

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, JUNE 10, 2009

THE COUNCIL

*Minutes of the
STATED MEETING
of
Wednesday, June 10, 2009
held on
June 10, 15, 19, and 30, 2009*

PART I

THE COUNCIL

*Minutes of the
STATED MEETING
of
Wednesday, June 10, 2009, 3:20 p.m.*

PART I

The Public Advocate (Ms. Gotbaum)
Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	James F. Gennaro	Michael Nelson
Tony Avella	Vincent J. Gentile	James S. Oddo
Maria Baez	Alan J. Gerson	Annabel Palma
Charles Barron	Eric N. Gioia	Domenic M. Recchia, Jr.
Gale A. Brewer	Sara M. Gonzalez	Diana Reyna
Leroy G. Comrie, Jr.	Vincent M. Ignizio	Joel Rivera
Elizabeth S. Crowley	Robert Jackson	James Sanders, Jr.
Bill de Blasio	Letitia James	Larry B. Seabrook
Inez E. Dickens	Melinda R. Katz	Helen Sears
Erik Martin Dilan	G. Oliver Koppell	Kendall B. Stewart
Mathieu Eugene	Jessica S. Lappin	Eric A. Ulrich
Simcha Felder	John C. Liu	James Vacca
Julissa Ferreras	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Lewis A. Fidler	Miguel Martinez	David I. Weprin
Helen D. Foster	Darlene Mealy	Thomas White, Jr.
Daniel R. Garodnick	Kenneth C. Mitchell	David Yassky

Excused on June 10, 2009: Council Members Mendez and Vann.

The presence of a quorum was announced by the Public Advocate (Ms. Gotbaum).

There were 49 Council Members present at this Stated Meeting held on June 10, 2009 (but see Editor's Note below).*

** Editor's Note re: revised Attendance and Voting for the Stated Meeting held on June 10, 2009: The Stated Council Meeting of June 10, 2009 opened on June 10, 2009, continued on June 15, 2009 and June 19, 2009, and was adjourned after brief proceedings held on June 30, 2009 (shortly before the start of the regularly scheduled Stated Council Meeting of June 30, 2009). Though not present on June 10, 2009, Council Members Mendez and Vann were present at the Recessed Meeting held on June 15, 2009 and are, thereby, considered present for attendance and voting purposes for the Stated Council Meeting of June 10, 2009. Council Members Mendez and Vann chose to cast affirmative votes on June 15, 2009 for the items coupled on the Land Use Call-up and General Order Calendars of the Stated Council Meeting held on June 10, 2009 with the following exceptions: Council Member Mendez cast a negative vote against LU No. 1073 & Res No. 2018, LU No. 1074 & Res No. 2019, and LU No. 1075 & Res No. 2020 (please see the LU Call-up and General Order vote printed in these Minutes of the Stated Council Meeting of June 10, 2009).*

INVOCATION

The Invocation was delivered by Rev. Gregory L. Johnson, Marble Collegiate Church, Ministry of Family Caregiving, One West 29th Street, NY, NY 10001.

As is your tradition,
let us unite and center ourselves in prayer.

Oh love how deep, how broad, how high;
Oh love that bears all things,
believes all things, hopes all things, endures all things;
Oh love that never ends;

We your children give You thanks and praise
for our unity and for our uniqueness.
We thank You for those things that unite us,
and pray for understanding, tolerance, and affirmation
in our individualities and gifts,
that each of us may serve You by serving one another.

We call You by many names
and struggle to understand each other,
but we are all Your children and we give You thanks,
You are our Father, You are our Mother.
Strengthen us and nurture us in Your service.

We come together in this historic place
awed by the history and accomplishment
that has gone before us.
And we are aware that ours is only

a brief moment of service
before others will carry on.
Make our time worthy of the offices
to which we have been called and elected,
that we may walk through service
into eternity with You.

Remind us that in truth,
we are not human beings
trying to have a spiritual experience,
but we are spiritual beings having a human experience
and we need Your strength, Your guidance, and Your love.
Teach us to grow through life,
let us never simply go through life.
Each moment, each day, each challenge
is a gift from You.
Help us to honor those gifts
with dedication, service, and increased good
for all whom we serve.

Bless each action and decision
This day and all days.
And in the words of my beloved mentor and friend,
the late Father Mychal Judge,
I pray in the singular for all of us collectively.
Lord, take me where You want me to go;
help me to meet who You want me to meet;
help me to say what You want me to say;
and please, God, keep me out of the way.
And together we say Amen.

The Speaker (Council Member Quinn) moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Christine Quinn) asked for a Moment of Silence in memory of the following individuals:

Elizabeth D. Cook, who died on June 8, 2009 and was the mother-in-law of Council Member Vann and mother of Council Member Vann's wife Mildred. Ms. Cook was a resident of Gloucester, Virginia. She is survived by two sons, three daughters, and many grandchildren.

Army Specialist Roberto A. Hernandez, 21, from the Averno section of Far Rockaway, Queens (having lived in both Council Members' Sanders and Ulrich's respective districts), who died on June 2, 2009 of wounds sustained when his Humvee was attacked with an improvised explosive device and small arms fire while serving in Afghanistan. Specialist Hernandez was assigned to the 549th Military Police Company based out of Fort Stewart, Georgia. Specialist Hernandez followed in the footsteps of his grandfather, mother, aunt and two uncles, who all served their adopted country after coming to the United States from their native Panama.

Police Officer Omar Jamaal Edwards, 25, of Brooklyn, who was off-duty when shot and killed on May 28, 2009 while chasing a suspect who had broken into a vehicle. Officer Edwards was shot by a fellow police officer in a tragic case of mistaken identity. Officer Edwards had been assigned to the Housing Bureau and proudly played on the NYPD football team. At his June 4, 2009 funeral, he was promoted to Detective First Grade. Officer Edwards is survived by his wife Danielle, their sons Xavier and Keanu, his mother Natalie Harding, his father Ricardo Edwards, his in-laws (which includes his father-in-law, who is a police officer in the 67th Precinct), his aunts, his uncle, and fellow members of the New York City Police Department.

* * *

At this point, the Public Advocate (Ms. Gotnaum) recognized and welcomed three interns from the Public Advocate's Office. The three interns were asked to stand and were met by applause from those assembled.

MESSAGES & PAPERS FROM THE MAYOR

M-1432

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2010 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

May 1, 2009

Honorable Members of the Council

Honorable William C. Thompson, Jr., Comptroller

Honorable, Ruben Diax, Jr., Bronx Borough President
Honorable Marty Markowitz, Brooklyn Borough President
Honorable Scott M. Stringer, Manhattan Borough President
Honorable Helen M. Marshall, Queens Borough President
Honorable James P. Molinaro, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City") and the New York City Municipal Water Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2010 and the ensuing three fiscal years, in maximum annual amounts as set forth below.

2010	\$8,720 Million
2011	8,028 Million
2012	7,181 Million
2013	6,379 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2010 -- 2013:

2010	\$2,302 Million
2011	2,014 Million
2012	1,878 Million
2013	1,861 Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2010, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2010	\$7,525 Million
2011	4,099 Million
2012	3,754 Million
2013	5,291 Million

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed

M-1433

Communication from the Mayor - Submitting the name of Burton Lehman to the Council for its advice and consent regarding his appointment to the New York City Conflicts of Interest Board, Pursuant to Section 2602 of the City Charter.

June 4, 2009

The Honorable Christine C. Quinn
 Council Speaker
 City Hall
 New York, NY 10007

Dear Speaker Quinn:

Pursuant to Section 2602 of the City Charter, I am pleased to present the name of Burton Lehman to the City Council for advice and consent regarding his appointment to the New York City Conflicts of Interest Board.

Mr. Lehman is a graduate of Columbia College and he earned a J.D. degree, magna cum laude, from Columbia Law School. He is Of Counsel at Schulte Roth & Zabel LLP. When appointed to the Board, Mr. Lehman will succeed Kevin Frawley and serve for the remainder of a six-year term expiring on March 31, 2012.

I am grateful to you and the City Council for reviewing this appointment.

Sincerely,

Michael R. Bloomberg
 Mayor

Referred to the Committee on Rules, Privileges & Elections

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1434

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Luxury Cars Group LLC., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.



Licensing & Standards Division
 32-02 Queens Boulevard, 2nd Floor
 Long Island City, New York 11101-2324
 Tel: 212.227.6324 Fax: 718-391-5695

Matthew W. Daus, Commissioner/Chair

May 28, 2009

The Honorable Speaker Christine C. Quinn
 Attention: Mr. John Lisyskiy
 Council of the City of New York
 City Hall
 New York, New York 10007

Re: Taxi & Limousine Commission
 For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on May 28, 2009 the Taxi & Limousine Commission voted to approve the following 25 for-hire-vehicle base license applications:

NEW (1):	LICENSE #	COUNCIL DISTRICT
Luxury Cars Group LLC	B02318	35
RENEWALS (18):	LICENSE #	COUNCIL DISTRICT
18 th Avenue Private Car Service	B00481	43
2020 Car Service	B02145	37
Blu White Associated Transportation Service, Inc.	B00492	11
Continental Radio Dispatch Corp.	B00325	21
Delancey Car Service	B00225	1
Indo-Pak Inc. D/b/a Main Street Car Service	B01815	24
Lakeview Cars Inc. D/b/a Clove Lake Cars	B01268	49

Mauser Service, Inc.	B01028	28
New Commando Car Service, Corp. D/b/a N.Y. Saeta	B01738	21
New Day Night Car Service	B01672	7
New York Apple Car Service Inc. D/b/a New York Limo. & Car Service	B01200	34
Northlands Trips Car Service, Inc.	B01927	33
Rite Way Private Car Service	B00305	13
Rockaway Car & Limo. Service, Inc. D/b/a Rockaway Car Service of Queens	B01540	28
STM Enterprises, Inc. D/b/a Java Car & Limousine Service	B01522	33
Vee Cee Limousine Service, Inc. D/b/a Nostrand Car Service	B00281	46
Vic & Bay Car Service, Inc. D/b/a Dejoy's Red Top	B00706	49
Victory Car & Limo. Service, Inc.	B01642	43
RENEWAL & RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Moe Limo. & Car Service	B02034	26
RENEWAL & OWNERSHIP CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Uptown Transit Corp.	B00850	16
RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Bensonhurst Car Service Corp.	B01280	47
Parsons Car Service, Inc. (to be changed to Waheguru Transportation)	B01510	24
RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Bamadu Car Service	B00746	31, 28

RELOCATION, OWNERSHIP CHANGE & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Spirit Car & Limo. Service	B02182	36

The complete application package compiled for each of the above bases is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele-Radway
Director of Applicant Licensing
Taxi & Limousine Commission

Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation

M-1435

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 18th Avenue Private Car Service., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1436

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 2020 Car Service., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1437

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Blu White Associated Transportation Service, Inc., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1438

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Continental Radio Dispatch Corp., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1439

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Delancey Car Service., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1440

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Indo-Pak Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1441

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lakeview Cars Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1442

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mauser Service, Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1443

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Commando Car Service, Corp., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1444

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Day Night Car Service., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1445

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New York Apple Car Service Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1446

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Northlands Trips Car Service, Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1447

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rite Way Private Car Service., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1448

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rockaway Car & Limo. Service, Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1449

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license STM Enterprises, Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1450

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Vee Cee Limousine Service, Inc., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1451

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Vic & Bay Car Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1452

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Victory Car & Limo. Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1453

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Moe Limo. & Car Service., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1454

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Uptown Transit Corp., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1455

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Bensonhurst Car Service Corp., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1456

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Parsons Car Service, Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1457

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Bamadu Car Service., Council District 31, 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1458

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license Spirit Car & Limo. Service., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1434 printed above in this Communication from City, County & Borough Offices section section of these Minutes)

Referred to the Committee on Transportation

M-1459

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2010 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2010, pursuant to the City Charter.

May 22, 2009

Honorable Christine Quinn
Speaker of the Council
City Hall
New York, NY 10007

Dear Ms. Quinn:

Pursuant to Sections 11-224.1, 11.312(c), 11-313(e) and 1519(a), of the New York City Administrative Code, the Banking Commission, at its meeting on May 20, 2009, adopted resolutions recommending to the Council that the proposed interest rates to be charged for non-payment of taxes for real estate, and for non-payment of water and sewer rents, and the discount rate for early payment of real estate taxes be:

a. Nine percent (9.00%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for coops;

b. Eighteen percent (18.00%) per annum for nonpayment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

c. Eighteen percent (18.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

d. Nine percent (9.00%) per annum for water and sewer rents in all other cases;

e. One and one-half percent (1.50%) the discount percentage allowed for early payment of real estate taxes.

The representative for Comptroller Thompson on his behalf voted against the interest rate recommendations and in favor of the discount rate recommendation.

Sincerely,

Robert Y. Lee
Secretary

(The following are the texts of the New York City Banking Commission resolutions:)

Resolution No. 1 - Interest Rate Recommendation

WHEREAS, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than *the twenty-fifth day of May*, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 20, 2009, said prime rate stands at three and one-quarter per cent (3.25%) as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, remains nine per cent (9.00%) per annum for Fiscal Year 2010, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated: May 22, 2009

Resolution No. 2 - Interest Rate Recommendation

WHEREAS, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate *with an* assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for coops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land,

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.00%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 20, 2009, the said prime rate stands at three and one-quarter per cent (3.25%) as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all large taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for real estate where the assessed value on a parcel is over two hundred *fifty* thousand dollars (\$250,000.00), or over two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, remains eighteen per cent (18.00%) per annum for Fiscal Year 2010, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated: May 22, 2009

Resolution No. 3 - Interest Rate Recommendation (Water and Sewer) Rents

WHEREAS, pursuant to New York City Administrative Code §§ 11-312(c) and 11-313(e) and 11-224.1., the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

WHEREAS, the proposed interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), shall be at least equal to the said prime rate, and

WHEREAS, pursuant to said provisions of the Administrative Code, the proposed interest rate to be charged for non-payment of water rents and sewer rents for a property with an assessed value of more than two hundred fifty-thousand dollars (\$250,000.00) shall be at least six percentage points (6.00%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 20, 2009, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

RESOLVED, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for coops, remains nine per cent (9.00%) per annum for Fiscal Year 2010, and be it further

RESOLVED, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for all properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, remains eighteen per cent (18.00%) per anrmm for Fiscal Year 2010, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated: May 22, 2009

Resolution No. 4 - Discount Rate Recommendation

WHEREAS, pursuant to Section 1519(a) of the City Charter, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed discount percentage allowed for early payment of real estate taxes, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council the discount percentage that shall be allowed for early payment of real estate taxes shall be one and one-half per cent (1.50%) for Fiscal Year 2010.

Dated: May 22, 2009

Referred to the Committee on Finance

LAND USE CALL UPS

M-1460

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 090166 MMX and shall be subject to Council review. These items are related Uniform Land Use Procedure Application no. N 090166 ZRX

Coupled on Roll Call

LAND USE CALL UP VOTE

The Public Advocate (Ms. Gotbaum) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative –Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez*, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann*, Weprin, White, Yassky, Oddo, Rivera and the Speaker (Council Member Quinn) – **51***.

At this point, the Public Advocate (Ms. Gotbaum) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

**Please see the Editor's Note re: Attendance and Voting for this Stated Meeting held on June 10, 2009 printed after the Roll Call for Attendance in these Minutes.*

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Economic Development

Report for Int. No. 940

Report of the Committee on Economic Development in favor of approving and adopting, a Local Law to amend the administrative code of the city of New

York, in relation to the boundaries of the Chinatown/Lower East Side empire zone.

The Committee on Economic Development, to which was referred on February 26, 2009 (Minutes, page 611) the annexed proposed local law, respectfully

REPORTS:

I. Introduction

On June 9, 2009, the Committee on Economic Development, chaired by Council Member Thomas White Jr., will hold a hearing on Int. No. 940 – A Local Law to amend the administrative code of the City of New York, in relation to the boundaries of the Chinatown/Lower East Side Empire Zone. The Committee previously held a hearing on this bill on June 4, 2009 (Int. No. 940 is annexed).

II. Background

In 1986 New York State established the Empire Zone Program (formerly known as the Economic Development Zone Program) through which a variety of tax benefits are offered to companies who move into or expand their operations within prescribed geographic areas known as Empire Zones. There are eleven (11) such zones in New York City.

The following incentives are available to businesses taking part in the Program:¹

Wage Tax Credit

Employee Wage Tax Credits are applied against a business's state tax liability. An Empire Zone employer, paying employees at least 135 percent of minimum wage, may be entitled to a \$3,000 credit for targeted employees or \$1,500 credit for all non-targeted employees. Both credits may be taken for up to five consecutive years, beginning with the first tax year in which Empire Zone wages are paid. An additional \$500 credit is available in investment zones for jobs paying \$40,000 or greater.

Targeted Employee

A targeted employee is a New York State resident who receives Empire Zone wages and who is eligible under the federal Work Opportunity Tax Credit "WOTC" program, (the WOTC program was designed to promote the hiring of individuals who qualify as a member of a target group while simultaneously providing a federal tax credit to employers who hire these individuals) or is eligible for benefits under the Workforce Investment Act as a dislocated worker or a low-income individual, or has received public assistance benefits anytime within the previous two years (e.g. cash payments including Temporary Assistance to Needy Families (TANF), Safety Net, Medicaid, Food Stamps), or has income below the United States Commerce Department's established poverty level, or is a member of a family whose income is below poverty level or is an honorably discharged veteran from any branch of the United States Armed Forces.

Based on the number of jobs created, the company's assets in the Zone and income taxes owed by the company, Qualified Empire Zones Enterprises (QEZE) are eligible to receive the following tax credits and exemptions:

QEZE Sales Tax Exemptions:

Qualified Empire Zone Enterprises (QEZE) are granted a 10-year exemption from State sales tax on purchases of goods and services (including utility services) used predominantly in an Empire Zone.

QEZE Credit for Real Property Taxes:

Qualified Empire Zone Enterprises are allowed a refundable credit against business or income tax equal to a percentage of real property taxes paid in the zone (effective for taxable years beginning on or after January 1, 2001).

QEZE Tax Reduction Credit:

Qualified Empire Zone Enterprises are allowed a credit against business or income tax equal to a percentage of taxes attributable to the zone enterprise (effective taxable years beginning on or after January 1, 2001).

EZ Wage Tax Credit:

This credit is available for up to five consecutive years for companies hiring full-time employees in newly created jobs. For employees in special targeted groups, this credit equals \$3,000 per year, with a credit of \$1,500 per year effective 1/1/2001, for all other new hires.

EZ Investment Tax and Employment Incentive Credits:

Businesses that create new jobs and make new investments in production, property and equipment may qualify for tax credits of up to 19% of the company's eligible investment. New Business Refund:

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¹Information available at <http://www.tax.state.ny.us/sbc/qeze.htm>. Accessed March 11, 2009.

Businesses new to New York State are entitled to a 50% cash refund of unused EZ-WTC and ITC amounts. Other businesses may carry forward unused credits indefinitely. Utility Rate Savings:

Special reduced electric and gas rates may be available through investor-owned utilities in New York State. Businesses that locate or expand their operations in an EZ may receive significantly reduced rates.

Zone Capital Credit:

A 25% tax credit against personal or corporate income taxes is available for contributing or purchasing shares in a zone capital corporation; or for a direct equity investment in a certified zone business; or for contributions to approved community development projects within an EZ. A Zone Capital Corporation is an entity incorporated for the purpose of raising funds through private and public grants, donations or investments, to be used in making investments in and loans to certified zone businesses to encourage the establishment or expansion of such businesses, thereby providing new job opportunities within an economic development zone.²

Sales Tax Refund or Credit:

Purchases of building materials to be used for commercial or industrial real property located in an EZ are eligible for a refund or credit of NYS sales taxes. A similar refund or credit of local sales tax may also be available from the locality. Real Property Tax Abatement:

EZs may offer tax abatements from an increased assessment, with the abatement value based on improvements to real property for up to 10 years. This holds true for up to seven years at 100%, decreasing over the last three years of the exemption.

Technical Assistance:

Each local zone office is staffed with professionals qualified to assist businesses locating or expanding in an EZ.

Businesses which receive Empire Zone benefits and fail to meet their job creation projection may have their certification revoked pursuant to Title 5 of the New York Rules and Regulations, Part 11.9 (5 NYCRR 11.9).

III. East River Science Park

On March 5, 2009 the New York City Economic Development Corporation released a report (ERSP Report) on the proposal to re-draw the Chinatown/Lower East Side empire zone to create a separate and contiguous empire zone segment around the East Rive Science Park. (The ERSP Report is annexed). The current designated Chinatown/Lower East Side Empire Zone has only 2/3^{rds} of the acreage permissible for empire zones and the inclusion of the new acreage has the potential to expand employment, procurement, and educational opportunities in the field of science and technology.

