than the listed price.

e. Price floor for cigarettes and little cigars. (1) Prohibition on the sale of cigarettes below the cigarette price floor. No person shall sell or offer for sale a package of cigarettes to a consumer for a price less than the cigarette price floor. The cigarette price floor shall be \$10.50 per package of cigarettes, provided that the cigarette price floor may be modified pursuant to paragraph three of this subdivision.

(2) Prohibition on the sale of little cigars below the little cigar price floor. No person shall sell or offer for sale a package of little cigars for a price less than the little cigar price floor. The little cigar price floor shall be equal to the cigarette price floor.

(3) The department may modify by rule the cigarette price floor and little cigar price floor to account for changes in the New York - northern New Jersey - Long Island consumer price index, adjusted for inflation, or changes in taxes for cigarettes or little cigars.

f. The department shall promulgate any rules as may be necessary for the purpose of carrying out this section.

g. Penalties. (1) Any person who violates subdivision c, d, or e of this section or any rule promulgated pursuant to any of such subdivisions shall be liable for a civil penalty in the following amounts:

(i) one thousand dollars for a first violation within a five-year period;

(ii) two thousand dollars for a second violation within a five-year period; and,

(iii) five thousand dollars for a third violation within a five-year period.

(2) Any person who violates subdivision b of this section or any rule promulgated pursuant to such subdivision shall be liable for a civil penalty of not more than two hundred fifty dollars.

(3) No person shall be liable under this section for more than one violation of any of subdivisions c, d or e during a single day.

(4) A violation of subdivision c, d, or e of this section by a retail dealer shall constitute a basis, pursuant to section 20-206 of the code, for the suspension or revocation of the license issued to the place of business of such retail dealer.

h. Enforcement. The department, the department of consumer affairs, and the department of finance shall enforce the provisions of this section at the tribunals that are authorized to hear violations issued by such departments.

§ 7. Subdivision r of section 17-702 of the administrative code of the city of New York, as added by local law number 83 for the year 1992, and renumbered by local law number 69 for the year 2009, is amended to read as follows:

r. "Tobacco product" means any [substance which contains tobacco, including but not limited to cigarettes, cigars, pipe tobacco and chewing tobacco] product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

§ 8. Section 17-702 of the administrative code of the city of New York is amended by adding new subdivisions w, x, and y to read as follows:

w. "Cigarette" means cigarette as defined in section 17-176.1.

x. "Cigar" means cigar as defined in section 17-176.1.

y. "Little cigar" means little cigar as defined in section 17-176.1.

§ 9. Section 17-703 of the administrative code of the city of New York, as added by local law number 2 for the year 2000, and renumbered by local law number 69 for the year 2009, is amended to read as follows:

§ 17-703 License Required. It shall be unlawful for a person to engage in [business] any act as a wholesale dealer without a license as prescribed in section 11-1303 of the code, or engage in any act as a retail dealer without a license as

prescribed in section 20-202 of the code.

§ 10. Title 17 of the administrative code of the city of New York is amended to add a new section 17-703.1 to read as follows:

§ 17-703.1 *Sign required.* A retail dealer shall post a sign in a conspicuous place at the point of sale of cigarettes or at the place where cigarettes are displayed or offered for sale stating that cigarettes sold in the city of New York must be in packages bearing valid tax stamps.

§ 11. Title 17 of the administrative code of the city of New York is amended to add a new section 17-703.2 to read as follows:

§ 17-703.2 *Requirements for retail dealers concerning cigarette tax.* a. Any package containing cigarettes sold or offered for sale by a retail dealer shall bear a valid tax stamp as required by section 11-1302 of the code. Except as provided in subdivision b of section 11-1305 of the code, any cigarettes possessed or transported in the city by a retail dealer shall be in a package bearing a valid tax stamp.

b. No retail dealer shall engage in a sale or purchase prohibited by subdivision e of section 11-1303 or section 20-205 of the code.

c. No retail dealer shall sell, offer for sale, possess or transport any affixed or unaffixed false, altered or counterfeit cigarette tax stamp, imprint or impression.

d. No retail dealer shall engage in any act to hide or conceal:

(1) any cigarettes in unstamped or unlawfully stamped packages;

(2) any affixed or unaffixed false, altered or counterfeit cigarette tax stamp, imprint or impression; or

(3) any cigarettes that are outside of a package in violation of subdivision a of this section.