The East River Science Park (ERSP) is located on the East River in Manhattan, immediately adjacent to New York University Medical Center and just north of Bellevue Hospital Center. ERSP is ideally situated along Manhattan’s medical/life sciences corridor – home to Mount Sinai, Weill Cornell, Memorial Sloan-Kettering, New York Hospital, Rockefeller University, Hospital for Special Surgery and Beth Israel.³

The East River Science Park (ERSP) a collaboration between the New York City Economic Development Corporation and Alexandria Real Estate Equities, will be a state-of-the-art research and development campus for companies looking to establish a presence in the City. The ERSP will also provide space for New York-based bioscience businesses looking to expand their current R&D efforts.⁴

ERSP will have over 1.1 million square feet of office and laboratory space when completed and will be built in two phases. Construction of Phase I began in early 2007 and is expected to be complete by the end of 2009. Totaling 3.2 acres in size, ERSP has been zoned for bioscience use and will initially provide for 725,000 rentable square feet of scientific research and development space, with related office and retail. The second phase on an adjacent parcel will provide an additional 442,000 rentable square feet to accommodate your company’s future expansion needs.⁵

It is the Committee’s understanding that ARE-East River Science park, LLC, a subsidiary of Alexandria Real Estate Equities, Inc., the developer of East River Science park is investing \$700 million in this project, that the City is providing \$13.4 million in capital funds, New York State is providing \$27 million to be used for related infrastructure work, \$5.6 million through the New York City Industrial Development Agency and that Manhattan Borough President Stringer is providing \$500,000 for the project. In addition, the Committee has been told that \$2 million is being provided by the federal government and that New York City’s business community, through the New York City Investment Fund and Partnership for New York City, has committed to invest up to \$10 million in capital to ERSP that may be accessed by the project’s tenants.⁶

IV. Revision of an Empire Zone

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² 5 NYCRR 10.2 (n).

³ NYC EDC Bioscience Initiative web site: http://www.nycbiotech.org/east_river.html. Accessed March 11, 2009.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Article 18-b of the General Municipal Law, Section 969 (c) permits the revision of an empire zone’s boundaries:

(c) The governing body of a city, county, town or village may, by resolution, submit to the commissioner a request to revise the boundaries of an existing empire zone. The commissioner may, after consultation with the commissioner of labor, approve such revision subject to the following provisions:

(1) Any revision of the borders of an empire zone shall be based upon a determination by the commissioner that a change in circumstances has occurred since the establishment of the existing borders which makes revision of such borders necessary or desirable.

(2) The commissioner shall affirm that such revision would not have the effect of producing an empire zone which does not satisfy the criteria for empire zone designation established by or pursuant to section nine hundred fifty-eight of this article.

(3) The commissioner may grant approval of revision of the borders of an empire zone after prior public notice and a public hearing at least thirty days prior to the effective date of such revision, if such revision adds territory to an existing empire zone.

(4) The commissioner may grant approval of a revision of the borders of an empire zone after public notice of such proposed revision and a public hearing at least thirty days prior to the effective date of such revision, if such revision removes territory from an existing empire zone.

(5) The revision of the borders of an empire zone shall have no effect on the duration of the designation of such empire zone as provided by subdivision (a) of this section.

(6) It is the policy to allow each zone no more than one boundary amendment within a twelve month period. If, however, there is a change in circumstances involving extenuating factors within the year (such as the attraction/retention of a regionally significant project, which is consistent with the zone's development plan), the request will be considered. Any request to revise the boundaries of an existing empire zone that would add or remove acreage from a zone shall not be submitted until the provisions of this subdivision are satisfied and the designation of the distinct and separate contiguous areas are submitted as required by section nine hundred fifty-seven of this article, unless the zone administrative board demonstrates that prior to the effective date of the amendments to this subdivision made by a chapter of the laws of two thousand five it has been working in conjunction with a business for the purpose of submitting such boundary revision that would result in the creation of jobs within the zone. For purposes of section one hundred eighty-seven-j and articles nine-A, twenty-two, thirty-two, and thirty-three of the tax law, such business shall be deemed to have been certified prior to April first, two thousand five.

(7) The area subject to the boundary amendment is in an area where there is no viable alternative area that has existing public sewer or water infrastructure.

V. Int. No. 940

Section 1 of Int. No. 940 amends Section 22-715 of the Administrative Code of the City of New York by adding two new subdivisions, (e) and (f). Subdivision (e) requests, in accordance with General Municipal Law §969(c), that the Commissioner of Economic Development approve a proposed revision of the boundaries of the Chinatown/Lower East Side Empire Zone. Upon approval by the Commissioner of the proposed revision, the boundaries of the zone as set forth in subdivision (d) of this section shall be superseded by the revised boundaries as set forth in subdivision (f) of this section. Subdivision (f) establishes the revised boundaries of the Chinatown/Lower East Side Empire Zone.

Section 2 of Int. No. 940 provides that it will take effect immediately.

VI. Conclusion

It is expected that the Committee, after having considered the testimony presented at its hearing on June 4, will vote on Int. No. 940.

(The following is from the text of the Fiscal Impact Statement for Int. No. 940:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation. The State, not the City, will bear the costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Ralph P. Hernandez, Legislative Financial Analyst
Jonathan Rosenberg, Deputy Director
City Council Finance Division

HISTORY: Introduced by Council on February 26, 2009 and referred to the Committee on Economic Development as Int. 940. Hearing held by Committee on June 4, 2009 as Int. 940. To be considered by Committee on June 9, 2009 as Int. 940.

(For text of related Res No. 2017, please see the Report of the Committee on Economic Development for Res No. 2017 printed below in these Minutes)

(For text of related Int No. 940, please see the Report of the Committee on Economic Development for Int No. 940 printed in this Minutes)

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 940:)

Int. No. 940

By Council Members White Jr., Comrie, Garodnick, Liu, Sears and Weprin (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the boundaries of the Chinatown/Lower East Side empire zone.

Be it enacted by the Council as follows:

Section 1. Section 22-715 of the administrative code of the city of New York is amended by adding two new subdivisions, e and f, to read as follows:

e. In accordance with general municipal law section nine hundred sixty-nine (c), the city of New York hereby requests that the commissioner of the New York state department of economic development approve a proposed revision of the boundaries of the Chinatown/Lower East Side empire zone. Upon approval by the commissioner of the proposed revision, the boundaries of the zone as set forth in subdivision d of this section shall be superseded by the revised boundaries as set forth in subdivision f of this section.

f. There is hereby established in the borough of Manhattan an empire zone consisting of the following blocks and lots:

Area 1:

Block: 73 Lots: 29.

Block: 111 Lots: 100; 150; 160.

Block: 113 Lots: 100; 150.

Block: 115 Lots: 1.

Block: 116 Lots: 42; 43; 46; 47; 48; 49.

Block: 117 Lots: 1; 100.

Block: 153 Lots: 1; 24.

Block: 154 Lots: 1; 23.

Block: 155 Lots: 1; 3; 31.

Block: 156 Lots: 1; 50.

Block: 158 Lots: 1; 9; 17; 61.

Block: 159 Lots: 40; 51; 60.

Block: 160 Lots: 1; 21.

Block: 161 Lots: 1; 3.

Block: 162 Lots: 1; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 21; 22; 23; 24; 25; 26; 28; 30; 33; 34; 35; 37; 38; 41; 42; 43; 44; 47; 48; 49; 50; 51; 52; 53; 54; 55; 56; 57; 58; 60; 61; 133; 7501.

Block: 163 Lots: 1; 2; 4; 5; 6; 8; 9; 11; 13; 14; 15; 16; 17; 18; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 35; 36; 38.

Block: 164 Lots: 1; 2; 3; 6; 7; 9; 13; 15; 16; 17; 19; 21; 22; 24; 25; 26; 28; 29; 30; 31; 32; 37; 43; 44; 45; 46; 47; 48; 49; 50; 51; 53; 54; 58; 61; 62; 65; 66.

Block: 165 Lots: 1.

Block: 166 Lots: 27.

Block: 167 Lots: 1.

Block: 168 Lots: 1; 32.

Block: 169 Lots: 1; 10.

Block: 170 Lots: 1; 6; 20.

Block: 171 Lots: 1; 5; 7; 31; 7501; 7502.

Block: 172 Lots: 1; 3; 4; 5; 13; 20; 23; 27; 30; 1201; 7501; 7503.

Block: 195 Lots: 1; 2; 3; 4; 5; 6; 7; 9; 12; 13; 14; 15; 17; 21; 24; 26; 27; 30; 7501.

Block: 196 Lots: 1; 2; 3; 4; 5; 7; 8; 9; 11; 12; 13; 15; 17; 21; 22; 24; 26; 27; 28; 29; 31.

Block: 197 Lots: 1; 7; 11; 17; 21; 24; 25; 26; 7501.

Block: 198 Lots: 1; 27; 29; 30; 126.

Block: 199 Lots: 1; 2; 3; 5; 6; 7; 9; 11; 12; 13; 17; 18; 19; 20; 21; 23; 24; 25; 26; 27; 28; 30; 31; 32; 34; 127; 7501.

Block: 200 Lots: 1; 5; 6; 8; 9; 10; 11; 12; 16; 17; 19; 20; 21; 22; 24; 26; 27; 28; 29; 30; 31; 32; 33; 7501.

Block: 201 Lots: 1; 2; 4; 6; 7; 8; 9; 10; 11; 13; 14; 16; 17; 18; 20;

26; 27; 28; 29; 30; 32; 33; 34; 7501.

Block: 202 Lots: 2; 11; 12; 14; 15; 18; 23; 25; 28; 29; 30; 7501.

Block: 203 Lots: 2; 3; 5; 10; 15; 16; 17; 19; 20; 21; 23; 24; 25; 26; 31.

Block: 204 Lots: 1; 4; 5; 10; 16; 20; 22; 24; 27; 29; 31; 32; 33; 34; 35.

Block: 205 Lots: 2; 4; 6; 7; 8; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 28; 30; 32; 34; 7501.

Block: 206 Lots: 1; 4; 5; 6; 12; 13; 14; 16; 17; 19; 20; 21; 22; 23; 24; 26; 28; 29; 31; 34.

Block: 207 Lots: 1; 5; 6; 7; 8; 10; 12; 13; 14; 15; 17; 20.

Block: 208 Lots: 1; 4; 13; 19; 20; 21; 7501.

Block: 209 Lots: 1; 5; 7; 8; 11; 12; 15; 19; 21; 24; 25; 26; 28; 32; 33; 34; 35; 7501; 7502.

Block: 232 Lots: 1; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 21; 22; 23; 7501.

Block: 233 Lots: 2; 4; 8; 9; 10; 12; 13; 14; 15; 17; 19; 26; 30; 33.

Block: 234 Lots: 1; 9; 11; 15; 17; 7501.

Block: 235 Lots: 1; 4; 5; 6; 7; 8; 9; 10; 11; 13; 16; 18; 20; 24; 29.

Block: 236 Lots: 6; 16; 17; 18; 19; 20; 21; 22; 24; 25; 26; 27; 30; 31; 32; 33; 38; 7501.

Block: 237 Lots: 6; 7; 11; 12; 13; 14; 17; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 31; 32; 33; 34; 35; 36; 7501.

Block: 238 Lots: 3; 4; 6; 12; 13; 14; 16; 19; 21; 23; 25; 26; 27; 31; 32; 33; 34; 35; 36; 37; 38; 40.

Block: 239 Lots: 8; 9; 10; 11; 12; 15; 16; 17; 18; 20; 24; 25; 26; 27; 29; 31; 33; 34; 35; 36; 38; 7501.

Block: 240 Lots: 6; 30.

Block: 241 Lots: 10; 13; 18; 22.

Block: 243 Lots: 1; 50; 56; 80.

Block: 244 Lots: 19; 40.

Block: 245 Lots: 1; 7; 28.

Block: 246 Lots: 1; 13; 7501.

Block: 247 Lots: 1.

Block: 248 Lots: 1; 15; 70; 76.

Block: 249 Lots: 1; 56; 78; 999.

Block: 250 Lots: 1; 41; 43.

Block: 253 Lots: 1.

Block: 254 Lots: 1; 20; 33; 51.

Block: 255 Lots: 1; 12.

Block: 256 Lots: 1; 3; 14.

Block: 258 Lots: 1; 17.

Block: 259 Lots: 1; 28; 44; 51; 71.

Block: 260 Lots: 1; 70; 75.

Block: 262 Lots: 14; 25.

Block: 263 Lots: 1; 8.

Block: 266 Lots: 65.

Block: 267 Lots: 1; 10; 19; 24; 37; 50.

Block: 269 Lots: 41.

Block: 270 Lots: 32.

Block: 271 Lots: 34; 37; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 50; 51; 52; 53; 54; 55; 57; 59; 60; 61; 62; 63; 64; 65.

Block: 273 Lots: 1; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 29; 30; 31; 32; 1001.

Block: 479 Lots: 1; 3; 5; 9; 11; 14; 16; 17; 18; 19; 20; 21; 23; 26; 29; 31; 33; 34; 35; 37; 39; 40; 50; 125; 190; 7501.

Block: 480 Lots: 1; 2; 4; 9; 17; 21; 23; 24; 25; 26; 29; 33; 34; 35; 36; 37; 39; 40; 41; 7501.

Block: 481 Lots: 1; 8; 9; 10; 11; 13; 18; 19; 20; 21; 22; 23; 28; 32; 33; 35; 39; 7501; 7502.

Block: 482 Lots: 1; 2; 3; 5; 7; 8; 9; 10; 13; 16; 19; 22; 24; 25; 26; 27; 28; 30; 31; 32; 37; 41; 44; 7501.

Block: 483 Lots: 1; 3; 4; 5; 7; 8; 10; 13; 14; 15; 17; 29; 35; 38; 7501; 7502.

Block: 492 Lots: 1; 2; 3; 4; 5; 7; 8; 10; 20; 23; 25; 27; 28; 29; 30; 31; 32; 33; 34; 37; 38; 41; 42; 43; 44; 7501; 7502; 7503.

Block: 493 Lots: 9; 10; 11; 12; 13; 14; 15; 16; 17; 20; 21; 41.

Block: 494 Lots: 1; 4; 5; 6; 7; 8; 9; 10; 12; 14; 15; 21; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 7501; 7502.

Block: 495 Lots: 1; 2; 4; 5; 7; 11; 22; 26; 28; 29; 30; 31; 32; 33; 37; 38; 40; 41; 42; 43; 44; 45; 46.

Block: 496 Lots: 1; 5; 7; 8; 9; 10; 12; 15; 18; 19; 27; 29; 30; 32; 33; 34; 35; 36; 40; 7501.

Block: 497 Lots: 1; 4; 6; 7; 9; 11; 12; 15; 18; 7501; 7502.

Block: 507 Lots: 1; 2; 3; 4; 6; 7; 8; 9; 10; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 36; 37; 38; 40; 41; 42; 43; 47; 48; 49; 7501.

Block: 508 Lots: 1; 6; 8; 14; 16; 17; 25; 28; 30; 33; 34; 35; 36; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 49; 50; 51; 52; 53; 7501; 7502.

Block: 509 Lots: 1; 13; 14; 16; 18; 19; 20; 21; 22; 23; 26; 27; 31; 32; 33; 34; 35; 36.

Block: 510 Lots: 1; 6; 21; 23; 25; 26; 28; 30; 33; 37; 38; 39; 40; 45; 7501.

Block: 511 Lots: 1; 6; 8; 12; 15; 16; 19.

Block: 20000 Lots: 9999.

Block: 20001 Lots: 9999.

Block: 20002 Lots: 9999.

Block: 20003 Lots: 9999.

Block: 20004 Lots: 9999.

Block: 20005 Lots: 9999.

Block: 20006 Lots: 9999.

Block: 20007 Lots: 9999.

Block: 20008 Lots: 9999.

Block: 20009 Lots: 9999.

Block: 20010 Lots: 9999.

Block: 20011 Lots: 9999.

Block: 20012 Lots: 9999.

Block: 20013 Lots: 9999.

Block: 20014 Lots: 9999.

Block: 20015 Lots: 9999.

Block: 20016 Lots: 9999.

Block: 20017 Lots: 9999.

Block: 20018 Lots: 9999.

Block: 20019 Lots: 9999.

Block: 20020 Lots: 9999.

Block: 20021 Lots: 9999.

Area 2:

Block: 962 Lots: 98; 99.

§ 2. This local law shall take effect immediately.

THOMAS WHITE JR., Chairperson; ALAN J. GERSON, ALBERT VANN, DAVID I. WEPRIN, DAVID YASSKY, LETITIA JAMES, ANNABEL PALMA, KENNETH C. MITCHELL, Committee on Economic Development, June 9, 2009.

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 have been **preconsidered** by the Committee on Economic Development and have been favorably reported for adoption.

Report for Res. No. 2017

Report of the Committee on Economic Development in favor of approving a Resolution finding that the enactment of Int. No. 940 does not have a

significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

The Committee on Economic Development, to which was referred on June 10, 2009 the annexed resolution, respectfully

REPORTS:

On June 9, 2009, the Committee on Economic Development is expected to vote on Int. No. 940. The enactment of local legislation is considered to be an "action" subject to the New York State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and the City Environmental Quality Review Procedure (CEQR), which require an analysis of the environmental impacts of taking that action.

On November 19, 2001 the Mayor's Office for Economic Development and Finance [now the Office of the Deputy Mayor for Economic Development (Deputy Mayor)] issued a Notice of Completion of the Final Environmental Impact Statement (FEIS) for the East River Science Park (ERSP). Since that time there have been some changes to the project requiring an examination to determine whether those changes have resulted in any significant adverse environmental impacts necessitating the preparation of a Supplemental Environmental Impact Statement.

As lead agency for the preparation of the FEIS, the Deputy Mayor undertook the preparation of a Technical Memorandum in order to make that determination. The Deputy Mayor, having undertaken such review and the preparation of the annexed Technical Memorandum, has determined, as described in the analyses presented in the Technical Memorandum annexed hereto, and the data in support of such analyses, that none of the changes proposed to the ERSP project and its designation as an expansion of the Chinatown/Lower East Side Empire Zone would result in significant adverse environmental impacts that were not previously identified in the FEIS. Therefore, no Supplemental Environmental Impact Statement is required.

Preconsidered Res. No. 2017 is the mechanism by which the Council adopts that determination.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 2017:)

Res. No. 2017

Resolution finding that the enactment of Int. No. 940 does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

By Council Members White and Weprin.

Whereas, The enactment of Int. No. 940, A Local Law to amend the administrative code of the city of New York, in relation to the boundaries of the Chinatown/Lower East Side empire zone, is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Council and the Office of the Mayor, as co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, have considered the relevant environmental issues attendant to such enactment; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the Council and the Office of the Mayor have determined that a Negative Declaration should be issued; and

Whereas, The Council and the Office of the Mayor have examined and considered the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York have been met; and
- (2) consistent with environmental, social, economic and other essential considerations, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

ATTACHMENT to Committee Report:

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Technical Memorandum for the East River Science Park

CEQR Number 01DME004M TM001

Modification of Programming for the Bellevue Psychiatric Building and Designation of the East River Science Park Site as an Expansion Site of the Chinatown Empire Zone

I. INTRODUCTION

The Mayor's Office for Economic Development and Finance (now the Office of the Deputy Mayor for Economic Development) issued a Notice of Completion for the East River Science Park (ERSP) Final Environmental Impact Statement (FEIS) on November 9, 2001. Subsequent to the approval of the ERSP project in 2001, the project changed slightly and new information was obtained. The Psychiatric Building was removed from the project and it was determined to be eligible for listing on the State/National Register of Historic Places. The remainder of the ERSP project did not change in any material aspect with the exception that the project would proceed in two phases, rather than three. Additionally, it is now proposed that the Chinatown Empire Zone (EZ) be expanded to include the site of the ERSP. Compared to the reuse of the Psychiatric Building described in the FEIS, a change in reuse if that building is also being proposed. The purpose of this technical memorandum is to determine whether the proposed changes to the reuse of the former Bellevue Psychiatric Building ("Psychiatric Building") as compared with the reuse program identified and analyzed in the 2001 *East River Science Park Final Environmental Impact Statement* (FEIS) and the designation of the ERSP as an EZ would result in any significant adverse environmental impacts. This technical memorandum also examines background conditions updated to 2012 and uses that updated information to determine if there would be any impacts from the modified Psychiatric Building redevelopment not previously disclosed in the FEIS.

The modified program for the Psychiatric Building differs from the initial projected development of the Psychiatric Building component of the ERSP project analyzed in the FEIS that include a change from staff housing, laboratory space, daycare, and conference center uses, to hotel, medical office, conference center, and retail uses. A detailed description of the proposed modified Psychiatric Building redevelopment, which is expected to be completed by 2012, is provided in the Project Description below.

This technical memorandum uses City Environmental Quality Review (CEQR) guidelines and thresholds to determine whether the proposed changes would result in significant adverse

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environmental impacts not previously disclosed in the 2001 FEIS. As described in the New York State Department of Environmental Conservation SEQRA regulations, 6 NYCRR Sections 617.9(a)(7)(i)(a), (b), and (c), and the 2001 *CEQR Technical Manual*, the lead agency may require the preparation of a supplemental EIS if there are significant adverse impacts not addressed or inadequately addressed in the EIS that arise from changes proposed for the project, newly discovered information, or a change in circumstances related to the project. This technical memorandum was prepared to assess the need for further environmental review and finds that there would be no additional significant adverse impacts in any of the CEQR technical areas analyzed in the 2001 *East River Science Park FEIS* as a result of the modified development planned for the Psychiatric Building, the designation of the ERSP as an EZ, changes in background conditions or newly discovered information. Further, although the Psychiatric Building was determined to be eligible for listing on the State and National Registers of Historic Places subsequent to the completion of the FEIS, close coordination with the New York State Office of Parks, Recreation and Historic Preservation (the State Historic Preservation Office - OPRHP) and resulting commitments in the project to protect and restore the historic nature of the building ensure that there would be no significant adverse impact to this historic resource.

II. PROJECT DESCRIPTION

The New York City Economic Development Corporation (NYCEDC) and the New York City Health and Hospitals Corporation (HHC) propose to facilitate the redevelopment of the former Psychiatric Building at Bellevue Hospital Center. As stated above, the reuse of the Psychiatric Building with a different set of proposed uses was previously approved as one component of an earlier version of the ERSP project, which is now under construction.

The Psychiatric Building is located on an approximately 82,000-square foot parcel at 500 First Avenue, between East 29th Street and East 30th Street (Block 962, Lot 97) in the Kips Bay neighborhood of Manhattan. The modified proposed project would entail close coordination with SHPO in designing the reuse of the partially vacant building for hotel, conference center, medical office, and retail uses. Based on a Reasonable Worst Case Development Scenario (RWCDS), the proposed redevelopment would include approximately 240,000 square feet (sf) of hotel space (approximately 450 rooms); a 45,000 sf Conference Center; 53,420 sf of retail space including a restaurant and a fitness club/gymnasium; 60,000 sf of medical office space, and 55,000 sf of parking below grade. A total of 453,420 sf of nonresidential, mixed-use development is envisioned as part of the project.

Analysis of the modified proposal for the Psychiatric Building has been performed for the expected Build Year, or completion of construction and occupancy for the former Bellevue Psychiatric Building redevelopment project site, of 2012, and includes the impacts of other projects that would affect conditions in the study area, irrespective of implementation of the proposed project.

Background and Site History

Built in 1931, the Psychiatric Building is a nine-story, 398,420-square foot, red brick, limestone and granite structure built in the shape of the letter "H." The building was designed by Charles

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B. Meyers in an Italian Renaissance style similar to the neighboring buildings on the Bellevue Hospital campus, many of which were designed by McKim, Mead and White.

Since the early 1980s, the New York City Department of Homeless Services (NYCDHS) has operated the building as a shelter for homeless men and an intake center for the shelter system. Independent of these proposed actions, NYCDHS is in the process of closing the shelter facility and relocating the intake center to another NYCDHS facility.

The current modified proposal for the Psychiatric Building is the result of an RFP that was issued by NYCEDC and HHC in March 2008. The goals of the development project as specified in the RFP were to: establish a reliable revenue source for Bellevue Hospital; support local medical-related institutions with hotel and conference space; preserve the Psychiatric Building; and achieve a LEED® Silver rated project. A hotel and conference use was suggested in the RFP because studies showed that these uses were the most financially beneficial and physically feasible, given the reuse constraints of the building. The hotel and conference center use would also complement the hospitals, research institutions and other medical-related uses along First Avenue. Several proposals were received in response to the RFP; the RWCDS evaluated in this technical memorandum comprises common elements of these proposals.

The current modified proposal for the Psychiatric Building alters the proposal for the building's reuse and renovation as initially described in the November 2001 ERSP FEIS. This earlier proposal received ULURP approval from the City Council on December 19, 2001. Pursuant to CEQR, the Mayor's Office for Economic Development and Finance was the lead agency responsible for conducting the environmental review and determining whether the proposed action would have significant impacts on public health and the environment. After considering the FEIS, the Office of the Deputy Mayor for Economic Development and Rebuilding (formerly the Mayor's Office for Economic Development and Finance and currently the Office of the Deputy Mayor for Economic Development) adopted the Statement of Findings on May 17, 2007.

During the period between the 2001 approval of the ERSP project and the 2007 Statement of Findings, with the exception of taking the Psychiatric Building out of the ERSP project and the determination of its eligibility for listing in the State and National Registers of Historic Places, neither the ERSP project nor its context changed in any material respect. However, the initially selected developer withdrew from the project in 2004. NYCEDC consequently released a second RFP for the ERSP in November 2004 to designate a new developer and a new developer was designated in August 2005. No substantial change has occurred in the use or site plan of the approved ERSP project. However, as indicated in the 2007 Statement of Findings, the phasing of the project differs, with the overall project now proposed in two phases instead of three. The overall program for the ERSP project includes 872,000 sf of bioscience space, approximately 61,000 sf of open space, and 720 parking spaces. The ULURP-approved site plan requires that the buildings and open space be constructed atop a raised platform to enhance views of the East River, provide passive open space and enhance the Bellevue Hospital campus. The currently defined second phase of the ERSP project (the Option Parcel, located south of East 30th Street to the east of the Psychiatric Building) is expected to be completed following the 2012 Build Year. The first phase of the ERSP project (the East and West Towers) is under construction and is expected to be completed by 2012, along with associated site improvements, including portions of the pedestrian plaza.

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The renovation of the Psychiatric Building that was described and evaluated in the ERSP FEIS included adaptive reuse of the building only. As described in the FEIS, the previously approved program for the Psychiatric Building included approximately 220 units of staff housing in the east wing of the building, 115,000 sf of clinical research and practice space in the west wing of the building, a 9,000-square foot conference center in the center wing, and a 10,000-square foot child care center on the lower level (total of 353,000 gross square feet (gsf)).

Description of the Modified Proposal for the Psychiatric Building

The modified proposed development scenario totals 453,420 gsf of floor area as follows, based on a RWCDS for the site. As stated above, the RWCDS is based on developer proposals that were received in response to the March 2008 RFP.

- Hotel: 240,000 gsf (approximately 450 rooms)
- Conference Center: 45,000 gsf
- Retail/Restaurant/Gym: 53,420 gsf
- Medical Office: 60,000 gsf
- Parking: 55,000 gsf

The redeveloped Psychiatric Building would be adjacent to the ERSP – a biotechnology center located between East 28th and East 29th Streets, east of First Avenue. The first phase of the ERSP project, approximately 600,000 sf in two towers, is currently under construction. The second phase of the project includes a tower on the parcel just east of the Psychiatric Building (the Option parcel), but the construction start date has not yet been determined. When complete, ERSP would contain 872,000 sf of bioscience space.

As part of the ERSP project, a raised pedestrian plaza would extend east from First Avenue, and would physically connect the Psychiatric Building's southern edge with the ERSP. The plaza would contain a cul de sac with turn-around above the bed of East 29th Street and, continuing east, it would contain landscaping, passive seating areas, a food kiosk, and opportunities for waterfront viewing. The plaza would also contain a glass enclosed Wintergarden between the two ERSP towers. Because of the grade change that slopes downward to the East River from First Avenue, some of first floor of the Psychiatric Building would be below the level of the plaza, requiring light wells for windows of the Psychiatric Building. Consultation with the OPRHP would occur prior to altering the exterior of the building. Parking for Bellevue Hospital and the ERSP would be located under the raised plaza.

Parking for the Psychiatric Building is proposed to be located below the building, possibly through valet service. Vehicle drop-off would be located at the midblock on East 30th Street. East 30th Street is an eastbound street and would remain so under the proposed project, except between First Avenue and the midblock hotel drop-off area, where there would also be a westbound lane so cars could turn around and exit at First Avenue. Building entry design treatments may include a port cohere on First Avenue, where a courtyard now exists.

The Psychiatric Building contains 11 WPA-era murals and it is expected that the some of the murals would be restored, particularly in the public areas, such as the lobbies. None of the murals are currently visible, having been covered by paint or plaster decades ago. The City's

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Public Design Commission has jurisdiction over mural restoration and it is expected that the designated developer would work with the Design Commission to implement a mural restoration program.

For the proposed retail component, a mix of retail, restaurant and gymnasium/sports club uses are proposed. These would primarily face First Avenue, with the gym and medical offices located in the basement. A utility easement in favor of the ERSP property extends into the Psychiatric Building to allow for utility connections.

Table 1 below shows the changes in the project program compared to the program for the Psychiatric Building analyzed in the 2001 FEIS.

Table 1
Psychiatric Building Program – 2001 FEIS vs. 2008 Proposed Modified Redevelopment

Land Use	Development Program Analyzed in 2001 FEIS for Projected Reuse	Current Redevelopment Program	Net Difference
Staff Housing	220 Units	0	(-220 units)
Laboratory	115,000 sf	0	(-115,000 sf)
Community Facility (Child Care)	10,000 sf	0	(-10,000 sf)
Conference Center	9,000 sf	45,000 sf	36,000 sf
Hotel	0	240,000 sf (450 rooms)	240,000 sf (450 rooms)
Medical Office	0	60,000 sf	60,000 sf
Retail	0	53,420 sf	53,420 sf
Parking	0	55,000 sf	55,000 sf

An additional modification is the designation of the East River Science Park as part of the existing Chinatown/Lower East Side Empire Zone (EZ) (see Figure 1). The EZ program is a certification program through which businesses that create jobs or make investments in a geographically designated area are made eligible for a variety of New York State tax credits and benefits. Under the current rules, businesses in the program must be certified as eligible and if qualified may operate with a substantially reduced tax burden for up to ten years. The New York City Department of Small Businesses is applying to Empire State Development Corporation, on behalf of the City, for approval of the proposed designation, pursuant to EZ regulations allowing such changes. The proposed action also requires City legislation to formally complete the City's request to re-designate the EZ. The Chinatown/Lower East Side EZ is governed by a local administrative board, constituted in accordance with applicable state regulations, and managed by the Renaissance Economic Development Corporation, which is the local administrator for this EZ.

Required Approvals and Review Procedures

The following discretionary public approvals are anticipated for the Psychiatric Building redevelopment:

- Site disposition - through HHC's process (HHC Act, Section 7385 (6)), which requires a public hearing by the HHC Board and a City Council vote.

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- Empire Zone expansion - requires City Council and Mayoral enactment of a local law creating an EZ on the site, and Empire State Development Corporation approval.

In addition, redevelopment of the Psychiatric Building will be done in accordance with the following:

- Historic Preservation MOA - a Memorandum of Agreement (MOA) on the building signed by OPRHP, the City of New York and HHC was entered into as a condition of securing Federal funds for the ERSP project. Close coordination with the OPRHP, which has already commenced, shall continue through project design, especially because the use of Historic Tax Credits is anticipated.
- NYC Design Commission -The NYC Design Commission will review and approve mural restoration efforts.

Purpose and Need

The Psychiatric Building is located in the midst of a major medical service and research corridor along First Avenue from approximately East 16th Street (Beth Israel Medical Center) to the East 60s (Memorial Sloan-Kettering Cancer Center, Weill Cornell Medical Center) to the East 90s (Mount Sinai Medical Center). New development to be undertaken as part of the ERSP would support the medical and scientific research and economic development opportunities available within this corridor. In support of this, the purpose of the modified proposal for the Psychiatric Building is to provide a reliable revenue stream to HHC, specifically Bellevue Hospital, and create much needed hotel and conference center space catering to the surrounding medical and life science-related communities. The disposition would occur through a long-term ground lease. The revenue stream established through the ground lease would specifically help support the operations of Bellevue Hospital.

The Psychiatric Building redevelopment would maintain the architectural integrity of the Psychiatric Building with façade restoration and would occur pursuant to a Memorandum of Agreement with the OPRHP that ensures that redevelopment of this State and National Register of Historic Places-eligible building would include appropriate measures to avoid or minimize any adverse effects to the integrity or appearance of the Psychiatric Building.

The proposed redevelopment is expected to achieve a Leadership in Energy and Environmental Design ("LEED") rating of at least Silver. The project would also maximize employment opportunities for the City's local and disadvantaged residents through participation in the Targeted Hiring and Workforce Development Program ("THWDP"). The proposed action also advances the City's economic development goals by supporting hospitals and other medical facilities along the First Avenue corridor with a complimentary use, and through job creation.

The purpose of the proposed EZ designation is to address the economic needs of this designated geographic area, including redevelopment of sites suitable for development that are currently underutilized. The proposed designation of the East River Science Park as part of the EZ would provide a variety of financial incentives and benefits for companies seeking to locate on the site that would maintain or increase employment and invest in their businesses.

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III. ANALYSES

Land Use, Zoning, and Public Policy

The 2001 ERSP FEIS indicated that the ERSP, which included the renovation of the Psychiatric Building as part of that previously approved project, would not substantially change land use in the surrounding area and would not result in significant adverse land use impacts. The previously proposed uses for the Psychiatric Building were described as being consistent with the medical-oriented facilities on the Bellevue campus, as well as with adjacent sites that also encompass biomedical and life sciences uses.

The modified proposal for the Psychiatric Building with hotel, medical office, retail and conference center uses that is the subject of this technical memorandum would alter area land uses to a greater extent than the previous proposal, although the revised uses still would be compatible with, and supportive of, the adjacent medical and life science-related institutional and mixed-use development. No significant adverse land use impacts would be expected. In addition, the expansion of the Empire Zone to the ERSP site would not have an impact on Land Use.

Land Use

Land use conditions within the ERSP FEIS study area were updated for this technical memorandum through consultation with the New York City Department of City Planning (DCP) and field surveys conducted in October 2008 to account for updated existing conditions and the status of development projects anticipated for completion through 2012 (see Figure 1). There have been no changes to the land use of the project site, which continues to be occupied by a nine-story, 398,420-square-foot, former Psychiatric Building associated with Bellevue Hospital Center.

Since the certification of the 2001 ERSP FEIS, the institutional no-build projects listed in the 2001 FEIS have been completed and the two southerly towers of the ERSP project are now in construction. In addition, there are two residential projects within the ¼-mile radius study area that are expected to be completed by 2012, including a 12-story apartment building at 305 East 33rd Street and two nine-story residential buildings on East 25th Street. The 12-story building located at 305 East 33rd Street, between First and Second Avenues would contain 130 dwelling units. The project is currently under construction and has a build year of 2010. The proposed two nine-story infill residential buildings located on East 25th Street, between First and Second Avenues, would contain 33 and 57 dwelling units, respectively. The proposed modified project has a build year of 2012.

Despite these proposed developments, however, the essential land use patterns within the project study area have remained similar to those detailed in the 2001 FEIS. Similar to the project analyzed in the 2001 FEIS for the ERSP and the former Psychiatric Building, the proposed modified project would include renovation of the existing Psychiatric Building and an adaptive reuse of the building. Although the newly proposed commercial use of the former Psychiatric Building (including approximately 240,000 gsf of hotel space with approximately 450 rooms, 45,000 gsf of conference space, 55,000 gsf of retail space including a restaurant and a fitness club/gymnasium, 40,000 gsf of medical office space, and 55,000 gsf of parking below grade)

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would differ from the previously analyzed mixed-use development that included 220 units of staff housing, 115,000 gsf of laboratory space, 9,000 gsf of conference space and a 10,000 gsf child care center, the new uses proposed would be compatible with existing and anticipated future uses in the study area. The area in the immediate vicinity of the former Psychiatric Building is expected to continue to exhibit a mix of institutional, residential, and mixed uses. Therefore, the proposed new use of the former Psychiatric Building would not result in any significant adverse impacts on land use, and would not alter the findings of the 2001 FEIS.

Zoning and Public Policy

The project site is located in a C6-2 zoning district. The disposition approval obtained through the 2001 ULURP approvals for the ERSP restricted C6-2 uses on the site to: Use Groups 3 and 4 (hospital related uses); Use Group 6A (neighborhood retail), which was limited to not more than 5 percent of the total new floor area; and Use Group 6B (office), which was allowed on a limited and temporary basis only. However, the ERSP project stalled and the Psychiatric Building was never disposed pursuant to that approval. The NYC Department of City Planning has subsequently confirmed that the use restrictions do not apply since the disposition mechanism has changed. The Psychiatric Building would be conveyed through HHC's disposition authority (HHC Act, Section 7385 (6)) and thus the redevelopment of the Psychiatric Building for hotel, office and retail uses would be as-of-right under current zoning.

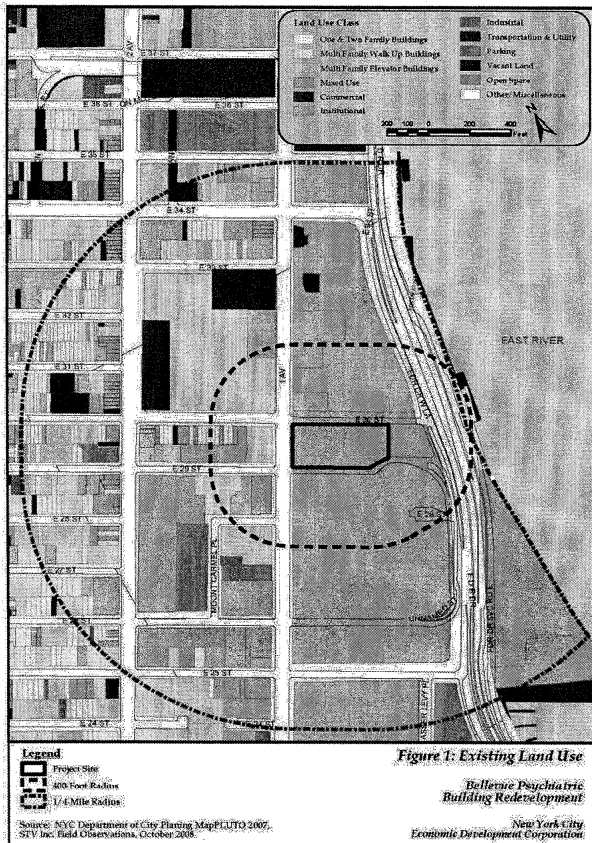
As indicated in the Project Description section above, designation of the ERSP as part of the existing Chinatown/Lower East Side Empire Zone (EZ) is also proposed. The EZ program is a certification program through which businesses that create jobs or make investments in a geographically designated area are made eligible for a variety of New York State tax credits and benefits. The New York City Department of Small Businesses is applying to the Empire State Development Corporation, on behalf of the City, for approval of the proposed designation, pursuant to EZ regulations allowing such changes. The proposed action also requires City legislation to formally complete the City's request to re-designate the EZ. Extending the Chinatown/Lower East Side EZ would support the stated need of economic development and foster the growth of biotechnology enterprises in New York City and would not alter the findings of the 2001 FEIS related to public policy.

Public policy relevant to the Psychiatric Building redevelopment in the form of a comprehensive plan for Manhattan Community Board 6 has been introduced since the 2001 ERSP EIS. The plan, entitled *197-a Plan for Eastern Section of Community District 6 Borough of Manhattan* and approved in March 2008, focuses on the waterfront and open space. 197-a Plan policies that are relevant to the Psychiatric Building and its vicinity include creating attractive open spaces and continuing north-south pedestrian circulation within the ERSP site, making improvements related to views and access through the campus between the waterfront and First Avenue; maintaining the existing street wall character along avenues; preserving the historic character and campus setting of Bellevue Hospital; considering landmark status for the Psychiatric Building; improving the East River Esplanade between 23rd Street and 42nd Street; and exploring FDR reconstruction opportunities related to creation of a decked park.

The modified proposal for the Psychiatric Building would not conflict with any of the applicable policies of the 197-a Plan for Manhattan Community District 6. It would enhance the future adjacent open space on the ERSP site and would preserve waterfront views. It would also

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protect the historic features of the Psychiatric Building, the street wall along First Avenue, as well as the historic character of the Bellevue Hospital campus. Therefore, the modified proposal would not result in any significant adverse impacts to previously existing or updated public policies related to the project site and its land use study area.



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Socioeconomic Conditions

The 2001 FEIS for the ERSF project identified no significant adverse socioeconomic impacts associated with that previously approved project that included the reuse of the Psychiatric Building. Because the modified proposal for the Psychiatric Building site includes an increment over the previously proposed project of nearly 300,000 gsf of commercial use and 36,000 gsf of conference center space, a socioeconomic screening analysis has been conducted for this technical memorandum according to CEQR Technical Manual methodologies to evaluate the potential for the modified proposal for the Psychiatric Building redevelopment to affect socioeconomic conditions. As described below, the current redevelopment proposal would not be expected to adversely affect the five categories of potential socioeconomic impacts identified in the CEQR Technical Manual. The project is not expected to cause significant direct or indirect residential or business and institutional displacement, or adversely affect specific industries.

According to the CEQR Technical Manual, a residential development of 200 units or less or a commercial development of 200,000 gsf or less would typically not result in socioeconomic impacts, unless it generates socioeconomic conditions that are very different from the prevailing conditions. The currently proposed reuse of the Psychiatric Building for a combination of hotel, medical office, retail and parking use would not include any residential dwelling units. Nonresidential development proposed for the site includes up to 453,420 gsf of hotel, commercial and medical office space, with the largest component comprising a 450-room, 240,000-square foot hotel. The hotel and associated office and commercial space would change the land use on the project site compared to existing conditions (a partially occupied men's shelter and intake center), or future conditions with the previously approved mixed-use development that included 220 units of staff housing, 115,000 gsf of laboratory space, a 9,000 sf conference center and a 10,000 sf child care center.

As indicated in the ERSF FEIS, the previous proposal for the Psychiatric Building would have reused an underutilized city-owned property and would have generated recurring economic activities. By providing a complementary set of uses that would foster the growth of biotechnology enterprises and fulfill the expansion needs of the New York University School of Medicine (NYUSOM), the FEIS indicated that it would have supported the activities of the NYUSOM, refurbished an underutilized building, created significant new biotechnology facilities, and benefitted the economy of the City and State by promoting growth of the biomedical/biotechnical research industry.