§ 12. Section 17-704 of the administrative code of the city of New York, as added by local law number 83 for the year 1992, and renumbered by local law number 69 for the year 2009, is amended to read as follows:

§ 17-704 *Out-of-package sales prohibited.* a. All cigarettes and tobacco products sold or offered for sale by a retail dealer shall be sold or offered for sale in the package, box, carton or other container provided by the manufacturer, importer or packager which bears a health warning required by federal statute.

b. No retail dealer shall sell or offer for sale a cigar unless the cigar is sold in a package of at least four cigars, provided that this subdivision shall not apply to the sale or distribution of an individual cigar whose listed price, as defined in section 17-176.1 of this code, is greater than three dollars.

c. No retail dealer shall sell or offer for sale a little cigar unless the little cigar is sold in a package of at least twenty little cigars.

§ 13. Section 17-705 of the administrative code of the city of New York, as added by local law number 83 for the year 1992, and renumbered by local law number 69 for the year 2009, is amended to read as follows:

§ 17-705 *Age restriction on handling and identification requirement.* a. It shall be unlawful for a retail dealer to permit an employee or other agent of the retail dealer to sell, dispense or otherwise handle cigarettes or a tobacco product unless such employee or other agent is (1) at least eighteen years of age; or (2) under the direct supervision of the retail dealer or an employee or other agent of the retail dealer who is at least eighteen years of age, and who is present on the premises.

b. It shall be unlawful for a retail dealer to permit an employee or other agent of such dealer to sell, dispense or otherwise handle cigarettes or a tobacco product unless such employee or agent possesses a driver's license or other photographic identification card issued by a government entity or educational institution to such employee or agent.

§ 14. Section 17-706 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, is amended to read as follows:

§ 17-706 *Sale of cigarettes or tobacco products to minors prohibited.* Any person operating a place of business wherein cigarettes or tobacco products are sold or offered for sale [must be licensed as required by section 17-703 of this code and] is prohibited from selling such cigarettes or tobacco products to individuals under eighteen years of age, and shall post in a conspicuous place [a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, ROLLING PAPER OR PIPES, TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height] the sign required by subdivision two of section 1399-cc of the public health law. Sale of cigarettes or tobacco products in such places, other than by a vending machine, shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least eighteen years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of [a tobacco product] cigarettes or tobacco products to an individual under eighteen years of age.

§ 15. Section 17-707 of the administrative code of the city of New York is REPEALED.

§ 16. Section 17-709 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, is amended to read as follows:

§ 17-709 *Enforcement.* The department of health and mental hygiene and [the department of consumer affairs] the department of finance shall enforce the provisions of this subchapter. The department of consumer affairs shall enforce sections 17-703.1, 17-704, subdivision a of section 17-705 and section 17-706 of this subchapter. In addition, designated enforcement employees of any authorizing agency [and the department of finance] shall have the power to enforce the provisions of this subchapter.

§ 17. Subchapter 1 of title 17 of the administrative code of the city of New York

is amended by adding a new section 17-709.1 to read as follows:

§ 17-709.1 *Rules.* The commissioner of the department and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provision of this subchapter.

§ 18. Subdivisions a, b, c and e of section 17-710 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, are amended to read as follows:

a. *Civil penalties for a person found to be in violation of the provisions of this subchapter or the rules promulgated pursuant to this subchapter shall be as follows:*

(1) Any person found to be in violation of section 17-703 shall be liable for a civil penalty of not more than five thousand dollars for the first violation, and not more than five thousand dollars for each additional violation found on that day; and not more than ten thousand dollars for the second violation and each subsequent violation by that person.

(2) Any person found to be in violation of section 17-703.1 shall be liable for a civil penalty of not more than two hundred fifty dollars in any single day.

(3) In addition to any penalty that may be imposed pursuant to subdivision b of section 11-1317 of the code, any person found to be in violation of section 17-703.2 of the code shall be liable for a civil penalty of not more than two thousand dollars for the first violation, and not more than two thousand dollars for each additional violation found on that day, and not more than five thousand dollars for the second violation and each subsequent violation at the same place of business within a three-year period.