The CEQR Technical Manual calls for evaluation of socioeconomic conditions related to both residential conditions and business conditions where an action is expected to create substantial socioeconomic changes. According to the CEQR Technical Manual, a socioeconomic assessment should be conducted if a proposed action may reasonably be expected to create substantial socioeconomic changes within the area affected by the action that would not occur in the absence of the action. Actions that would trigger a CEQR analysis include those with the potential for the following:

- Direct residential displacement - the direct displacement of a residential population so that the socioeconomic profile of the neighborhood would be substantially altered;

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- Direct business displacement - the direct displacement of substantial numbers of businesses or employees or the direct displacement of a business or institution that is unusually important because: it has a critical social or economic role in the community and would have unusual difficulty in relocating successfully; it is of a type or in a location that makes it the subject of other regulations or publicly adopted plans aimed at its preservation; it serves a population uniquely dependent on its services in its present location; or it is particularly important to neighborhood character;
- Indirect residential and business displacement - the introduction of substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Such an action could lead to indirect displacement. As indicated above, the CEQR Technical Manual additionally states that residential development of 200 units or less or commercial development of 200,000 gsf or less would typically not result in significant socioeconomic impacts; and,
- Adverse Impacts on Specific Industries - a significant adverse impact may occur if an action would measurably diminish the viability of a specific industry that has substantial economic value to the City's economy. An example as cited in the CEQR Technical Manual would be new regulations that prohibit or restrict the use of certain processes that are critical to specific industries.

The following sections address the potential for these impacts as a result of the modified proposal for the project site.

Direct Residential Displacement

As with the previously approved project, there would be no direct residential displacement. The New York City Department of Homeless Services (NYCDHS) has operated the former Psychiatric Building since 1998 as a shelter for homeless men and an intake center for the shelter system and, independent of the proposed actions, is in the process of closing the shelter facility and relocating the intake center to another NYCDHS facility. The building is expected to be vacant by June 2009. While the demand for staff housing that would have been addressed by the previously proposed project would not be met with the current proposal, no significant adverse socioeconomic impacts as a result of direct residential displacement are expected.

Direct Business Displacement

The Psychiatric Building is currently partially vacant and is expected to be fully vacant by June 2009. No commercial businesses or employees would be displaced by the modified proposed action. The current proposal would result in an increase in employment on the project site compared to the previously proposed project. Laboratory space that would otherwise have been constructed with the previous proposal will not be provided under the current proposal. Therefore, no significant adverse socioeconomic impacts related to direct business displacement are expected.

Indirect Residential Displacement

The CEQR Technical Manual calls for a detailed evaluation of indirect residential displacement in circumstances where a project can lead to indirect changes including the following:

- The addition of substantial new population with different socioeconomic characteristics compared to the size and character of the existing population;

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- The direct displacement of uses or properties that have a "blighting" effect on property values in the area;
- The displacement of one or more components of the population that would alter the socioeconomic composition of the study area;
- The introduction of a "critical mass" of non-residential uses such that the surrounding area becomes more attractive as a residential neighborhood; and,
- The introduction of a land use that could have a similar indirect effect if it is large enough or prominent enough or combines with other like uses to create a critical mass large enough to offset positive trends in the study area, to impede efforts to attract investment to the area, or to create a climate for disinvestment.

Compared to the previously approved project, the currently proposed project would have the similar effects of utilizing an underutilized property and making the surrounding area more attractive as a residential neighborhood. However, with the newly proposed hotel and retail components, the modified proposal would introduce more intense generators of economic activity than the previously proposed redevelopment of the Psychiatric Building, thereby increasing the likelihood that the project would make the area more attractive as a residential neighborhood and, by extension, potentially increasing rents in the area.

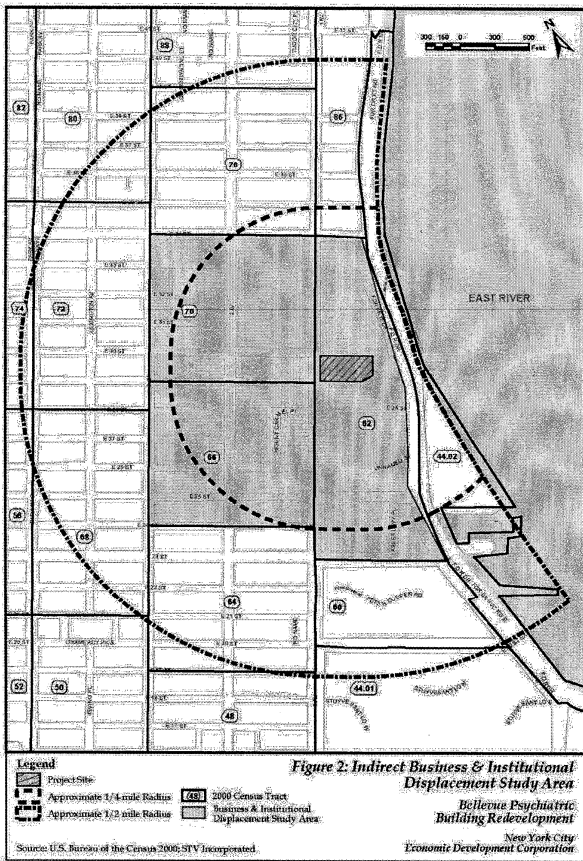
As it relates to the potential for indirect residential displacement, nine census tracts that fall within approximately 1/2-mile of the project site that comprise the study area for indirect displacement (see Figure 2) do not contain significant concentrations of households that would be considered at risk of secondary displacement. According to the 2000 census, the 34,546 households that reside in this socioeconomic study area had a year 2000 median household income of \$62,524 compared to all households in the borough of Manhattan (\$47,030), and the city as a whole (\$38,293). Census tract 66 that is located directly southwest of the project site and that includes portions of Second Avenue had the lowest household incomes of the nine study area census tracts (\$44,914). Field surveys indicate that housing conditions in this area are mixed, with some older four-story mixed-use buildings present facing Second Avenue that may contain fewer than six units, leaving them unprotected by rent regulation. However, this census tract contains only five percent of the study area's total households.

The area in general has experienced extensive new development of market rate housing and the relatively small amount of potential secondary displacement pressure generated by the modified proposal would not be expected to substantially accelerate trends related to rising land values and rents. Therefore, the limited indirect residential displacement pressure that might be generated by the modified proposal for reuse of the former Psychiatric Building would not be expected to result in significant adverse impacts from indirect residential displacement.

Indirect Business and Institutional Displacement

As with the analysis of indirect residential displacement, the preliminary assessment for indirect business and institutional displacement focuses on the issue of whether an action would increase property values, and thus rents, throughout the study area, making it difficult for some categories of businesses to remain in the area. An action can lead to such indirect changes if:

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- It introduces enough of a new economic activity to alter existing economic patterns;
- It adds to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing patterns;
- It displaces uses or properties that have had a "blighting" effect on commercial property values in the area, leading to rises in commercial rents;
- It directly displaces uses of any type that directly support businesses in the project area or bring people to the area that form a customer base for local businesses;
- It directly or indirectly replaces residents, workers, or visitors who form the customer base of existing businesses in the project area; or,
- It introduces a land use that could have a similar indirect effect, through the lowering of property values if it is large enough or prominent enough or combines with other like uses to create a critical mass large enough to offset positive trends in the study area, to impede efforts to attract investment to the area, or to create a climate for disinvestment.

With regard to the more intensive economic activity associated with hotel and retail use currently proposed for the former Psychiatric Building compared to the previously approved project, the new proposed action would introduce a new economic activity (hotel and convention center space) that may potentially alter existing economic patterns to some degree. It would introduce commercial development to the east side of the First Avenue medical corridor that now contains institutional uses with biomedical science research facilities under construction. Additional visitors to the area that would require support services such as restaurants and services would increase the intensity of economic activity in the area in general compared to the previous proposal for the project site with its mix of predominantly staff housing and laboratory space.

However, these new uses would be integrated into the fabric of the existing Bellevue campus and would for the most part occupy space that is now underutilized. The new uses would also largely be oriented towards staff of, and visitors to, the First Avenue medical corridor and would support the ongoing increase in biomedical science activities within the ERSP. The change in study area economic activity would mostly be expected to affect the immediately surrounding blocks in terms of the character of the area. For smaller area businesses that generally might be more vulnerable to pressures from rent increases, such as smaller service-related establishments and eating and drinking establishments on Second Avenue, the moderate increment of additional commercial use compared to the previously proposed action would not likely be large enough to increase area commercial rents to a degree that would substantially change the character of the area. This info is based on the proposed size of the development in relation to surrounding socioeconomic conditions as assessed in an October 2008 field survey, and on information on prevailing economic trends provided by NYC Department of City Planning and the 2001 ERSP FEIS. Recent data on hotel trends was provided by the NYC Economic Development Corporation.

A field survey of businesses within approximately 1/2-mile of the project site was undertaken in October 2008 to inventory existing conditions. The most prevalent business types found within this study area are eating establishments (16 percent), institutions/community facilities (14.6 percent), medical offices (9.7 percent), and food stores (9.7 percent). In addition, there are a significant number of tailors and laundries, and personal and beauty care establishments. The eating establishments in the area generally are smaller non-chain restaurants, diners, and take-out pizza or ethnic food establishments, housed in mixed-use (residential and commercial) buildings.

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There is a high concentration of bars on Second Avenue in particular. Conditions of storefronts vary although there are many newer establishments catering to more upscale markets. Nearly 40 percent of the commercial uses, especially eating and drinking establishments and food stores, are found along Second Avenue. In contrast, First Avenue is dominated by institutional and community facility uses centered around NYU Medical Center.

The newly proposed uses for the Psychiatric Building are expected to facilitate new economic growth in the study area, and bring more intensive economic activity to the immediate First Avenue vicinity. While these changes in economic conditions could result in some limited indirect business displacement of smaller, lower margin storefronts that are more susceptible to rent increases as a result of increasing land values, the new program of redevelopment would not result in significant adverse indirect business and institutional displacement impacts within the study area. Potential increases in land values in this area would not be expected to be of a magnitude that would cause significant adverse indirect business displacement that would change the nature of economic activity in the area or the area's neighborhood character.

The development of the proposed hotel in the context of the larger surrounding section of the East Side of Manhattan in which the study area is located would continue an ongoing development trend, with other hotels currently proposed on East 44th Street between Second Avenue and Third Avenue, on East 43rd Street between Second and Third Avenue, and at Madison Avenue and East 33rd Street. As of September 2008, the Manhattan hotel occupancy rate was 85.7 percent, down from 86.7 percent in September 2007, although the average daily hotel room rate of \$381 represented an 8.6 percent increase from September 2007.¹ The proposed hotel would also meet demand for lodgings in this far eastern area of lower Midtown that is currently underserved by hotel facilities, and that contains numerous large institutions that draw visitors that otherwise would not have convenient nearby access to hotel accommodations.

Adverse Effects on Specific Industries

The change in proposed use of the former Psychiatric Building would not be expected to result in significant impacts on clusters of specific industries, specifically the medical and life science industries, within the study area. The First Avenue Medical Corridor would benefit from the addition of hotel accommodations to support its workers and visitors. Substantial reductions in employment or negative effects on the economic viability of local industries or categories of businesses would not be expected.

Empire Zone

The Empire Zone (EZ) Program is proposed to be extended to the ERSP as part of the revised proposed action for the ERSP. Empire Zones are designated areas of New York State that offer tax benefits and incentives to encourage economic development, business investment, and job creation. The goal of the program is to create jobs and stimulate private investment in new or existing businesses in order to alleviate problems in impoverished areas of the State. To receive certain benefits, a business needs only to reside within the boundaries of a zone. All Empire Zone certified businesses may be eligible for wage tax credits, investment tax credits, zone capital credits and NYS sales tax refunds.

¹ "Economic Snapshot," New York City Economic Development Corporation, November 2008.

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The establishment of the Empire Zone on the ERSP would have beneficial economic effects of stimulating job creation, expanding the range and scope of economic activity in the area, enhancing capital opportunities of local businesses and institutions, and improving the quality of life for residents, workers, and visitors. This aspect of the proposed project would help to establish the already proposed mix of uses in the area to where the zone would be expanded and would enhance the economic vitality of the uses described and evaluated in the ERSP FEIS, as well those in the modified proposal for the Psychiatric Building redevelopment. As with the other elements of the modified proposal, the extension of the Empire Zone to the ERSP would not be expected to result in significant adverse socioeconomic effects and is expected to strengthen economic conditions in the area.

Community Facilities

No significant adverse impacts to community facilities were identified in the ERSP as a result of the previously approved project. The FEIS evaluation of community facility impacts was limited to Police and Fire, and impacts on Bellevue Hospital.

With regard to the demand for community facilities, as stated in the *CEQR Technical Manual*, the demand for community services generally stems from the introduction of new residents to an area. Since no residential units are proposed under the modified proposal for the Psychiatric Building, no further analysis of effects on the demand for community facilities is warranted.

While the existing and historic community facility use of the Psychiatric Building would change to commercial use with the modified proposal, the existing men's shelter that occupies the Psychiatric Building will be relocated by mid-2009 irrespective of the modified proposal for the Psychiatric Building. Therefore, no direct impacts to, or displacement of, community facilities uses would occur. New York University School of Medicine facilities such as staff housing, staff practice and research space that had been proposed for the Psychiatric Building under the previously approved project, and that would have directly served and enhanced the community facility functions of the overall Bellevue campus, are no longer proposed. This change in the reuse program, however, would not be expected to result in significant adverse impacts to community facilities as other research and laboratory uses are currently under construction as part of the ERSP project. The currently proposed hotel, medical office space and increased conference center space would also complement and enhance the existing and future uses at Bellevue Hospital. The expansion of the Empire Zone to the ERSP site would not have an impact on Community Facilities.

Open Space

The ERSP FEIS indicated that the approved project would not result in any significant adverse impacts to open space resources. With no proposed staff housing, the modified proposal for the Psychiatric Building would not generate residential demand for open space, and therefore no further analysis of potential indirect effects to open space related to the addition of a new residential population is warranted.

The modified proposal would, however, increase worker population with its mix of hotel, office and retail uses compared to the laboratory space and staff housing previously proposed. An

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evaluation of potential indirect open space impacts related to worker population was therefore conducted for this technical memorandum pursuant to the methodologies of the *CEQR Technical Manual*.

The evaluation assessed the effects of the change in use program, and the increase in future worker population on the Psychiatric Building project site compared to that of the previously approved project. Updated area conditions were also considered, including newly planned residential developments in the study area identified for completion by 2012. These developments were identified through consultation with the New York City Department of City Planning in November 2008, and included: a proposed 12-story apartment building with 130 dwelling units that would generate 221 residents and five workers; and, two nine-story residential buildings with a total of 90 dwelling units that would generate 153 residents and four workers. With the projects previously identified in the ERSP FEIS, there would be 1,351 new residents and 2,257 new workers in the ¼-mile study area. The change in the phasing and timing of the ERSP project was also considered in the updated open space analysis.

Table 2 shows that in the future with the proposed project, the active open space ratio would increase, but the passive open space ratio would decrease. This decrease is less than five percent however, and according to the *CEQR Technical Manual* does not represent a substantial change from 2006 No Build Conditions as described in the 2001 FEIS. Therefore, the open space conditions in the ¼-mile study would not be substantially changed by the modified proposal. No significant adverse impacts to open space resources would result.

The expansion of the Empire Zone to the ERSP site would not have an effect on open space resources in the study area.

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Table 2: Adequacy of Open Spaces in the Non-residential Study Area

Non-Residential Study Area (1/4-Mile)	2001 FEIS		Updated Conditions	
	2006 No-Build Condition	2006 Build Condition *	2012 No-Build Condition **	2012 Build Condition ***
Study Area Population				
Residents	21,834	22,134	23,432	23058
Workers	18,101	20,364	20,585	21306
Total User Population	39,935	42,498	44,017	44,364
Open Space Acreage				
Total	11.467	12.454	12.518	12.518
Active	3.587	3.587	3.587	3.587
Passive	7.88	8.867	8.928	8.928
Open Space Ratios				
Active (Residents)	0.0898	0.0844	0.1531	0.1556
Passive (Workers)	0.4353	0.4354	0.4337	0.4190
Combined Passive (Residents and Workers)	0.1973	0.2086	0.2028	0.2012
Percentage Change in Ratios (Build to No-Build)				
Active (Residents)		-6.03%		1.62%
Passive (Workers)		0.02%		-3.38%
Combined Passive (Residents and Workers)		5.74%		-0.78%
* The 2006 Build Condition in the 2001 FEIS includes two phases of East River Science Park Development, respectively in 2004 and 2006.				
** The proposed construction program analyzed in the 2001 FEIS (2006 Build Condition) is used as the basis for the Psychiatric Building development 2012 No-Build Condition, though the 2012 No-Build Condition relies on 2000 Census data (in place of the 1990 Census data used in the FEIS) and excludes the Biotech II development, which will not be finished by 2012.				
*** The updated 2012 Build Condition only changes the use of the Psychiatric Building with respect to the FEIS (adding 981 employees per the new program subject to this technical memorandum in place of 260 employees previously considered in the FEIS); this 2012 Build Condition is compared to the 2012 No-Build Condition with a net increase of 721 workers and net decrease of 374 residents.				

Shadows

The ERSP FEIS included a shadow analysis for the overall ERSP project that considered shadows for four representative days of the year and concluded that there would be no significant shadow impacts from the previously proposed ERSP project shadow increments. The FEIS further found that increases in shadows cast on the East River Esplanade for a short duration in the afternoon from September to March would not significantly alter the character of that open space. No shadow increment would have been added by the previous Psychiatric Building proposal, which did not include building additions. Similarly, the current proposal for the Psychiatric Building does not contemplate a building addition and, therefore, based on a shadow screening conducted for this technical memorandum, no significant adverse shadow impacts are expected by the modified proposal.

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The expansion of the Empire Zone to the ERSP site would not have an effect on shadows.

Historic and Archaeological Resources

No significant adverse impacts to historic or archaeological resources were identified in the 2001 FEIS for the ERSP project. Subsequently, the Psychiatric Building was subject to a MOA among OPRHP, HHC and the City of New York. The MOA requires, among other things, consultation with OPRHP prior to altering the interior or the exterior of the Psychiatric Building (see Appendix A Agency Correspondence).

With regard to archaeological resources, the ERSP FEIS indicated that there does not appear to be any discrete land area of any size within the project site that has not been repeatedly built upon since the founding of the Bellevue Hospital complex. Utility connections, steam tunnels, catch basins, and storage tanks have also been repeatedly installed and abandoned throughout the complex. Any former yards -- which at one time could have maintained archaeological resources relating to industrial activities -- and residential structures, were subsequently disturbed. It was concluded that the project site has no potential for prehistoric or historical period archaeological resources, and no further consideration for archaeological resources is warranted (see Appendix A. Agency Correspondence). Therefore, as with the previously approved project, the current proposed modified redevelopment of the Psychiatric Building would not have any significant adverse effects on archaeological resources.

No significant adverse impacts to historic resources were identified in the FEIS, which indicated that the restoration of the Psychiatric Building and the sympathetic adaptive reuse of the building were considered a significant positive impact on historic resources. With regard to other ERSP development, the FEIS indicated that while the new buildings would alter the context of the potential and designated historic resources, the design and use of materials would be simple, but compatible with the more elaborate design of the existing Psychiatric Building and R & S Building.

As construction of ERSP's West Tower would occur within approximately 40 feet of the Psychiatric Building, construction would follow the requirements of New York City Department of Buildings *Technical Policy and Procedure Notice (TPPN) #10/88*, concerning procedures for avoidance of damage to historic structures from adjacent construction. This policy and the procedure notice were developed by the Department of Buildings for construction near historic landmarks to avoid potential adverse impacts during construction.

The Psychiatric Building has been determined to be eligible for listing in the State and National Registers of Historic Places. In a Resource Evaluation for the Psychiatric Building prepared by the OPRHP in 2007, the building is identified as being eligible for inclusion in the National Register based on Criterion A (properties associated with events that have made significant contribution to the broad patterns of our history) and Criterion C (properties that embody the distinctive characterizing of a type, period or method of construction; or represent the work of a master; or possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction). In its Resource Evaluation, OPRHP described the building's Italian Renaissance architectural features, including its contributing perimeter fence.

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According to OPRHP, the Psychiatric Building, along with the other historic structures on the Bellevue campus (R & S Building, Administration Building, and C & D Building), is architecturally significant as an example of urban institutional design, and meets Criterion A in the areas of social history and health for its association with Bellevue Hospital, which is reported to be the oldest municipal hospital in North America.

The proposed combination of hotel, medical office, retail and parking use in the renovated Psychiatric Building would occur in close coordination with SHPO and pursuant to the MOA that is intended to ensure that construction, alteration, remodeling, demolition or other modifications to the structure or setting would maintain the building's relationship to Bellevue's historic buildings, and preservation of the gathering rooms (such as the auditorium and the lobbies) would be undertaken to the extent possible.

With the provisions of the MOA in place, consultation with OPRHP would occur, especially since the use of Historic Tax Credits is anticipated for this project. Given the MOA's safeguards against inappropriate redevelopment of the building and the fact that the project would primarily entail reuse of the building with some changes to the ground floor of the building for the addition of storefronts, no significant adverse impacts to the Psychiatric Building or its surrounding context would be anticipated.

The inclusion of medical office space and the close physical interface with the ERSP project would maintain an association with the Bellevue campus. By providing accommodations for staff and visitors, the hotel would also support ongoing biomedical research functions on the Bellevue campus. Upgrading of the building and the activation of its surrounding streetscape with ground floor retail would be expected to enhance access of the public to this historic resource and improve its visual conditions. To avoid construction period impacts on this historic resource, construction would follow the requirements laid out in *TPPN #10/88*. Therefore, no significant adverse impacts to historic resources are anticipated. The expansion of the Empire Zone to the ERSP site also would have no effect on historic or archaeological resources.

Urban Design and Visual Resources

The 2001 ERSP FEIS did not identify any significant adverse urban design or visual resources impacts from the Psychiatric Building renovation and reuse or the larger ERSP project. The FEIS notes that the Psychiatric Building is a richly decorated brick and stone building that is the only visual resource on the ERSP project site, but that the FDR Drive, the parking beneath it, and the Waterside complex obscure most views to and from the East River and the Esplanade. It further notes that there are few significant view corridors to the nearby waterfront in the study area, due to superblocks and the FDR Drive, and that waterfront views eastward along East 29th Street and East 30th Street to the elevated FDR roadway and above are limited to a sliver of the East River and the opposite waterfronts of Greenpoint, Brooklyn, and Hunters Point, Queens, with the Waterside residential complex, the NYU Hospital Center/NYUSOM and Bellevue Hospital Center blocking views to the river from other east-west streets in the study area for urban design and visual resources.

The ERSP FEIS indicated that the effects of the previously approved Psychiatric Building renovation and reuse would comprise a major improvement to the character of First Avenue, and

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that the restoration of the façade, as well as full utilization of the building, would considerably improve its character as a visual resource.

With respect to urban design conditions of the larger ERSP site and study area, the FEIS stated that the proposed 220-foot and 280-foot tall towers of the ERSP project would be visible from First Avenue and would have a more imposing presence on the eastern portions of the ERSP project site and its low-rise uses, but that their height would be consistent with other tall buildings in the area. It stated that more distant views of the Psychiatric Building from the FDR Drive, the East River and the East River Esplanade were expected to be largely blocked by the new ERSP high rise towers. With the construction of the Option Parcel tower on hold, the Psychiatric Building would continue to be visible from the FDR Drive and distant areas to the east, including the East River Esplanade.

Under the modified proposal for the Psychiatric Building, even with the greater visibility compared to the previously approved project of the building from the east in 2012 as a result of the delay in construction of the Option Parcel tower, views from areas to the east including the East River Esplanade would not be significantly affected. The Psychiatric Building redevelopment project would not block visual access to the waterfront and is expected to enhance the East River Esplanade by providing a nearby hotel facility whose patrons would likely take advantage of this waterfront amenity, increasing pedestrian activity on and leading to the waterfront.

The urban design and visual resources screening analysis that was conducted for this technical memorandum pursuant to *CEQR Technical Manual* guidelines for the modified proposal for the Psychiatric Building confirmed the ERSP FEIS' conclusions of no significant adverse impact on block shapes, streetscape conditions, and building uses, shapes and forms in the study area. Updated photographs of the Psychiatric Building and its surrounding areas are shown in Figure 3. The screening analysis indicated that the change in use from primarily staff housing and laboratory use to primarily hotel/conference center, medical office and retail use would bring an increase in activity to the site and its surrounding streetscape compared to future conditions in 2012 with the previously approved project. Hotel lobby and façade treatments would be expected to differ from building entrance and façade treatments otherwise expected without the modified proposal. With the modified uses and design, there would be a more inviting and publicly oriented treatment of the First Avenue courtyard. Streetscape features of the current proposal may include a port cochere entrance on First Avenue, with pavers and circulation area replacing some of the existing landscaping features within the First Avenue courtyard. With the addition of ground floor shops with transparent storefronts and the round-the-clock use associated with a hotel, First Avenue in this location would have a more active appearance, improving the streetscape. On East 29th Street, the proposed cul de sac and pedestrian plaza associated with the ERSP project would face windows of hotel rooms or medical offices, with an active use of the East 29th Street courtyard enhancing the attractiveness of that space both day and night. As with the previously approved project, the pedestrian plaza on East 29th Street would provide the key interface between the Psychiatric Building redevelopment and the ERSP project.

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Figure 3. Views of Project Site and Study Area

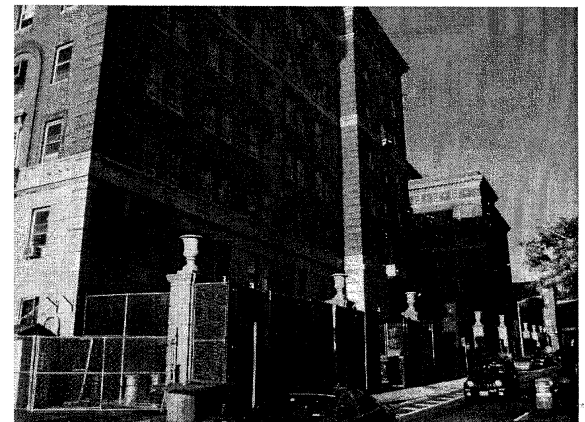


(1) Psychiatric Building Viewed from First Avenue.

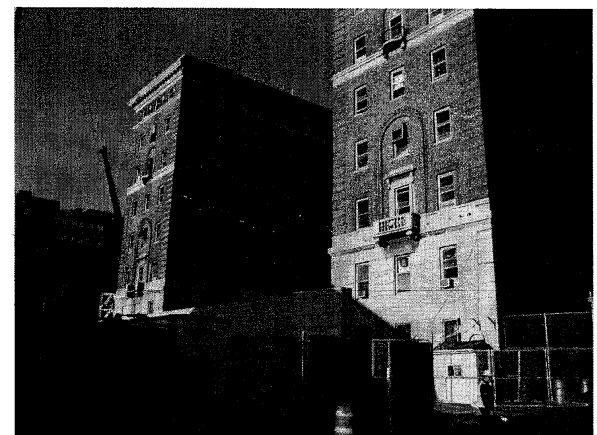


(2) Psychiatric Building with NYU Medical Center and Office of the Chief Medical Examiner to the north.

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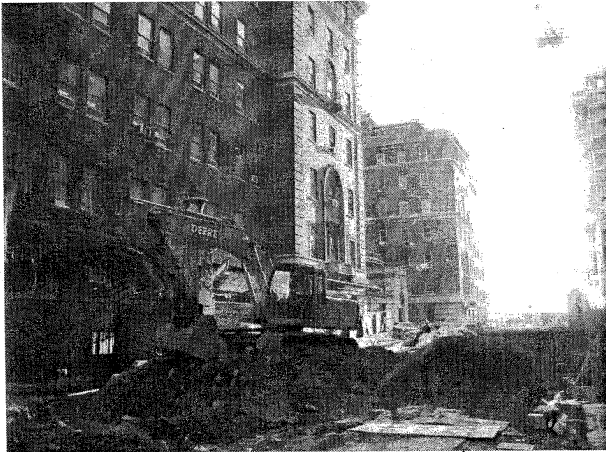


(4) Psychiatric Building viewed looking southwest on East 30th Street.



(5) Eastern courtyard of Psychiatric Building.

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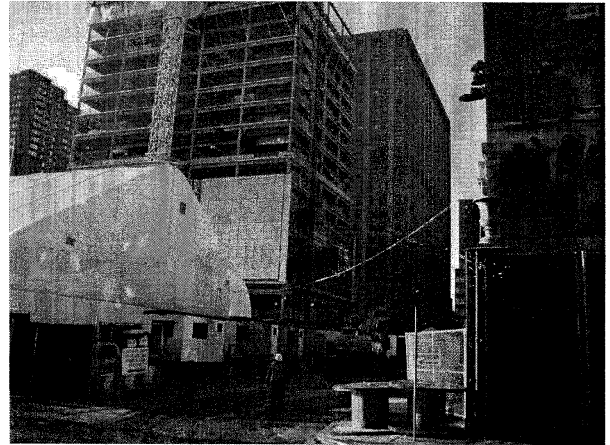


(6) Southern façade of Psychiatric Building and East 29th Street construction.



(7) Kips Bay Towers viewed looking West from First Avenue and East 30th Street.

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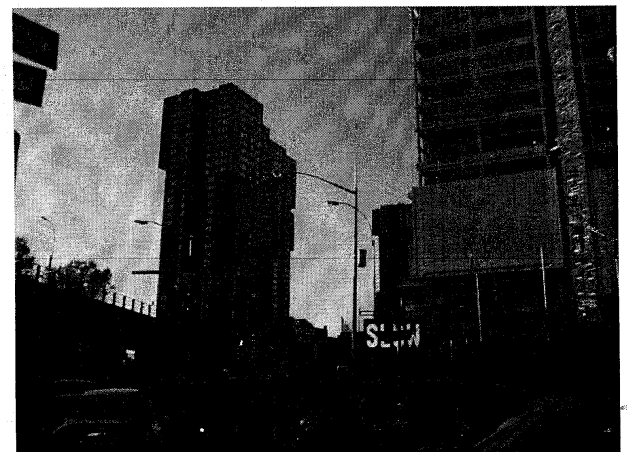


(8) Construction to the rear of Psychiatric Building viewed looking southeast from East 30th Street and northeast corner of Psychiatric Building.



(9) FDR Drive and view toward waterfront from East 30th Street.

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(10) East River Science Park construction to the rear of Psychiatric Building viewed looking southeast from East 30th Street and FDR Drive.



(11) First Avenue Medical Corridor viewed looking northeast from East 26th Street.

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A minor change in the configuration of vehicular access on East 30th Street is currently proposed. East 30th Street is an eastbound street and would remain so under the proposed project, but with the proposal to be two-way between the midblock hotel drop-off area and First Avenue so that cars can turn around and exit at First Avenue.

Reuse of the project site for a hotel and other nonresidential development would benefit urban design conditions in the urban design study area by providing a complementary use to the surrounding buildings in this existing medical corridor, through greater activation of the block face along First Avenue than previously proposed. By providing support services and modern accommodations for visitors to the existing and planned medical and research facilities, the modified proposal would introduce synergies that would make the entire First Avenue corridor within the study area a more attractive environment to work in, as well as to visit, for its state-of-the-art facilities. Hotel visitors would also likely take advantage of recreational amenities such as the planned ERSP pedestrian plaza.

Building bulk and massing as viewed from the most prominent First Avenue frontage of the Psychiatric Building would be unchanged from the previously approved project. The visual conditions along First Avenue would improve and activate with the opening of the existing courtyard as a secondary entrance to the proposed hotel. The East 30th Street courtyard would serve as the primary vehicular drop-off point, with garage access from East 30th Street at the location of a newly built roadway that would provide access to the ERSP garage.

The modified proposal for the Psychiatric Building is not expected to have significant adverse impacts on visual resources in the study area. Existing notable views of the historic buildings of the Bellevue campus would not be obstructed by the proposed action. Views toward the waterfront down East 30th Street, currently blocked by the FDR Drive, would not be otherwise changed.

The former Psychiatric Building itself would be largely unaltered although the primary visual effects would be the rehabilitation of its facades. The adaptive reuse of the building would include new fenestration at ground floor level along the First Avenue frontage. As indicated above, any modifications would blend with the building's Italian Renaissance style architecture, and would continue previous basic rehabilitation and modernization efforts on the Psychiatric Building site and the Bellevue campus. These have included the refurbishment of the Psychiatric Building's eastern courtyard building portion, with modern vertically configured windows that respect that rhythm of the building's fenestration above, and sensitive repair of the easternmost wall of the building with matching colors and materials.

The restoration and sympathetic reuse that is currently proposed is expected to have a significant positive impact on this visual resource. While the change in use is not expected to significantly alter the character of the surrounding area's streets, it should be noted that OPRHP indicated in a 2006 Resource Evaluation for the Psychiatric Building that its association with Bellevue Hospital qualifies the building as meeting Criterion A for Inclusion in the National Register ("Association with events that have made significant contribution to the broad patterns of our history"). The current redevelopment plan would maintain a close physical interface with the ERSP and the remainder of the Bellevue campus, and part of the redevelopment program would include medical office space. As a result of the currently proposed redevelopment of the Psychiatric

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Building, the ERSP plaza that is now under construction on East 29th Street would face a more active building façade to the north, and would benefit from an increase in pedestrians generated by the hotel, conference center and other uses proposed for the Psychiatric Building. The expansion of the Empire Zone to the ERSP site would not have an effect on Open Space.

Neighborhood Character

The ERSP FEIS concluded that the previously proposed project would not have significant adverse effects on neighborhood character, or the various elements that together define neighborhood character. It indicated that with uses consistent with the medical-oriented facilities in the study area, land use would not be significantly impacted. The restoration and adaptive reuse of the Psychiatric Building would contribute positively to the character of the area. With regard to urban design, it concluded that although the previously proposed ERSP project would alter the urban design of the project area by introducing new, tall buildings of contemporary design, the expected design and use of materials were expected to be compatible with the more elaborate design and use of the area's existing historic buildings. The FEIS stated that all traffic impacts could be mitigated through signal timing changes. Noise levels were expected to change from the "marginally acceptable" to the "marginally unacceptable" category, although mechanical equipment such as heating, ventilation, and air conditioning (HVAC) and elevator motors would have sufficient noise reduction devices pursuant to applicable regulations and standards. The FEIS indicated that measures would be undertaken to mitigate any noise impacts.

While the modified proposal would have differing effects on the elements that together comprise neighborhood character, no significant adverse impacts have been identified related to land use, socioeconomic conditions, urban design and visual conditions, traffic and parking, noise, or historic resources. The modified proposal, while introducing commercial uses, would still be complementary from a land use perspective. The hotel would support visitors and patients of the Bellevue Hospital campus and ERSP. Medical office use would be consistent with surrounding uses on the campus. Urban design would be enhanced with the restoration of the Psychiatric Building's façade. The proposed modifications to the reuse of the Bellevue Psychiatric Building would result in significant traffic impacts at two study area intersections, which were not previously identified in the ERSP FEIS. However, these impacts could be mitigated through signal timing changes.

An assessment of potential noise impacts of the modified proposal indicate mobile source-related noise impacts would not occur. The *CEQR Technical Manual* has set noise attenuation requirements for buildings based on anticipated exterior noise levels. These recommended noise attenuation values are designed to provide an interior noise level of 45 dBA or lower. As the area noise levels are primarily the result of vehicular movement; the anticipated insignificant increase in traffic noise levels from project-related vehicles, as well as the agreement between noise monitoring conducted for this technical memorandum and the 2001 ERSP FEIS, indicate that the attenuation requirements for the proposed project would not change from the those determined for the 2001 ERSP FEIS. As a result, required L₁₀ attenuation would not be greater than 35dB for any of the building facades of the modified development. The only source of project-related stationary noise would be from internal and external mechanical equipment required for the modified development (such as elevator motors). This equipment would be fitted with the

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required noise reduction devices to comply with applicable NYC noise regulations and standards.

Because the proposed reuse of the Psychiatric Building would add a complementary set of uses to this portion of the Bellevue campus and would physically upgrade an underutilized historic resource, effects of the reuse would be expected to be beneficial to neighborhood character. The proposed hotel would enliven the First Avenue streetscape and ground floor retail would similarly activate the immediately surrounding sidewalks in this area. Therefore, conclusions of the ERSP FEIS related to neighborhood character would still be applicable to the modified proposal. No significant adverse neighborhood character impacts are anticipated due to the reuse of the Psychiatric Building or the expansion of the Empire Zone to the ERSP site.

Natural Resources

No significant adverse impacts related to natural resources would occur as a result of the modified proposal for the Psychiatric Building or due to the expansion of the Empire Zone to the ERSP site. As defined in the *CEQR Technical Manual*, a natural resource is a plant, animal species or any area capable of providing habitat for plant and animal species. Any area capable of functioning to support environmental systems and maintain the City's environmental balance may also be considered a natural resource. Such resources include surface and groundwater, soils, drainage systems, wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks and built structures used by wildlife.

The project site is urbanized and has been completely developed and disturbed, does not contain natural features of significance, nor is it located immediately adjacent to any natural resources. No habitat for rare, threatened or endangered species exists within the project site. A letter dated November 17, 2008 was received from the New York State Department of Environmental Conservation (NYSDEC), Division of Fish, Wildlife and Marine Resources stating that the project site has no known occurrences of rare or state-listed animals and plants, significant natural communities, or other significant habitats maintained in the New York Natural Heritage Program databases (see Appendix A. Agency Correspondence).

Floodplains are defined as areas low enough in elevation to hold flood waters during significant storm events. Regulated floodplains are defined by the Federal Emergency Management Agency (FEMA) and include areas that flood during storms that have a one percent chance of occurring in any given year, which is equivalent to the likelihood of a storm occurring once every 100 years (100-year storm). FEMA also maps the 500-year floodplain but these areas are not regulated. At the local level, New York City's Local Law 33 of 1988 regulates construction in the 100-year floodplain and requires that habitable structures be flood-proof or elevated above the 100-year floodplain. The project site is not located in a 100-year or a 500-year floodplain. FEMA's Flood Insurance Rate Map for the project site indicates that the boundary of the 100-year floodplain Zone AE is adjacent to the northeastern and southeastern corners of the Psychiatric Building project site. Nevertheless, the proposed action would not result in significant adverse impacts related to the floodplain.

As described by the *CEQR Technical Manual*, all of New York City's coastal resources are considered important and are protected by the New York State Department of State (NYS DOS)

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Coastal Management Program. In addition, New York City has a Local Waterfront Revitalization Plan (LWRP) that guides utilization and development of the city's shoreline. As the project site is located within New York City's coastal zone boundary as outlined by the New York City Department of City Planning (DCP), an analysis of the consistency of the proposed action with the applicable coastal zone policies is included in the LWRP section of this technical memorandum.

Since no significant natural resources exist on the project site, the modified proposed action would not result in significant impacts on natural resources. The project site is totally devoid of natural resources and is already occupied by an existing building and paved areas. The modified redevelopment is not expected to have any significant impacts on natural resources, including ground water, floodplains, coastal resources, wildlife, wetlands, uplands, built resources, and significant, sensitive, or designated resources.

Hazardous Materials

The ERSP FEIS addressed the potential for the presence of hazardous materials resulting from the overall ERSP project and included descriptions of the findings of a Phase I Environmental Site Assessment (ESA) for the overall ERSP project. The ESA recommended appropriate precautions to avoid adverse environmental impacts from contaminants including removal of hazardous materials in compliance with all applicable regulations to ensure that no adverse hazardous materials impacts would occur to this area as a result of the previously proposed actions. A Health and Safety Plan (HASP) for recommended Phase II investigations was prepared and approved by the DEP, but was not immediately implemented due to the temporary morgue activities at Bellevue related to the events of September 11, 2001.

With regard to the Psychiatric Building, the Phase I ESA described in the ERSP FEIS indicated the presence of asbestos and lead-based paint (LBP), which could potentially be released into the air during renovation or demolition. The FEIS also described the potential for hazards associated with the future use of materials in the proposed laboratories, including hazardous chemicals, biohazards, and radioactive materials.²

Additional analyses of conditions of the Psychiatric Building have been conducted since the ERSP FEIS. An Environmental Site Assessment of the Bellevue Psychiatric Hospital site (Psychiatric Building) was completed by AKRF, Inc. in March 2008. The assessment identified potential environmental concerns associated with the site resulting from its past or current uses as well as similar uses on neighboring properties.³ This ESA revealed the following recognized environmental conditions on or near the Psychiatric Building.

- Two 55-gallon drums were observed in the basement, one empty and one sealed with unknown contents. No signs of staining or leaking were observed in the area around the drums.
- Asbestos-containing materials (ACMs) were determined to be present within the building in a May 2007 asbestos investigation. ACMs were detected in many components,

² AKRF Inc., *East River Science Park Final Environmental Impact Statement*, November 2001.

³ AKRF Inc., *Phase I Environmental Site Assessment for the Bellevue Hospital Site*, March 2008.

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including the following: cementitious pipe insulation and joint insulation, vinyl floor tiles and floor coverings, plaster, suspended ceiling tiles, window caulking and roofing materials. The suspect materials were observed to be in generally good condition; however, localized and significantly damaged areas were noted.

- Lead-based paint was determined to be present within the building by a May 2007 lead paint investigation. Lead-based paint was detected in many of the surfaces, including walls, ceilings, doors, door components, window components, and radiators throughout the building. Paint was generally in good condition in occupied spaces, such as the dorm rooms, dorm halls, office areas, and recreation rooms at the site. However, painted surfaces in the unoccupied areas were observed to be in poor condition. The damaged areas were extensive and had resulted in the accumulation of paint chips along the floors and other surfaces.
- Fluorescent lights and electrical transformers may include components containing polychlorinated biphenyls (PCBs) and/or mercury.
- Numerous documented spills have occurred at the south-adjacent Bellevue Hospital complex and at other adjacent properties. Spills include tank test failures and soil contaminated with petroleum products. Due to their proximity to the subject site and the tidal influence of the East River, these adjacent spills may affect soil and groundwater beneath the project site.