(4) Any person found to be in violation of section 17-704, 17-705 or 17-706 shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation and each subsequent violation at the same place of business within a [two-year] three-year period.

(5) In addition, for a second violation of any of sections 17-703, 17-703.1, 17-703.2, 17-704, 17-705 and 17-706 occurring on a different day and [all] any subsequent violations occurring on different days at the same place of business within a [two-year] three-year period, any person who engages in business as a retail dealer shall be subject to the mandatory revocation of his or her cigarette license for such place of business. [For purposes of this section, any] Any violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 by any license holder at a place of business shall be included in determining the number of violations by such license holder and by any subsequent license holder at the same place of business unless the subsequent license holder provides [the commissioner of consumer affairs] the commissioner of the department that has commenced the proceeding to recover a civil penalty pursuant to subdivision b of this section with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision e of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises. A cigarette license shall be revoked at the same hearing at which a retail dealer is found liable for a second violation or subsequent violations at the same place of business within a [two-year] three-year period. [Any person who shall knowingly make a false statement or who shall falsify or allow to be falsified any record or report required by section 17-707, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than one thousand five hundred dollars, or by imprisonment not to exceed six months, or both. Any person who shall make a false statement or who shall falsify or allow to be falsified any record or report required by section 17-707, or who shall fail to maintain any record or submit any report required by section 17-707, shall be liable for a civil penalty of not less than three hundred dollars nor more than one thousand five hundred dollars.]

(6) Any person who violates section 17-708 shall be liable for a civil penalty of not more than fifty dollars for each violation.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 of this subchapter shall be commenced by the service of a notice of violation which shall be returnable to the [administrative tribunal established by the board of health] health tribunal at the office of administrative trials and hearings where the department of health and mental hygiene issues such notice [or], the adjudication division of the department of consumer affairs where that department or a designated employee of any authorizing agency [or the department of finance] issues such notice, or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent [violations] violation of [section 17-704, 17-705 or 17-706] any of such sections at the same place of business within a [two-year] three-year period shall also constitute a hearing for the revocation of a retail dealer's cigarette license where the retail dealer is found to be in violation of any such sections. [Where the department of health and mental hygiene finds a retail dealer to be liable for a violation of section 17-704, 17-705 or 17-706 that department shall notify the department of consumer affairs within thirty days of such finding. Where the department of consumer affairs finds a retail dealer to be liable for a violation of section 17-704, 17-705 or 17-706, that department shall notify the department of health within thirty days of such finding. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-707 or authorized pursuant to subdivision h of section 17-707 shall be returnable to the administrative tribunal established by the board of health.] The department of health and mental hygiene, the department of consumer affairs and the department of finance shall notify each

other within thirty days of a final determination that a retail dealer has been found to be in violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 of this subchapter. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the [administrative tribunal established by the board of health] *health tribunal at the office of administrative trials and hearings*. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section [or subdivision h of section 17-707 of this subchapter]. The adjudication division of the department of consumer affairs, *the health tribunal at the office of administrative trials and hearings and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance* shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 of this subchapter.

c. The penalties provided by subdivision a of this section [and subdivision h of section 17-707 of this subchapter] shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

e. For purposes of this section, "arm's length transaction" means a sale of a fee or all undivided interests in real property, or lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property or lease, or business, in the open market, between two informed and willing parties, where neither is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original licensee to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises:

(1) a sale between relatives; or

(2) a sale between related companies or partners in a business; or

(3) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original licensee to avoid the effect of violations on the premises, *such as a sale or lease entered into while there are violations pending against the original licensee that could result in revocation or suspension of the license*.