The ESA recommended that the contents of the sealed 55-gallon drum observed in the basement be determined and the drum and that its contents be disposed of in accordance with applicable regulations.

Due to the proximity of adjacent documented spills and historic adjacent auto repair facilities and garages, a subsurface (Phase II) investigation, including the advancement of soil borings and groundwater monitor wells, was recommended. Several activities were identified, including:

- Soil and groundwater samples should be collected from the borings/monitor wells to characterize soil and groundwater quality beneath the study site.
- Prior to any renovation or interior demolition activities, a comprehensive asbestos survey should be conducted throughout the building to identify all visual and hidden ACMs. Destructive techniques should be utilized, including probes into walls to access hidden asbestos-containing materials and the removal of floor tiles to access multiple layers of flooring and/or cores through roofing. ACMs should be removed by a licensed abatement contractor in accordance with all applicable federal, state and local regulations.
- Any renovation activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 - Lead Exposure in Construction).
- Unless there is labeling or test data that indicate that fluorescent light fixtures do not contain mercury and/or PCBs, disposal, if required, should be performed in accordance with applicable federal, state, and local regulations and guidelines, according to the ESA.

The ESA recommended that if soil disturbance is required for site development activities, excavated soil should be managed in accordance with all applicable regulations. Soil intended for off-site disposal should be tested in accordance with the requirements of the intended receiving facility. Transportation of material leaving the site for off-site disposal must be in

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accordance with federal, state and local requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. If dewatering is necessary for any future development, discharges to the municipal sewer system must meet DEP criteria for effluent to municipal sewers, in accordance with the DEP Bureau of Wastewater Treatment' (BWT) Wastewater Quality Control Permit. Discharge water may need pretreatment to meet these criteria, according to the ESA.⁴

With adherence to the recommendations of the 2001 ERSP FEIS with regard to hazardous materials on the overall ERSP site, including the findings of its described ESA, as well as the recommendations of the 2008 ESA for the Psychiatric Building, conclusions of the FEIS are expected to be applicable to the modified proposal. With the implementation of measures described in the FEIS, no adverse impacts related to hazardous materials are expected to occur as a result of the demolition and construction activities for the proposed ERSP, or as part of its operations. Any potential additional excavation for a 55,000 gsf parking garage beneath the Psychiatric Building site or other new site disturbance, would be expected to adhere to these same measures and would similarly comply with applicable rules and regulations. Therefore, no significant adverse impacts are anticipated with the modified proposal for the Psychiatric Building, especially since there will be no laboratory uses. Additionally, the expansion of the Empire Zone to the ERSP site would not have an impact on the presence of hazardous materials or any required clean up or remediation.

Waterfront Revitalization

The project site for the former Psychiatric Building, as well as surrounding areas to the east of First Avenue within a 400-foot radius study area, are located within New York City's Coastal Zone, as defined by the New York City Department of City Planning (DCP). This section examines the proposed action's consistency with the policies of the New York State Coastal Zone Commission as well as New York City's Local Waterfront Revitalization Program (LWRP; see Appendix B) and compares its consistency to that of the previously approved Psychiatric Building reuse and redevelopment as described in the ERSP FEIS. The proposed modified redevelopment of the Psychiatric Building and the expansion of the Empire Zone to the ERSP site would not alter the findings of the 2001 FEIS related to waterfront revitalization and consistency with coastal zone policies and would therefore not result in significant adverse impacts to waterfront revitalization or the City's ten LWRP policies.

The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of New York City's waterfront and to set forth standard policies for reviewing proposed development projects along coastlines and/or proposed policy changes that would affect the Coastal Zone. The New York City Waterfront Revitalization Program (WRP) is the City's principal Coastal Zone management tool. The ten policies of the new LWRP are designed to more effectively realize the City's waterfront planning goals for those areas within the Coastal Zone, addressing the following issues: (1) residential and commercial redevelopment, (2) water-dependent and industrial uses, (3) commercial and recreational boating, (4) coastal ecological systems, (5) water quality, (6) flooding and erosion, (7) solid

⁴ Ibid.

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waste and hazardous substances, (8) public access, (9) scenic resources, and (10) historical and cultural resources. The policies in the City's WRP include the following:

- Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
- Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;
- Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
- Protect and restore the quality and function of ecological systems within the New York City coastal area;
- Minimize loss of life, structures, and natural resources caused by flooding and erosion;
- Minimize environmental degradation from solid waste and hazardous substances;
- Provide public access to and along New York City's coastal waters;
- Protect scenic resources that contribute to the visual quality of New York City; and,
- Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

The ERSP FEIS described existing conditions within the Coastal Zone area and Coastal Zone area conditions without the proposed action and with the proposed action, and evaluated the proposed action's consistency with the LWRP, which are a set of policies for development and use of the waterfront, listed above, that provide a framework for evaluating discretionary actions in the Coastal Zone. The following section compares the consistency of the modified proposal for the Psychiatric Building with the LWRP policy consistency of the previously approved Psychiatric Building redevelopment

Consistency with the LWRP Policies

Since there would be no effect on LWRP policies from the expansion of the EZ to the ERSP site, this section focuses the LWRP analysis on the modified proposal for the Psychiatric Building.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas. The ERSP FEIS indicated that the previously proposed reuse of the Psychiatric Building would complement the existing facilities in the area and strengthen the medical-related resources that characterize the First Avenue corridor. The project site is also appropriate for the modified proposal for the Psychiatric Building since the revised redevelopment would also support existing institutional uses along the First Avenue Medical corridor with needed accommodations (hotel space) and additional services for out-of-town professionals, patients and visitors. The presence of the elevated FDR Drive that physically separates the site from the East River precludes the use of the project site for water dependant uses. Therefore, the modified proposal would be consistent with this policy.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the

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public. As with the previous proposal for the Psychiatric Building, the modified non-industrial program of reuse would draw visitors to the Coastal Zone area, enlivening the pedestrian plaza now in construction adjacent to the south along East 29th Street. The currently proposed mixed-use hotel development would improve the streetscape through the revitalization of the former Psychiatric Building and would bring increased activity to the waterfront vicinity, similar to the previously approved reuse of the building for primarily staff housing and laboratory space, and would be consistent with this policy.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed. Area public facilities and infrastructure indicated in the ERSP FEIS as being adequate to serve the former proposal for the Psychiatric Building would similarly be adequate to service the modified redevelopment proposal.

With regard to community facilities such as elementary schools, libraries, and publicly funded daycare centers, demand for these services would be reduced or eliminated with the modified proposal, which -- unlike the previously approved project -- would not add residential population.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas. As indicated in the ERSP FEIS, the project site is not located within a Significant Maritime and Industrial Area; therefore, this policy does not apply.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas. As indicated in the ERSP FEIS, the proposed project site is not located along the waterfront and is separated from the waterfront by a public esplanade and the elevated FDR Drive with service roads below. Therefore, the project site is not a suitable location for working waterfront uses.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses. The project site is separated from the East River by the elevated FDR Drive and its service roads, and thus it is not an appropriate site for working waterfront uses.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

None of the three policies related to New York City's working waterways are applicable to either the former or current proposal for reuse of the Psychiatric Building.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policies 4.1 and 4.2 are not applicable to the either the former or current proposal for reuse of the Psychiatric Building because there will be no disturbance within the New York City coastal area as a result of this project.

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With regard to Policy 4.3 (protect vulnerable plant, fish, and wildlife species, and rare ecological communities; and design and develop land and water uses to maximize their integration or compatibility with the identified ecological community), there are no vulnerable plant, fish, or wildlife species, or rare ecological communities on the project site. A letter dated November 17, 2008 from the New York State Department of Environmental Conservation (NYSDEC), Division of Fish, Wildlife and Marine Resources provided current confirmation that the project site has no known occurrences of rare or state-listed animals and plants, significant natural communities, or other significant habitats maintained in the New York Natural Heritage Program databases. Therefore, none of the above mentioned would be adversely affected as a result of either the former or current proposal for reuse of the Psychiatric Building.

Policy 4.4: Maintain and protect living aquatic resources. Neither the previously approved proposal nor the current modified proposal for the Psychiatric Building would have an effect on living aquatic resources. The project site is separated from the East River by the elevated FDR Drive and its service roads.

Policy 5: Protect and improve water quality in the New York City coastal area.

With no significant increases in impervious surfaces or excavation compared to the previous proposal for the Psychiatric Building, the modified proposal, as with the previously approved project, is not expected to increase impacts from direct or indirect discharges to waterbodies (Policy 5.1), impacts from non-point source pollution (Policy 5.2), or impacts to East River water quality impacts from erosion or placing of fill, or impacts to the quality or quantity of groundwater, streams, and sources of water for wetlands (Policy 5.4). As with the previously approved project, if dewatering is required, it would be done in conformance with New York City Department of Environmental Protection's (DEP's) regulations.

Policy 6: Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area. Similar to the previously approved project, the modified proposal for the Psychiatric Building would not alter any features of the shoreline or any structural or on-structural flood or erosion control measures. The Psychiatric Building site is already mostly paved. As the minor additional amount of paved surface on the project site from the modified proposal would be minimal -- such as from a potential vehicular drop off driveway facing First Avenue where an existing courtyard is now partly landscaped -- the proposed project would not increase flood hazards on or adjacent to the project site.

As with the previously approved project, Policy 6.2 related to directing public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit, and Policy 6.3 related to protection and preservation of non-renewable sources of sand for beach nourishment, are not applicable to the modified proposal.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

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Similar to the previously approved project, the modified proposal would also be consistent with Policy 7.1 related to management of solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution, and prevent degradation of coastal ecosystems. Development would occur in an area that is currently served by the City of New York Department of Sanitation (DSNY) residential trash and recycling pick-ups as well as private carters. Private carters would be responsible for the handling and disposal of commercial solid waste in a manner that would protect coastal resources. Any toxic or hazardous waste encountered during construction would be handled in accordance with DEP, US Occupational Safety and Health Administration (OSHA) and US Environmental Protection Agency (EPA) requirements. Potential impacts during construction and development activities would be avoided by implementing a Construction Health and Safety Plan (CHASP).

A Phase I Environmental Site Assessment (ESA) for the Psychiatric Building prepared by AKRF, Inc. in March 2008 recommended that the contents of a sealed 55-gallon drum observed in the basement should be determined. The drum and its contents should be disposed of in accordance with applicable disposal regulations. Due to the proximity of adjacent documented spills and historic adjacent auto repair facilities and garages, a Subsurface (Phase II) Subsurface Investigation, including the advancement of soil borings and groundwater monitor wells, should be conducted, according to the ESA. Soil and groundwater samples should be collected from the borings/monitor wells to characterize soil and groundwater quality beneath the study site. Prior to any renovation or demolition activities, a comprehensive asbestos survey should be conducted throughout the building to identify all visual and hidden ACMs. Any renovation activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 - Lead Exposure in Construction). Unless there is labeling or test data that indicate that fluorescent light fixtures do not contain mercury and/or PCBs, disposal, if required, should be performed in accordance with applicable federal, state, and local regulations and guidelines.

If soil disturbance is required for site development activities, excavated soil should be managed in accordance with all applicable regulations. Soil intended for off-site disposal should be tested in accordance with the requirements of the intended receiving facility. Transportation of material leaving the site for off-site disposal must be in accordance with federal, state and local requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. If dewatering will be necessary for any future development, discharges to the municipal sewer system must meet DEP criteria for effluent to municipal sewers, in accordance with the DEP Bureau of Wastewater Treatment (BWT) Wastewater Quality Control Permit. Discharge water may need pretreatment to meet these criteria. Thus, environmental degradation from solid waste and hazardous substances will be minimized or avoided with the implementation of this project.

Policy 7.2: Prevent and remediate discharge of petroleum products. See Policy 7.1 above.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources. See Policy 7.1 above.

Policy 8: Provide public access to and along New York City's coastal waters.

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No additional impacts to existing physical, visual, and recreational access to the waterfront would result from the modified proposal compared to the previously approved project (Policy 8.1). The modified proposal for the Psychiatric Building would not affect existing or proposed public access (Policy 8.2), visual access to waters, coastal land and open space (Policy 8.3), open space and recreation (Policy 8.4) or open space and recreation on publicly owned land (Policy 8.5).

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Similar to the previously proposed project, the modified proposal for the Psychiatric Building would not have an effect on visual quality associated with New York City's urban context and the historic and working waterfront (Policy 9.1).

With regard to Policy 9.2 (protect scenic values associated with natural resources), the area is not located within a Special Natural Area District, a Special Natural Wildlife Area, or a Recognized Ecological Complex. Given the intervening presence of the FDR Drive and its parking and service roads below, the scenic value of the East River would not be affected by the modified proposal or the previously approved project. Therefore, both the previously approved project and the modified proposal would be consistent with this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City. Similar to the previously approved project, the effect of the modified proposal would comprise a major improvement to the character of First Avenue in the vicinity of several historic resources on the Bellevue campus. The restoration of the façade on the Psychiatric Building site, as well as full utilization of the building, would considerably improve the Psychiatric Building's character as a visual resource. The project would maintain the architectural integrity of the Psychiatric Building with façade restoration and complementary new design features, all in accordance with SHPO guidelines. The redevelopment would maintain the building's exterior and complement its historic architecture.

The redevelopment would occur pursuant to a Memorandum of Agreement (MOA) among OPRHP, HHC and the City of New York regarding the Psychiatric Building that ensures that redevelopment of this State and National Register of Historic Places-eligible building includes appropriate measures to avoid or minimize any adverse effects to the integrity or appearance of the Psychiatric Building. Therefore, the proposed action would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts. The ERSP FEIS indicated that the project site has no potential for historical period archaeological resources and that no significant adverse archaeological effects were anticipated as a result of that previously approved project. No increase in effects on archaeological resources would be anticipated with the modified proposal. Therefore, both the previously approved project and the modified proposal would be consistent with this policy.

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Infrastructure

As described in the 2001 ERSP FEIS, the anticipated demand for the renovated Psychiatric Building as a result of that previously approved project would total 86,760 gallons per day (gpd) of water, with an anticipated air-conditioning rate of 0.10 gpd/sf. This projected level of water usage was determined not to overburden the City's ability to provide water; no significant adverse impacts to the water supply were projected.

Given the size of New York City's water supply system and the City's commitment to maintaining adequate water supply and pressure, few actions have the potential to cause a significant impact on the water supply system. Therefore, only very large developments or actions having exceptionally large water demands (e.g., more than one million gallons per day) or those at the farthest reaches of the water supply system would warrant a detailed water supply and/or water pressure assessment. Similarly, only unusual actions with very large wastewater flows could have potential impacts on wastewater treatment. The proposed project is not such a project.

As a result of the currently proposed project with revised uses for the Psychiatric Building, anticipated water demand is expected to reach 167,000 gpd for water and 43,850 gpd for air conditioning, which would result in a net increase in total water demand of approximately 210,850 gpd (see following table).

The estimated total water consumption resulting from the proposed modified development of the Psychiatric Building would be well below the general threshold of one million gpd. Therefore, the modified proposal would not result in significant adverse impacts on water supply.

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**Table 3
Psychiatric Building Redevelopment Water Demand: 2001 ERSP FEIS vs. 2008 Modified Proposal**

Psychiatric Building	Use	Size (gsf)	Domestic Use (gpd)	Air Conditioning (gpd)	Total Water Demand (gpd)
2001 EIS	Clinical Research and Practice	115,000	13,800	11,500	25,300
	Conference Space	9,000	1,080	900	1,980
	Child Care Center	10,000	3,000	1,000	4,000
	220 Staff Housing Units	184,000 (300 persons)	33,600	18,400	55,500
	Cellar Level Mechanical	35,000	N/A	3,500	N/A
	Total		51,480	35,300	86,780
2008 Modified Proposal	Hotel	450 rooms 240,000	114,750*	24,000	138,750
	Conference Center	45,000	7,650	4,500	12,150
	Retail/Restaurant/Gym	53,420	9,350	9,350	18,700
	Medical Office	60,000	15,000	6,000	21,000
	Parking	55,000	N/A	N/A	N/A
	Cellar Level Mechanical	45,000	N/A	4,500	N/A
	Total		146,750	48,350	195,100

Note: Domestic Use and Air Conditioning Rates are based on Table 3L-2 Water Usage and Sewage Generation Rates for Use in Impact Assessment of the CEQR Technical Manual.
* Assuming two beds per room and annual average occupancy rate of 86% (based on NYCEDC Economic Snapshot data from September 2006 to August 2008), 1.7 beds (users) per room is used in calculating domestic water use of the hotel.

The project site is located within the service area of the Newtown Creek Water Pollution Control Plant (WPCP), which discharges treated wastewater flows, or "effluent," into the East River.

The ERSP FEIS estimated that the previously approved project would generate 51,480 gpd of sanitary sewage. As the Newtown Creek WPCP has excess capacity, anticipated sanitary sewage was not expected to overburden the system. The ERSP FEIS indicated that the previously approved project would not result in significant adverse sewer impacts.

Anticipated sanitary sewage generation of approximately 146,750 gpd from the currently proposed redevelopment with revised uses for the Psychiatric Building would not cause the Newtown Creek Water Pollution Control Plant (WPCP) to exceed its design capacity or SPDES permit flow limit. Therefore, the currently proposed project with revised uses for the Psychiatric Building, as well as the expansion of the Empire Zone to the ERSP site would not result in any significant adverse sewer impacts.

Solid Waste

Solid waste from commercial and manufacturing uses in New York City is collected by private carters and disposed of by commercial transport to carriers to licensed disposal facilities. Commercial solid waste is typically hauled to out-of-city landfills. Residential and municipal solid waste is handled by the New York City Department of Sanitation.

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The FEIS for the previously approved ERSP project anticipated weekly waste generation from the Psychiatric Building redevelopment of approximately 9,832 pounds (lbs) based upon the presence of 60 retail workers and 658 laboratory workers for the Psychiatric Building. As that projected waste amount would not overburden the City's solid waste disposal capabilities, no significant adverse impacts related to waste disposal were anticipated. In addition, it was determined that the proposed project would comply with the City's recycling program and would be designed to accommodate source separation of solid waste in conformance with City recycling regulations and state solid waste laws. Table 4, below, compares solid waste generation from the previously approved project to the current proposal for the Psychiatric Building.

The currently proposed project with modified uses for the Psychiatric Building would be expected to generate a total of 981 workers and approximately 59,355 lbs of solid waste per week, which includes 576 hotel/concierge workers (43,200 lbs at a rate of 75 lbs/week/employee), 165 retail workers (13,035 lbs at a rate of 79 lbs/week/employee), and 240 medical office workers (3,120 lbs at a rate of 13 lbs/week/employee).

As the Psychiatric Building would be occupied by commercial tenants, its solid waste would be disposed of by commercial haulers. Although the revised use for the Psychiatric Building would generate an increased amount of solid waste compared to the previously approved ERSP project, the amount is typical for a commercial project of this size and would not overburden private carters. Additionally, the expansion of the Empire Zone to the ERSP site has no effect on waste disposal. Therefore, there would be no significant impact related to waste disposal. In addition, the project would comply with the City's recycling program and would be designed to accommodate source separation of solid wastes in conformance with City recycling regulations and state solid waste laws.

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**Table 4
Solid Waste Generation on Psychiatric Building Site: 2001 ERSP FEIS vs. 2008 Modified Proposal**

	Use	Size (gsf)	Solid Waste Handled by DSNY (lbs/wk)	Solid Waste Handled by Private Carriers (lbs/wk)	Total Solid Waste (lbs/wk)
2001 FEIS	Clinical Research and Practice	115,000 gsf	N/A	N/A	N/A
	Conference Space	9,000 gsf	N/A	N/A	N/A
	Child Care Center	10,000 gsf	N/A	N/A	N/A
	220 Staff Housing Units	184,000 gsf	N/A	N/A	N/A
	Total				9,832
2008 Modified Proposal	Hotel	450 rooms 240,000 gsf	0	43,200	43,200
	Conference Center	45,000 gsf	0	Included in hotel calculation	Included in hotel calculation
	Retail/Restaurant/Gym	53,420 gsf	0	13,035	13,035
	Medical Office	60,000 gsf	0	3,120	3,120
	Parking	55,000 gsf	0	0	0
	Total			59,355	59,355

Note: Expected Solid Waste Generational Rates are based on Table 3M-1 Solid Waste Generational Rates for Use in Impact Assessment of the CEQR Technical Manual.

Energy

The ERSP FEIS concluded that the amount of anticipated energy use for the previously approved redevelopment of the Psychiatric Building would not result in any significant additional load for local power companies and would not result in any adverse impacts.

For the currently proposed project with modified uses for the Psychiatric Building, electricity and possibly gas and steam would be used to provide heating, cooling and lighting to the project site. Consolidated Edison (Con Ed) supplies electricity, steam and natural gas to Manhattan including the project area. Various grades of petroleum fuel oils from commercial suppliers could also be used for heating. Energy consumption from the proposed project, estimated at 54,218,500,000 BTU's per year, is not expected to result in significant load for Con Ed and would not result in any adverse impacts. (Estimated BTUs are based on the Energy Use Index Averages, Table 3N-1 of the CEQR Technical Manual.)

The proposed project would comply with the New York State Energy Conservation Code guidelines. This code governs performance requirements of heating, ventilation and air conditioning systems as well as the exterior building envelope. The code, pursuant to Article II of the Energy Law of the State of New York, promulgated on January 1, 1979 and updated in 2007, requires that new and recycled buildings (both public and private) be designed to insure adequate thermal resistance to heat loss and infiltration.

The New York State Energy Conservation Code provides requirements for the design and selection of mechanical, electrical and illumination systems. In compliance with the code, the

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basic designs would incorporate all energy conservation measures including meeting the code's requirement related to energy efficient and combined thermal transmittance.

The building design would follow guidelines using the United States Green Building Council LEED® rating system in conformity with Executive Order 111 (EO 111). The proposed redevelopment is expected to achieve a LEED® rating of at least Silver and to comply with Local Law 86. The expansion of the Empire Zone to the ERSP site would not have an impact on Energy.

Traffic and Parking

Because the proposed modified development would include different uses for the Psychiatric Building than were previously considered in the ERSP FEIS, a new traffic and parking study has been prepared to determine whether the revised program would alter the previous findings and/or result in any additional impacts related to traffic and parking.

The ERSP FEIS determined that the previously proposed project would result in mitigatable traffic impacts at five intersections where significant traffic impacts would be expected during the AM, MD, and PM peak hours. These include eastbound 30th Street at First and Second avenues, eastbound 34th Street at Second Avenue, westbound 34th Street at the Queens Midtown Tunnel entrance, and westbound 29th Street at First Avenue. Based on the recent vehicle count data and revised traffic analyses presented in the Technical Memorandum, these intersections would no longer experience significant impacts during the AM and PM peak hours. The midday peak hour was not analyzed in the new traffic study. There were no parking impacts from the previously proposed project.

As indicated in the current traffic study conducted for this technical memorandum, the modified proposed project would result in traffic impacts at two intersections that were not indicated as being significantly impacted in the ERSP FEIS (FDR Drive service road/34th Street and Second Avenue/34th Street). However, as with the previously proposed project, all traffic impacts would be fully mitigated through changes in signal timing.

The general conclusion presented in the ERSP FEIS and indicated in the updated study for the modified proposal is that no unmitigatable impacts would result from the proposed reuse of the Psychiatric Building. Parking demand created by the proposed reuse of the Psychiatric Building would be offset by the number of parking spaces introduced by the project and, because the site is located within the Manhattan Central Business District (south of 61st Street), the inability of the proposed action to accommodate projected future parking demands would be considered a parking shortfall per CEQR guidelines and would not be deemed a significant impact.

The traffic analysis conducted for this technical memorandum is summarized below.

Existing Traffic Conditions

Overall, the existing traffic volumes in the area are fairly balanced between the AM and PM peak hours. The highest traffic volumes are carried along Second Avenue, ranging from 1,850 to 2,620 vehicles per hour (vph) during the peak hours. First Avenue supports lower traffic volumes, typically between 1,465 and 1,930 vph. Southbound FDR Drive service road traffic

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volumes are up to 1,275 vph approaching the 34th Street intersection, and are reduced to between 435 to 545 vph at 23rd Street during the AM and PM peak hours, respectively. The northbound FDR Drive service road and eastbound 34th Street carry similar traffic volumes, ranging from 640 to 865 vph during both peak hours. The remaining roadways in the area process up to 650 vph per direction during the AM and PM peak hours.

Each of the intersections comprising the traffic study area was analyzed in terms of its capacity to accommodate existing traffic volumes as defined by the resulting levels of service (LOS). Most movements at the study intersections operate at acceptable levels of service with overall operations at LOS mid-D or better during both the AM and PM peak analysis hours. The following movements and overall intersection operations, however, are at poor levels of service.

- At its intersection with FDR Drive service road, the eastbound 23rd Street approach operates at LOS E, and the northbound FDR Drive service road approach operates at LOS beyond mid-D during the AM peak hour. During the PM peak hour, the left-turn movements from eastbound 23rd Street and the northbound FDR Drive service road operate at LOS beyond mid-D. The southbound FDR Drive service road's through/right-turn shared movement operates at LOS E. The overall intersection functions slightly over the threshold for LOS mid-D during both peak hours.
- Westbound 23rd Street at First Avenue operates at LOS F, and the overall intersection functions at just beyond LOS mid-D during the PM peak hour.
- At its intersection with Second Avenue, westbound 23rd Street's through movement operates at a LOS beyond mid-D during the AM, and its left-turn movement operates at LOS F during the AM and PM peak hours.
- At its intersection with the FDR Drive service road, eastbound 34th Street's left- and right-turn movements operate at LOS E during the AM peak hour, and at LOS F and beyond mid-D, respectively, during the PM peak hour. Northbound FDR Drive service road's left-turn movement functions at LOS E, and the southbound FDR Drive service road approach as well as the overall intersection operate at beyond LOS mid-D during both peak hours.
- Eastbound 34th Street at First Avenue functions at LOS E during the PM peak hour.
- At Second Avenue, eastbound 34th Street operates at LOS E during the AM and PM peak hours, and westbound 34th Street's left-turn movement operates at beyond LOS mid-D during the AM peak hour.

2012 Future Traffic Conditions without the Proposed Modifications

Overall, background project-generated traffic combined with the overall background growth in the study area would result in traffic volume increases of 45 to 120 vehicles during each peak hour. In general, most intersections would experience a two-to-three-percent increase over existing traffic volumes.

The projected increase in traffic volumes by 2012 would result in an increase in delay at the study intersections; however, most movements would continue to operate at the same LOS as outlined in the Existing Conditions section with the following exceptions (see Table 8):

- Southbound FDR Drive service road's through/right-turn movement at 23rd Street would deteriorate from LOS E to F during the PM peak hour.
- At East 34th Street, the northbound FDR Drive service road's left-turn movement would deteriorate from LOS E to F during the PM peak hour. The southbound FDR Drive

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service road approach during the AM peak hour and the overall intersection during the both peak hours would deteriorate from LOS D to E.

Probable Traffic Impacts of the Proposed Modifications

The analysis of future conditions with the project (e.g., the future Build condition) requires determination of the numbers of trips by travel mode expected to be generated by the proposed redevelopment of the Psychiatric Building, the assignment of these vehicle trips to the street network approaching the site, and the determination of projected levels of service at the critical locations analyzed.

The proposed reuse of the Psychiatric Building would consist of a combination of land uses including a 240,000-square foot hotel (approximately 450 rooms), a 45,000-square foot conference center, a combined 55,000-square foot retail/restaurant/gym use, a 60,000-square foot medical office, and 55,000-square foot accessory parking garage. For trip generation purposes, retail/restaurant/gym use was considered to be composed of 25,000 gsf of restaurant, 25,000 gsf of health club, and 5,000 gsf of retail space. Also, it was assumed that the conference center would be used primarily by the hotel and/or the medical community in the surrounding area, and would not itself be a generator of additional trips to the project area. This is the same approach used in the FEIS, which included a conference center land use, but the conference center was assumed to not be a generator of additional trips to the area, as it would be used primarily by NYU and Bellevue staff (see page 13-18 of the FEIS). This technical memo used the same assumptions to be consistent with the FEIS.

The trip generation rates and assumptions are summarized in Table 5. Using these factors, the Psychiatric Building reuse would generate a total of 1,017 and 1,215 person trips, which yield 273 and 185 vehicle trips during the AM and PM peak hours, respectively (see Tables 6 and 7).

The determination of the net 2012 Build traffic volumes involved the removal of vehicular trips included in the No Build conditions associated with the previously approved reuse program of the Psychiatric Building (including staff housing, clinical research and practice space, a conference center, and a child-care center) and the addition of the vehicle trips generated by the proposed reuse program discussed above. It was calculated, based on the trip generation rates used in the FEIS, that the previously approved reuse would generate 20 and 16 vehicle trips during the AM and PM peak hours, respectively. These trips were removed from the traffic network according to the FEIS trip assignments.

Overall, in 2012, the Psychiatric Building reuse program would result in traffic volume increments at the study area intersections of approximately ten to 160 vehicles during the AM and five to 100 vehicles during the PM peak hour. First Avenue traffic volumes through the study area can be expected to increase by 50 to 80 vehicles during the AM peak hour and by 20 to 35 vehicles during the PM peak hour, corresponding to between one and four percent increases compared to No Build traffic volumes. Second Avenue traffic volumes would increase by 20 to 35 vehicles (one percent increase) at its intersections with 29th and 34th streets, and by 40 to 80 vehicles (three percent increase) at 23rd and 30th streets during the peak hours. Eastbound 30th Street would experience an increase of 50 to 60 vehicles at Second Avenue, representing the highest percent increase in the area (up to nine percent at Second Avenue). The total 2012 Build traffic volumes are presented in the full Traffic Study (see Appendix C).

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The level-of-service analyses for the Build condition indicated that significant traffic impacts would be expected at two of the study intersections not previously indicated in the ERSP FEIS as being significantly impacted.

- At its intersection with the FDR Drive service road, eastbound 34th Street's left-turn movement would deteriorate within LOS E and F during the AM and PM peak hours, respectively, by incurring approximately five seconds of additional delay per vehicle. The southbound FDR Drive service road would incur eight seconds of additional delay, and the overall intersection would incur four seconds of additional delay within LOS E during the AM peak hour.
- Westbound 34th Street's left-turn movement at Second Avenue would deteriorate from LOS D to E during the AM peak hour by incurring approximately nine seconds of delay per vehicle.

Proposed Mitigation Measures

As mentioned above, the proposed modifications to the reuse of the Bellevue Psychiatric Building would result in significant traffic impacts at two study area intersections that were not previously identified in the ERSP FEIS. However, these impacts could be mitigated as follows.

- At the intersection of the FDR Drive service road and 34th Street, the impacts could be mitigated during the AM peak hour by adding a leading seven-second signal phase for eastbound 34th Street followed by a 19-second east/westbound 34th Street phase, shifting one second from the red time to the green time for the northbound FDR Drive service road leading phase, and increasing the north/southbound FDR Drive service road phase by one second. Similarly, the impacts could be mitigated by adding a leading six-second signal phase for eastbound 34th Street and reducing the east/westbound 34th Street phase to 16 seconds during the PM peak hour.
- Westbound 34th Street's left-turn movement at Second Avenue could be improved by shifting one second of green time from Second Avenue to the westbound 34th Street phase.

With these mitigation measures in place, the significant adverse impacts of the proposed project at the above-mentioned intersections would be eliminated (see Table 8). The conclusion of the ERSP FEIS that the previously approved project would not result in significant adverse traffic impacts that can not be mitigated would also apply to the current modified proposal. The expansion of the Empire Zone to the ERSP site would not affect Traffic and Parking.

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Table 5: Former Bellevue Psychiatric Building Reuse Trip Generation Factors

Land Use	Medical Office		Hotel	Local Retail	Health Club	Restaurant
	Employees	Patients/Visitors				
Size/Units	240 employees	60,000 gsf	450 rooms	5,000 gsf	25,000 gsf	25,000 gsf
Trip Generation	(1) 2.0 per employee	(2) 33.6 per 1,000 sf	(3) 9.4 per room	(4) 154.0 per 1,000 sf	(5) 44.7 per 1,000 sf	(6) 173.0 per 1,000 sf
Temporal Distribution		(7)	(8)	(9)	(10)	(11)
AM	48.0%	20.0%	6.6%	1.0%	4.8%	1.0%
PM	48.0%	5.0%	7.7%	10.0%	13.2%	7.7%
Modal Splits		(12)	(13)	(14)	(15)	(16)
Auto	13.0%	25.0%	9.1%	2.0%	14.0%	2.0%
Taxi	2.0%	25.0%	17.5%	2.0%	1.0%	2.0%
Subway	42.0%	29.0%	24.2%	14.0%	22.0%	14.0%
Commuter Rail	11.0%	11.0%	0.0%	0.0%	0.0%	0.0%
Bus	14.0%	0.0%	3.1%	3.0%	6.0%	3.0%
Walk	18.0%	10.0%	46.1%	79.0%	57.0%	79.0%
Directional Distribution		(17)	(18)	(19)	(20)	(21)
AM	In 95% Out 5%	In 58% Out 42%	In 41% Out 59%	In 50% Out 50%	In 41% Out 59%	In 52% Out 48%
PM	In 15% Out 85%	In 20% Out 80%	In 59% Out 41%	In 50% Out 50%	In 75% Out 25%	In 61% Out 39%
Vehicle Occupancy		(22)	(23)	(24)	(25)	(26)
Auto	1.20	1.65	1.65	1.65	1.40	1.65
Taxi	1.40	1.40	1.40	1.40	1.40	1.40
Truck Trip Generation		(27)	(28)	(29)	(30)	(31)
AM	0.2 per 1,000 sf	9.6%	0.06 per 1,000 sf	0.35 per 1,000 sf	0.19 per 1,000 sf	0.35 per 1,000 sf
PM		1.0%	12.2% 0.0%	7.7% 1.0%	6.0% 1.0%	7.7% 1.0%
AM/PM	In 50% Out 50%	In 50% Out 50%	In 50% Out 50%	In 50% Out 50%	In 50% Out 50%	In 50% Out 50%

Notes:
(1) Assumed one trip in and one trip out per employee
(2) First Avenue Properties FSEIS (2008)
(3) East 125th Street Development FEIS (2008)
(4) No. 7 Subway Extension—Hudson Yards Rezoning and Development Program FGEIS (2003)
(5) 770 Eleventh Avenue Mixed-Use Development Rezoning DEIS (2008)
(6) 2000 Census for New York County Tract 62 journey-to-work data
(7) Pushkarev & Zupan, *Urban Space for Pedestrians* (1975)
(8) CEQR Technical Manual (2001)
(9) Modal split and truck trip generation for the restaurant use was based on the data for local retail due to lack of available information in New York City
(10) Based on data for Land Use 932 (High-Turnover Sit-Down Restaurant) from *ITE Trip Generation, 7th Edition*

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Table 6: Former Bellevue Psychiatric Building Reuse Person Trips by Mode

Table with 10 columns: Land Use, Auto, Taxi, Subway, Rail, Bus, Walk, Total. Rows include Medical Office, Hotel, Local Retail, Health Club, Restaurant, and a Total row for both AM and PM Peak Hours.

Table 7: Former Bellevue Psychiatric Building Reuse Vehicle Trips by Type

Table with 5 columns: Peak Hour, Auto, Taxi, Delivery, Total. Rows include AM, PM, and Total.

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Transit and Pedestrians

Because the proposed modified development would include different uses than were previously considered in the ERSP FEIS, a new transit and pedestrian study has been prepared to determine whether the revised program would alter the previous findings and/or result in any additional impacts.

Additional bus trips induced by the Psychiatric Building redevelopment would be distributed among seven bus lines and would not cause any significant transit impacts. While there would also be an increase in the number of subway riders (300 project-generated subway trips), they would be distributed in a manner set forth in the FEIS and would not result in significant adverse impacts.

The proposed reuse of the Psychiatric Building would result in 46 and 64 bus trips during the weekday AM and PM peak hours, respectively, and would generate a combined total of 115 bus trips during the AM and 100 trips during the PM peak hour - both below the CEQR Technical Manual threshold of 200 peak hour riders for triggering significant impacts.

Further, the project would also result in approximately 300 new subway trips during each peak hour, requiring a more detailed analysis of transit conditions to determine the potential for significant impacts. In accordance with the ERSP FEIS, since the IRT Lexington line's 33rd Street station has higher ridership levels than its 28th Street station, project-generated subway trips were assigned to the 33rd Street station for a more conservative assessment of the impacts of the project on subway operations.

In terms of actual station usage information, the FEIS indicated that the 33rd Street station is used by approximately 26,000 persons per day. More recent data posted by NYCT indicates that this same station is now used by about 31,900 persons per day, which represents an increase of 22.7 percent over the 2001-2008 period (about three percent per year).

No new transit counts were collected as part of the new study. Therefore, previous data, including subway person-trip assignments, were used as the basis for the transit analyses. Additional pedestrian counts were not anticipated to be needed for this project.

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Pedestrian conditions were qualitatively assessed for this project given the area's unique surrounding characteristics. As cited in the ERSP FEIS, the Bellevue Hospital, ERSP and NYU Hospital campuses would be partially linked and thus some pedestrian circulation would occur away from First Avenue.

Air Quality

Because the proposed modified development for the Psychiatric Building would include different uses than were not previously considered in the ERSP FEIS, air quality and noise assessments were conducted to determine whether the revised program would alter the previous findings and/or result in any additional impacts related to air quality or noise.

Potential impacts from the redevelopment and operation of the proposed project could result in both mobile and stationary source air quality impacts. Mobile source impacts would be related to increases in project-induced vehicles at intersections in the vicinity of the proposed project.

Mobile Sources
An initial intersection screening procedure described in the CEQR Technical Manual was conducted to determine which of the studied traffic intersections would require detailed analysis for CO. Based on this procedure, it was determined that a detailed assessment of mobile source air quality impacts would be required for two intersections (First Avenue at East 29th Street and First Avenue at East 30th Street).

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Table 8: 2012 No Build, Build, and Mitigated Build Traffic Conditions

Table with 10 columns: Intersection & Approach, Mvt., No Build, Build, Mitigated Build, Mitigation Measures. Rows include AM Peak, PM Peak, and Overall Intersection for various locations.

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Table 9
Build Condition (2012) Predicted 8-Hour CO Concentration (ppm)*

Site #	Receptor Location	Maximum Eight-Hour Concentration	
		AM	PM
1	29 th Street & 1 st Avenue	3.5	3.7
2	30 th Street & 1 st Avenue	3.5	3.7

* Includes background concentration of 2.0 ppm. NAAQS standard is 9 ppm.

The assessment of mobile source emissions of PM_{2.5} was based on whether the proposed project would induce a significant number of Heavy Duty Diesel Vehicles (HDDV's). As the traffic studies indicated a small number of project induced heavy vehicles, based on screening procedures found in the *CEQR Technical Manual* it was concluded that project impacts from mobile source emissions of PM_{2.5} would not occur.

Stationary Sources

Potential Impacts from Project Emissions

According to the *CEQR Technical Manual*, the assessment of stationary sources typically considers information such as building land use, boiler fuel type, stack height and square footage. However, heat and hot water for the proposed project would be generated from the existing HVAC system that is to be upgraded. Since Bellevue Hospital currently utilizes Con Edison steam to provide heat and hot water, no fuel will be burned on site and no assessment of stationary source emissions from those operations is required. In addition, the proposed project would not consist of any uses that would result in toxic emission releases. Therefore, project-related impacts from stationary source emissions are not anticipated.

Potential Impacts on the Proposed Project from Existing Emission Sources

Field reconnaissance has also determined that the neighborhood is overwhelmingly residential and institutional in nature and there are no manufacturing land uses within 400 feet of the project site. In addition, there are no major pollutant sources within 1000 feet of the proposed project site. Therefore, stationary source impacts at the project site are unlikely and no further analysis is required.

Field reconnaissance as well as a study of neighborhood land usage indicates that the area surrounding the project site, although predominantly residential and institutional, includes a mix of commercial, institutional, retail and residential buildings. These emissions sources could impact sensitive project-related air quality receptors. However, the proposed development would not be located within 1000 feet of a large emissions source such as a power generation plant. In addition, stack emission sources from nearby commercial institutional or large scale residential buildings would be located at a higher elevation than the proposed site.

Air toxics are also of concern. However, the proposed project would not be located within 400

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feet of manufacturing facilities and the modified development would not be impacted by toxic emissions from nearby medical, chemical or research labs. This conclusion is based on the findings contained in the 2001 ERSP FEIS.

As a result, stationary source impacts at the project site are unlikely and no further analysis of off-site emission sources is required. The expansion of the Empire Zone to the ERSP site would not have an impact on Air Quality.

Noise

Potential project-related noise impacts could result from increases in project-induced vehicles in the vicinity of existing sensitive residential receptors. Since the proposed project has a hotel component, the potential impact that existing noise levels would have on occupants of the proposed hotel must also be studied. The expansion of the Empire Zone to the ERSP site would not have an impact on Noise.

Mobile Sources

Existing Noise Conditions

Existing conditions noise levels were monitored at two locations to update the noise monitoring conducted in the 2001 ERSP EIS. As shown in Table 10, with respect to the NYC *CEQR Technical Manual* noise exposure standards, Site 1 is in the "marginally unacceptable" category while Site 2 is in the "marginally acceptable" category. These noise level readings indicate a general agreement with those monitored for the 2001 ERSP FEIS.

Table 10
Existing Noise Levels

Site	Location	Time	L _{eq}	L ₁	L ₁₀	L ₅₀	L ₉₀
1	First Avenue between E 29th Street & E. 30th Street	AM	70.9	79.1	74.2	68.1	62.1
		PM	73.0	84.5	73.4	67.3	60.4
2	E 30th Street between 1st Avenue & FDR Drive	AM	66.5	73.0	68.9	64.9	62.8
		PM	66.1	74.0	68	64.5	62.8

*Noise monitoring conducted on January 6, 2009.

Mobile Source Assessment

According to the *CEQR Technical Manual*, a noise impact related to mobile sources would occur if project-induced traffic would more than double the existing traffic. A study of existing and future traffic volumes indicates that there would be no doubling of traffic volumes at any of the studied traffic locations. This finding is in agreement with those of the 2001 ERSP EIS. As a result of this screening procedure, it is anticipated that mobile source-related noise impacts would not occur.