§ 19. Section 17-710 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. *Any retail dealer who fails to pay (1) any civil penalty imposed under chapter thirteen of title eleven of the code for the violation of any provision thereunder, or (2) any civil penalty imposed under this chapter for any violation thereof or under section 17-176.1 or section 17-177 of this title for any violation of such sections, shall be subject to suspension of his or her retail dealer license for the place of business where the violation occurred until such retail dealer pays all such civil penalties. Such retail dealer license shall not be renewed until such retail dealer pays all such civil penalties. A proceeding to suspend a retail dealer license pursuant to this subdivision may be commenced by the department to which payment of the penalty is due, in the same manner as a proceeding pursuant to subdivision b of this section to recover a civil penalty. The adjudication division of the department of consumer affairs, the health tribunal at the office of administrative trials and hearings and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to suspend a retail dealer's license pursuant to this subdivision.*

§ 20. Subdivisions a and j of section 17-713 of the administrative code of the city of New York, as added by local law number 69 for the year 2009, are amended to read as follows:

a. "Cigarette" means [(1) any roll made or used for smoking made wholly or in part of tobacco or any other substance wrapped in paper or in any other substance not containing tobacco, and (2) any roll made or used for smoking made wholly or in part of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (1) of this subdivision; provided, however, that no roll shall be considered to be a cigarette for purposes of paragraph (2) of this subdivision if it is not treated as a cigarette for federal excise tax purposes under the applicable federal statute in effect on August first, two thousand nine] *any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco*.

j. "Tobacco product" means [any substance which contains tobacco, including, but not limited to, cigars and chewing tobacco; provided, however, that such term shall not include cigarettes] *any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes*.

§ 21. Section 17-715 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, is amended to read as follows:

§ 17-715 Sale of flavored tobacco products prohibited.

a. It shall be unlawful for any person to sell or offer for sale, *or to possess with intent to sell or offer for sale*, any flavored tobacco product except in a tobacco bar.

b. *There shall be a presumption that a retail dealer in possession of four or*

more flavored tobacco products, which shall include individual tobacco products, packages of tobacco products, or any combination thereof, possesses such tobacco products with intent to sell or offer for sale.

§ 22. Section 17-716 of the administrative code of the city of New York, as amended by local law number 69 for the year 2009, is amended to read as follows:

§ 17-716 Violations and penalties. a. Any person who violates section 17-714 of this subchapter or any rules promulgated hereunder shall be liable for a civil penalty of not less than [two hundred and fifty] *five hundred* dollars, nor more than two thousand dollars for each violation.

b. Any person who violates section 17-715 of this subchapter shall be liable for a civil penalty of not more than [five hundred] *one thousand* dollars for the first violation, and not more than [five hundred] *one thousand* dollars for each additional violation found on that day; and not more than [one] *two* thousand dollars for the second violation at the same place of business within a [two-year] *three-year* period, and not more than [one] *two* thousand dollars for each additional violation found on that day; and not more than [two] *five* thousand dollars for the third and all subsequent violations at the same place of business within a [two-year] *three-year* period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a [two-year] *three-year* period, any person who engages in business as a retail dealer, as such term is defined in section 20-201 of the code, shall be subject to the mandatory suspension of his or her cigarette license, issued pursuant to 20-202 of the code, for such place of business, for a period not to exceed one year. A cigarette license shall be suspended at the same hearing at which a retail dealer is found liable for a third violation or subsequent violations at the same place of business within a [two-year] *three-year* period.

§ 23. Section 17-717 of the administrative code of the city of New York, as added by local law number 69 for the year 2009, is amended to read as follows:

§ 17-717 Enforcement. The department [and], the department of consumer affairs *and the department of finance* shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-716 of this subchapter shall be commenced by the service of a notice of violation returnable to the [administrative tribunal established by the board of health] *health tribunal at the office of administrative trials and hearings* 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 *or to an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice*. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-715 of this subchapter at the same place of business within a [two-year] *three-year* period shall also constitute a hearing for the suspension of a retail dealer's cigarette license where the retail dealer is found to be in violation of such section. The [administrative tribunal of the board of health and] *health tribunal at the office of administrative trials and hearings*, the adjudication division of the department of consumer affairs *and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance* shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-716 of this subchapter, 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 *and the department of finance* shall notify each other within thirty days of finding that a retail dealer has been found liable for any section of this subchapter.

§ 24. Section 17-718 of the administrative code of the city of New York, as added by local law number 69 for the year 2009, is amended to read as follows:

§ 17-718 Rules. The commissioner of the department [and], the commissioner of [the department of] consumer affairs *and the commissioner of finance* shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this [section] *subchapter*.

§ 25. Subdivision f of section 20-201 of the administrative code of the city of New York, as added by local law number 2 for the year 2000, is amended to read as follows:

f. "Retail dealer" shall mean any person other than a wholesale dealer engaged in selling cigarettes. For the purposes of this chapter, the possession or transportation at any one time of [five thousand or] *more than four hundred* cigarettes by any person other than a manufacturer, an agent, a licensed wholesale dealer or a person delivering cigarettes in the regular course of business for a manufacturer, an agent or a licensed wholesale or retail dealer, shall be presumptive evidence that such person is a retail dealer.

§ 26. Subdivision d of section 20-202 of the administrative code of the city of New York, subparagraph C of paragraph 1 of subdivision d as amended by local law number 22 for the year 2002 and paragraph 4 of subdivision d as amended by local law number 69 for the year 2009, is amended to read as follows:

d. Issuance of license.

1. A license shall be issued to a person to conduct the business of a retail dealer for each place of business where such person engages in selling cigarettes in the city only where:

(A) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as he or she deems necessary to effectuate the purposes of this subchapter;

(B) an applicant satisfies the commissioner that such person is fit and able to conduct the business of a retail dealer; and

(C) the commissioner has not received notification from the commissioner of finance or the commissioner of the department of health and mental hygiene that such

applicant is not in full compliance with any provisions of chapter thirteen of title eleven of this code, or chapter forty of title eleven of this code relating to the sale of cigarettes, or chapter seven of title seventeen of this code, [or chapter eight of title seventeen of this code,] or any rules promulgated by the commissioner of finance or the commissioner of the department of health and mental hygiene to effectuate the purposes of such chapters.

2. A retail dealer license shall not be assignable and shall be valid only for the persons in whose names it is issued and for the transaction of business in the place designated therein and shall at all times be conspicuously displayed at the place for which it is issued.

3. Where a license for any place of business licensed pursuant to this subchapter has been revoked, the commissioner [in his or her discretion may] *shall* refuse to issue a license required under this subchapter, for a period of two years after such revocation, for such place of business or for any part of the building that had contained such place of business and was connected therewith, unless the applicant for such license demonstrates with documentary proof, to the satisfaction of the commissioner, that the applicant acquired the premises or business through an arm's length transaction.

4. For purposes of revocation of retail dealer licenses pursuant to section 17-710 of the code, any violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706, or for purposes of [revocation] *suspension* of retail dealer licenses pursuant to section 17-716 of the code, any violation of section 17-715, by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises.

5. For purposes of paragraphs 3 and 4 of section 20-202, "arm's length transaction" means a sale of a fee or all undivided interests in real property, or lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property or lease, or business, in the open market, between two informed and willing parties, where neither is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original licensee to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises:

- (1) a sale between relatives; or
- (2) a sale between related companies or partners in a business; or
- (3) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original licensee to avoid the effect of violations on the premises, or revocation of a license, *such as a sale or lease entered into while there are violations pending against the original licensee that could result in revocation or suspension of the license.*

§ 27. Section 20-207 of the administrative code of the city of New York, as added by local law 2 for the year 2000, is amended, and a new subdivision c is added, to read as follows:

a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including, but not limited to, such sanctions and orders which may be imposed pursuant to section 20-105 or to title 11 or title 17 of this code or pursuant to such other law the commissioner is authorized to enforce under this code. *The civil penalties imposed pursuant to this section for a violation of subdivision a of section 20-202 shall be in lieu of the civil penalties imposed pursuant to section 17-703 of this code, and the civil penalties imposed pursuant to this section for a violation of section 20-205 shall be in lieu of the civil penalties imposed pursuant to subdivision b of section 17-703.2 of this code.*

b. Notwithstanding the provisions of subdivision a and b of section 20-106 of this code, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of not less than two hundred and fifty dollars but not more than two thousand dollars for each violation, to be recovered in a civil action or in an administrative tribunal with jurisdiction.

c. *The commissioner, after notice and hearing, shall be authorized to order the sealing of any premises where any person has been found:*

1. *to have engaged in unlicensed activities in violation of this subchapter on at least two occasions within a two-year period; or*
2. *to have violated any of sections 17-704, 17-705, 17-706 or 17-715 on at least three occasions within a three-year period.*

§ 28. This local law shall take effect immediately, except that sections two, seven, eight, nine, eleven, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six and twenty-seven shall take effect sixty days after its enactment, and except that sections five, six, ten, twelve and thirteen shall take effect one hundred twenty days after its enactment, provided that the commissioners of finance, consumer affairs and health and mental hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective dates.

Referred to the Committee on Health.

Int. No. 1022

By Council Members Chin, Brewer, Comrie, Fidler, Gentile, James, Koo, Mendez, Recchia and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting mobile food vendors from vending at hydrants.

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter three of title 17 of the administrative code of the city of New York, is amended by adding a new section 17-315.1 to read as follows:

§ 17-315.1 Mobile Food Vendors Parking Restrictions. *a. Definitions. For purposes of this section "mobile food vendor" shall mean a person who hawks, peddles, sells or offers food for sale at retail in any public space from a motor vehicle.*

1. Notwithstanding any local law or regulation to the contrary, no mobile food vendor shall vend within fifteen feet of a fire hydrant, as such term is defined in title 34 of the rules of the city of New York.

2. Any mobile food vendor vending in violation of subdivision 1 of this section shall be subject to a monetary fine of two hundred fifty dollars for a first offense. A second violation of this section, within a six month period, shall be punishable by a monetary fine of five hundred dollars. After a finding of a second violation of this section in a six month period, such vehicle shall be subject to impoundment in accordance with rules promulgated by the department. Any vehicle impounded pursuant to the provisions of this subdivision shall not be released until all applicable towing and storage fees have been paid.

§2. This local law shall take effect one hundred twenty days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Transportation.

L.U. No. 783

By Council Member Comrie:

Application no. C 130100 ZMM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 8b, changing an M2-3 District to an M1-5 district, for proposed redevelopment of Pier 57, generally located in Hudson River between West 15th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 784

By Council Member Comrie:

Application no. C 130101 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit to modify use regulations (ZR Section 62-241), waterfront yard regulations (ZR Section 62-332), height and setback regulations (ZR Section 62-342), waterfront public access requirements (ZR Section 62-57) and visual corridor requirements (ZR Section 62-513), for proposed commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 785

By Council Member Comrie:

Application no. C 130102 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (UG 6 and 10A) with no limit as to floor area, for proposed redevelopment of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 786

By Council Member Comrie:

Application no. C 130103 ZSM submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 13-561 of the Zoning Resolution to permit an enclosed attended accessory parking garage of approximately 74 spaces on ground floor and caisson level of proposed commercial development of Pier 57, generally located in Hudson River between West 14th Street and West 16th Street, Borough of Manhattan, Community Board 4, Council District 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 787

By Council Member Comrie:

Application no. N 130096 ZRQ submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District, Borough of Queens, Community Board 12, Council Districts 24, 27, 28.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 788

By Council Member Comrie:

Application no. 20135273 TCX, pursuant to §20-26 of the Administrative Code of the City of New York, concerning the petition of 609 Edibles Inc, d/b/a Tinos Delicatessen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 2410 Arthur Avenue, Borough of Bronx, Community Board 6, Council District 15. 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 §20-266(e) of the New York City Administrative Code.

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 21, 2013

★ Note Time Change

10:00 a.m. Economic Development Committee – 250 Broadway, 14th Floor - Committee Room

★10:00 a.m. Department of Small Business Services (joint with Small Business Committee)

★11:00 a.m. Economic Development Corporation (Capital)

12:30 p.m. Public

★ Note Time Change

★11:00 a.m. Education Committee – 250 Broadway, 16th Floor - Committee Room

★11:00 a.m. Department of Education (Expense)

★2:00 p.m. Public

★ Addition

2:00 p.m. Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability Services Committee – 250 Broadway, 14th Floor - Committee Room

2:00 p.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)

3:30 p.m. Public

Friday, March 22, 2013

Committee on Civil Service and Labor 10:30 a.m.

Proposed Int. 97-A - By Council Members Brewer, Lappin, Mendez, Palma, Gonzalez, Ferreras, Koppell, Recchia, Gentile, Mark-Viverito, Rodriguez, James, Williams, Levin, Rose, Jackson, Chin, Barron, Ulrich, Mealy, Nelson, Vann, Crowley, Foster, Lander, Van Bramer, Dromm, Garodnick, Rivera, Cabrera, Eugene, Koslowitz, Vacca, Weprin, Reyna, Arroyo, King and the Public Advocate (Mr. de Blasio) - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of sick time earned by employees.

Council Chambers – City Hall Michael Nelson, Chairperson

★ Note Time Change

Committee on Lower Manhattan Redevelopment 12:30 p.m.

Tour: 9/11 Museum Construction Site

Location: 90 West St. (Corner of Albany Street)

New York, NY 10006

Details Attached Margaret Chin, Chairperson

★ Addition

Committee on Waterfronts 2:00 p.m.

Tour: Brooklyn Cruise Terminal

Location: Red Hook Area of Brooklyn

72 Bowne St.

Brooklyn, NY 11231

Details Attached Peter Koo, Chairperson

Wednesday, April 3, 2013

Subcommittee on Zoning & Franchises 9:30 a.m.

See Land Use Calendar Available Friday, March 29, 2013

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on Landmarks, Public Siting & Maritime Uses 11:00 a.m.

See Land Use Calendar Available Friday, March 29, 2013

Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on Planning, Dispositions & Concessions 1:00 p.m.

See Land Use Calendar Available Friday, March 29, 2013

Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on Governmental Operations 1:00 p.m.

Int. 927 - By Council Members Recchia, Chin, Dromm, Fidler, Gentile, James, Koo, Nelson, Rose, Vacca, Vallone, Williams, Rodriguez, Halloran and Ulrich - **A Local Law** to amend the New York city charter, in relation to notification to community boards of pilot programs.

Proposed Int. 951-A - By Council Member Vacca, James, Koo, Koslowitz, Palma, Rose, Chin and Halloran – **A Local Law** to amend the New York city charter, in relation to public notice of final rules.

Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

Thursday, April 4, 2013

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

Committee on Consumer Affairs 10:00 a.m.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

Committee on Fire and Criminal Justice Services 1:00 p.m.

Oversight - Examining Violence in New York City Jails

Committee Room – 250 Broadway, 16th Floor

..... Elizabeth Crowley, Chairperson

Committee on Immigration 1:00 p.m.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

Friday, April 5, 2013

Committee on Public Housing 10:00 a.m.
Preconsidered Res. ___ - By Council Member Mendez - Resolution calling upon the New York City Housing Authority to engage its residents in planning for and to include certain requirements in any ground leases for NYCHA land.
Oversight – NYCHA’s Plans to Lease Land for Development
Council Chambers – City HallRosie Mendez, Chairperson

Tuesday, April 9, 2013

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location ~ Council Chambers ~ City Hall

MEMORANDUM

March 8, 2013

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON WATERFRONTS

Please be advised that all Council Members are invited to attend a tour:

Brooklyn Cruise Terminal
72 Bowne St.
Brooklyn, NY 11231

The tour will be on Friday, March 22, 2013 beginning at 2:00 p.m. A van will be leaving City Hall at 1:30 p.m. sharp.

Council Members interested in riding in the van should call Cullen Howe, at 212-788-9124.

Peter Koo, Chairperson
Committee on Waterfronts

Christine C. Quinn
Speaker of the Council

MEMORANDUM

March 8, 2013

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:

9/11 Museum Construction Site
90 West St. (Corner of Albany Street)
New York, NY 10006

The tour will be on Friday, March 22, 2013 beginning at 12:30 p.m. All attendees are instructed to meet in the Lobby of 250 Broadway at 12:15 p.m. sharp.

Council Members interested should call Patrick Mulvihill at 212-788-9108.

Margaret Chin, Chairperson
Committee on Lower Manhattan
Redevelopment

Hon. Christine C. Quinn
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, April 9, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 16-A, 684-A, 727-A, 789-A, 817-A, 982-A, and 989-A (all adopted at the February 27, 2013 Stated Meeting) were signed into law by the Mayor on March 18, 2013 as, respectively, Local Laws Nos. 16, 17, 18, 19, 20, 21, and 22 of 2013.