Attenuation Requirements

The *CEQR Technical Manual* has set noise attenuation requirements for buildings based on anticipated exterior noise levels. These recommended noise attenuation values are designed to provide an interior noise level of 45 dBA or lower. As the area noise levels are primarily the

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result of vehicular movement; the anticipated insignificant increase in traffic noise levels from project-related vehicles, as well as the agreement between noise monitoring results of this study and the 2001 ERSP FEIS, indicate that the attenuation requirements for the proposed project would not change from the those determined for the 2001 ERSP FEIS. As a result, required L₁₀ attenuation would not be greater than 35dB for any of the building facades of the modified development.

Stationary Sources

The only source of project-related stationary noise would be from internal and external mechanical equipment required for the modified development (such as elevator motors). This equipment would be fitted with the required noise reduction devices to comply with applicable NYC noise regulations and standards.

Construction Impacts

The ERSP FEIS summarized the construction plan and identified potential impacts that could result from construction activities associated with the previously approved ERSP project that included renovation of the Psychiatric Building. Activities involved in the 24-month renovation were to include interior demolition and reconstruction, façade and roof repair and restoration, and replacement of windows and exterior doors. Impacts on the surrounding community from construction of the overall ERSP project were expected to be temporary in duration. A construction protection plan for cultural resources, including the Psychiatric Building, pursuant to New York City Department of Buildings Technical Policy and Procedures Notice #10/88 was requested by SHPO as part of their review of the ERSP project, to avoid any significant adverse impacts to the Psychiatric Building. The FEIS indicated that impacts resulting from the presence of hazardous materials would be avoided by the removal of PCB-containing equipment and fixtures, following a Health and Safety Plan for a Phase II investigation to be performed with approval of the DEP, and following applicable Occupational Safety and Health Administration regulations related to lead-based paint, and abating asbestos-containing materials in accordance with City, state and federal regulations. With these procedures in place, no significant adverse impacts were identified as a result of hazardous materials removal.

Construction-related activities resulting from the modified proposal for the Psychiatric Building, as well as the expansion of the Empire Zone to the ERSP, would not have any significant adverse impacts on historic resources, natural resources, infrastructure, traffic, air quality, noise, or hazardous materials conditions. Construction of the project site would begin in 2009 and be completed in 2012 with an overall construction period ranging from approximately 28 to 38 months. The proposed action would be constructed within an existing corridor of hospitals and research institutions along First Avenue, requiring actions to maintain access to surrounding sites, including emergency access, and measures to avoid construction impacts. Construction activities would normally take place Monday through Friday, although the delivery/installation of certain critical equipment could occur on weekend days. Construction staging most likely would occur on the project site itself and may, in some cases, extend within portions of sidewalks, and curb and travel lanes of public streets adjacent to the construction sites. The staging areas would be located on the project site and would include East 29th and East 30th Streets, and the courtyards of the former Psychiatric Building. To safeguard the public and to provide necessary

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access to the project site, it is recommended that the sidewalk along the portion of First Avenue adjacent to the project site, between East 30th and East 29th Streets, be covered with a sidewalk scaffold. Any sidewalk or street closures require the approval of the New York City Department of Transportation's Office of Construction Management and Coordination (NYCDOT-OCMC), the entity that ensures that critical arteries are not interrupted, especially during peak travel periods, and that appropriate sidewalk signage and barricading would be in place to ensure pedestrian safety.

Construction of the project would require noise and dust control measures during the construction period. In addition, there would be requirements for street crossing and entrance barriers, protective scaffolding, and strict compliance with all applicable construction safety measures.

Changes to noise levels during construction of the proposed project would include the introduction of noise and vibration from the operation of construction equipment. Based on CEQR Technical Manual standards, however, the noise generated by these activities would not be significant. Small increases in noise levels are expected to be found near a few defined truck routes and the streets in the immediate vicinity of the project site. These increases in noise levels caused by delivery trucks and other construction vehicles would not be significant, however.

Construction noise is regulated by the revised 2005 New York City Noise Code promulgated on July 7, 2007 and by the EPA noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction material be handled and transported in such a manner as not to create unnecessary noise. In addition, appropriate low-noise emission level equipment and operational procedures would be used. Compliance with noise control measures would be ensured by directives to the construction contractor.

Public Health

According to the CEQR Technical Manual, an assessment of a proposed project's potential impact on public health should be undertaken if the project would result in significant increases in noise, odors, or air pollutant emissions; if it would produce heavy metals or expose workers, residents, or visitors to hazardous materials resulting from prior contamination of the site; or if it would attract vermin.

The modified proposal for the Psychiatric Building and the expansion of the Empire Zone to the ERSP site would not introduce significant adverse traffic or air quality impacts, or result in significant adverse impacts related to hazardous materials. The proposed project would not be expected to attract vermin and standard pest control measures would be employed to prevent and avoid vermin problems. Construction-related changes to traffic, air, and noise conditions would be temporary and would not result in significant adverse impacts on the surrounding community.

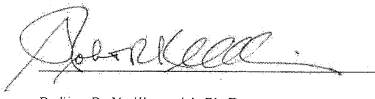
An assessment of public health impacts is ultimately based on the likelihood of public exposure to the various elements that put public health at risk. However, as is described in other sections

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of this technical memorandum, no adverse hazardous materials, traffic, air, or noise impacts would occur as a result of the modified proposal. The modified redevelopment proposal would therefore not introduce any factors that place the public at risk, and no significant adverse public health impacts would result.

III. CONCLUSIONS

As described in the analyses above, none of the changes that are proposed to the ERSP project, including a re-programming of the uses in the Bellevue Psychiatric Building and the designation of the ERSP site as an expansion site in the Chinatown Empire Zone, would result in significant adverse environmental impacts that were not previously identified in the FEIS.



Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

June 8, 2009

Date

APPENDIX A

MEMORANDUM of AGREEMENT
REGARDING THE PSYCHIATRIC BUILDING AT BELLEVUE HOSPITAL
NEW YORK COUNTY, NEW YORK

Between
THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC
PRESERVATION,
THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION AND
THE CITY OF NEW YORK

WHEREAS, The New York City Economic Development Corporation acting on behalf of the New York City Health and Hospitals Corporation ("NYCHHC") asked the New York State Office of Parks, Recreation, and Historic Preservation ("OPRHP") to review a proposal regarding the East River Science Park (the "Project") which is adjacent to a property, the Psychiatric Building, which has been determined eligible for inclusion on the State and National Registers of Historic Places; and

WHEREAS, The City of New York (the "City") is the owner of the land underlying the Psychiatric Building and the NYCHHC is the lessor of such land pursuant to an Agreement dated June 16, 1970 between the City and the NYCHHC; and

WHEREAS, the OPRHP has determined that the new buildings associated with the East River Science Park would tower over the historic Psychiatric Building and that the design of the new building is not in keeping with the OPRHP's guidelines for new construction; and

WHEREAS, the OPRHP has found that an Adverse Effect to the Psychiatric Building would result from the development of the East River Science Park; and

WHEREAS, all prudent and feasible alternatives to the proposal have been explored,

NOW THEREFORE, in accordance with Section 106 of the National Historic Preservation Act of 1966, the OPRHP, the NYCHHC and the City agree that the Project may proceed subject to the Stipulation below.

Stipulation

A. Covenant

The Psychiatric Building is the subject of the attached preservation covenant between the OPRHP, the NYCHHC and the City. Execution of the Covenant by the OPRHP, the

NYCHHC and the City has taken into account the impact of the undertaking on the adjacent historic property.

NEW YORK STATE HISTORIC PRESERVATION OFFICE

BY: Robert Purpoint DATE: 6/21/07

TITLE: DSHPO

CONCUR:

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

BY: [Signature] DATE: _____

TITLE: PRESIDENT

THE CITY OF NEW YORK

BY: [Signature] DATE: _____

TITLE: Dep Mayor

Approved as to form

By: [Signature]
Acting Corporation Counsel

PRESERVATION COVENANT TO BE USED FOR CONVEYANCE OF PSYCHIATRIC BUILDING

1. In consideration of the approval of the New York State Office of Parks, Recreation and Historic Preservation (the "OPRHP") of a proposal regarding the East River Science Park which is adjacent to a building, the Psychiatric Building (the "Psychiatric Building"), located on a portion of Tax Lot 100 in Tax Block 962 in the Borough of Manhattan in the City of New York (such portion known as Parcel 1 and being more fully described and depicted in Exhibit A hereto), each of the New York City Health and Hospitals Corporation (the "NYCHHC"), as lessor of the Psychiatric Building pursuant to an Agreement dated June 16, 1970 between The City of New York (the "City"), and the City, as owner of the Psychiatric Building, hereby covenant on behalf of themselves, their heirs, successors, and assigns at all times to notify the OPRHP in writing prior to undertaking any construction, alteration, remodeling, demolition, or other modification to structures or setting that would affect the features of the Psychiatric Building that make the Psychiatric Building eligible for inclusion on the State and National Registers of Historic Places. Such notice shall describe in reasonable detail the proposed undertaking and its expected effect on the integrity or appearance of the Psychiatric Building.

2. Within thirty (30) calendar days of notification provided by the NYCHHC or the City pursuant to paragraph 1 of this covenant, the OPRHP will respond to the sender of the notification (the "Sender")

- (a) That the Sender may proceed with the proposed undertaking without further historic preservation consultations; or
- (b) That the Sender must initiate and complete consultation with the OPRHP before the Sender can proceed with the proposed undertaking.

If the OPRHP fails to respond to the Sender's written notice, as described in paragraph 1 of this covenant, within thirty (30) calendar days of the OPRHP's receipt of the same, then the Sender may proceed with the proposed undertaking without further historic preservation consultations with the OPRHP.

3. If the response provided to the Sender by the OPRHP pursuant to paragraph 2 of this covenant requires consultation with that office, then all parties will so consult in good faith to arrive at mutually-agreeable and appropriate measures that the Sender will take to avoid or minimize any adverse effects associated with the proposed undertaking. If the parties are unable to arrive at such mutually-agreeable measures, then the Sender shall undertake mitigation in the form of recordation for the concerned property—in accordance with the standards of the Secretary of the Interior of the United States of America for recordation and any applicable state standards for recordation, or in accordance with such other standards to which the parties may mutually agree—prior to proceeding with the proposed undertaking. Pursuant to this covenant, any mitigation

measures to which the Sender and the OPRHP mutually agree, or any recordation that may be required, shall be carried out solely at the expense of the Sender.

4. The OPRHP shall be permitted at all mutually agreeable reasonable times to inspect the Psychiatric Building in order to ascertain its condition and to fulfill its responsibilities hereunder, provided such inspection can be conducted safely.

5. In the event that the Psychiatric Building (a) is substantially destroyed by fire or other casualty, or (b) is not totally destroyed by fire or other casualty, but damage thereto is so serious that restoration would be financially impractical in the reasonable judgment of the NYCHHC or the City, this covenant shall terminate on the date of such destruction or casualty. Upon such termination, the NYCHHC and the City shall deliver a duly executed and acknowledged notice of such termination to the OPRHP, and record a duplicate original of said notice in the County of New York County Deed Records. Such notice shall be conclusive evidence in favor of every person dealing with the Psychiatric Building as to the facts set forth therein.

6. The failure of the OPRHP to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

7. Until terminated pursuant to paragraph 5 or any subsequent agreement or release by OPRHP, the covenant shall be a binding servitude upon the Psychiatric Building and shall be deemed to run with the land. Execution of this covenant shall constitute conclusive evidence that the NYCHHC and the City agree to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

EXHIBIT A

PARCEL 1

BEGINNING at a point on the easterly side of First Avenue (100 feet wide); said point being the corner formed by the intersection of the easterly side of First Avenue with the southerly side of former East 30th Street (60 feet wide), discontinued and closed;

Running thence easterly along said southerly side of former East 30th Street (60 feet wide), discontinued and closed, a distance of 416.74 feet to a point; said line forming an interior angle of 90 degrees 00 minutes 00 seconds with the easterly side of First Avenue;

Running thence southerly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 61.14 feet to a point; said line forming an interior angle of 90 degrees 00 minutes 00 seconds with the last-mentioned course;

Running thence easterly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 2.98 feet to a point; said line forming an interior angle of 270 degrees 00 minutes 00 seconds with the last-mentioned course;

Running thence southerly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 75.00 feet to a point; said line forming an interior angle of 90 degrees 00 minutes 00 seconds with the last-mentioned course;

Running thence westerly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 3.08 feet to a point; said line forming an interior angle of 90 degrees 00 minutes 00 seconds with the last-mentioned course;

Running thence southerly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 48.42 feet to a point; said line forming an interior angle of 270 degrees 00 minutes 00 seconds with the last-mentioned course;

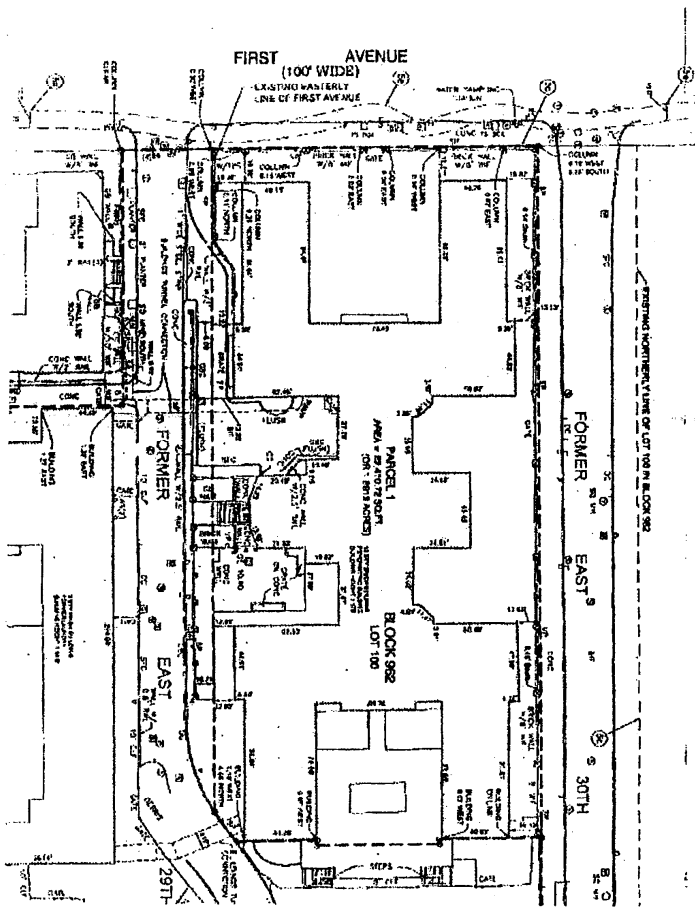
Running thence southwesterly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 16.45 feet to a point of curvature; said line forming an interior angle of 128 degrees 27 minutes 29 seconds with the last-mentioned course;

Running thence westerly through lands now or formerly Bellevue Hospital (tax Lot 100) on a curve bearing to the right with a radius of 107.00 feet and a central angle of 02 degrees 56 minutes 57 seconds, an arc distance of 5.51 feet to a point, the radial line of said curve forming an interior angle of 90 degrees 00 minutes 00 seconds with the last-mentioned course;

Running thence westerly through lands now or formerly Bellevue Hospital (tax Lot 100), a distance of 398.90 feet to a point on the easterly side of First Avenue, said line forming an interior angle of 58 degrees 29 minutes 28 seconds with the radial line of the last-mentioned course;

Running thence northerly along the easterly side of First Avenue, a distance of 197.50 feet to the place and point of beginning; said line forming an interior angle 90 degrees 00 minutes 00 seconds with the last-mentioned course;

Containing 82,410.72 square feet or 1.8919 acres.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Division of Fish, Wildlife & Marine Resources
 New York Natural Heritage Program
 625 Broadway, Albany, New York 12233-4757
 Phone: (518) 402-8935 • FAX: (518) 402-8925



Alexander B. Grannis
 Commissioner

November 17, 2008

Josh Moreinis
 S T V Incorporated
 225 Park Avenue South
 New York City, NY 10003-1604

Dear Mr. Moreinis:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Re-development of the former Bellevue Psychiatric Hospital Building, site as indicated on the map you provided, located at 500 First Avenue, New York City.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,
Tara Salerno
 Tara Salerno, Information Services
 NY Natural Heritage Program

Enc.
 cc: Reg. 2, Wildlife Mgr.

A - 2

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
 100 Old Slip, New York, NY 10005 (212) 487-6800

ENVIRONMENTAL REVIEW

DME/01DME004M PROJECT NUMBER 06/27/01 DATE RECEIVED

PROJECT EAST RVR SCIENCE PRK/NYU: EAST RIVER SCIENCE PARK/ NYU

- No architectural significance
- No archaeological significance
- Designated New York City Landmark or Within Designated Historic District
- Listed on National Register of Historic Places
- Appears to be eligible for National Register Listing and/or New York City Landmark Designation
- May be archaeologically significant; requesting additional materials

COMMENTS Text of DEIS dated 6/22/01 is acceptable.

Spina Santucci
 SIGNATURE DATE 06/29/01

APPENDIX B

For Internal Use Only: Date Received:	WRP no. _____ DOS no. _____
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**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form**

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

- Name: New York City Economic Development Corporation
- Address: 110 William Street
- Telephone: (212) 312-3718 Fax: (212) 312-3989 E-mail: rbelsky@nycedc.com
- Project site owner: City of New York -- NYC Health and Hospitals Corp.

B. PROPOSED ACTIVITY

- Brief description of activity:
The project would redevelop the Psychiatric Building on the Bellevue Hospital campus located on East 29th and First Avenue in Manhattan, for hotel, medical office, conference center, and retail use. The Psychiatric Building is currently partially vacant and partially occupied by a men's homeless shelter operated by the NYC Department of Homeless Services. The project also includes the expansion of the Chinatown Empire Zone ("EZ") to cover the adjacent East River Science Park ("ERSP") site.
- Purpose of activity:
The project will restore an landmark-eligible building (determined eligible for listing on the State and National Registers by the NYS Office of Parks, Recreation and Historic Preservation) and provide a complimentary use along the First Avenue medical corridor. The EZ expansion will enable certain benefits for the ERSP project.
- Location of activity: (street address/borough or site description):
The Psychiatric Building is located on an approximately 82,000 square foot parcel at 500 First Avenue, between East 29th and East 30th Streets in the Kips Bay neighborhood of Manhattan. ERSP is located between East 28th and East 29th Streets, from First Avenue to the FDR service road.

WRP consistency form - January 2003 1

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WRP consistency form - January 2003 3

Proposed Activity Cont'd

- If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
N/A
- Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
It is expected that the project will receive historic preservation tax credits.
- Will the proposed project require the preparation of an environmental impact statement?
Yes No If yes, identify Lead Agency:
- Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
 - Site disposition, through HHC's process (HHC Act, Section 7385 (6))
 - Empire Zone Expansion, which requires City Council approval

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions	Yes	No
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WRP consistency form - January 2003 2

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WRP consistency form - January 2003 4

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	✓	

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program.

Applicant/Agent Name: Rachel Belsky, Vice President, NYC Economic Development Corp

Address: 110 William Street, NY NY 10039

Telephone: (212) 312-3718

Applicant/Agent Signature: _____ Date: _____

WRP consistency form - January 2003 5

APPENDIX C

(For text of Appendix C, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007).

THOMAS WHITE JR., Chairperson; ALAN J. GERSON, ALBERT VANN, DAVID I. WEPRIN, DAVID YASSKY, LETITIA JAMES, ANNABEL PALMA, KENNETH C. MITCHELL, Committee on Economic Development, June 9, 2009.

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 Environmental Protection

Report for Int. No. 1001-A

Report of the Committee on Environmental Protection 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 prohibiting smoking at abatement sites.

The Committee on Environmental Protection, to which was referred on May 20, 2009 (Minutes, page 2025) the annexed amended proposed local law, respectfully

REPORTS:

I. Introduction

On Tuesday, June 9, 2009 at 2:00 p.m., the Committee on Environmental Protection will hold a hearing to consider and vote upon the above-referenced legislation. Previously a hearing had been held for these bills on May 21, 2009.

II. Background

On August 18, 2007, a fire in the former Deutsche Bank Building at 130 Liberty Street in Manhattan led to the deaths of New York City Firefighters Joseph Graffagnino, Jr., and Robert Beddia and resulted in injuries to several others. As early as August 20, 2007 the FDNY announced it was investigating the possibility that the fire was caused by a discarded cigarette on the 17th floor,¹ which later investigations concluded was the cause.² The FDNY also concluded shortly thereafter that there was no working standpipe in the building at the time of the fire.³ These and other findings, including problems with the safety of asbestos abatement activity, led Council Members to pursue legislative solutions to the problems being uncovered and prompted the City of New York to undertake a comprehensive review of the way construction, demolition, and abatement operations are regulated and conducted in the City.⁴ The four bills before this Committee are part of a package of twelve bills that resulted from a collaborative process between the Administration and the Council. These bills combine the findings and recommendations of a Working Group "the Group" called for by the Mayor on this subject⁵ with legislative proposals put forth by Council Members in the wake of the fire. They are collectively intended to improve construction, demolition, and asbestos abatement procedures in the City of New York.

III. Health and Safety Concerns at Asbestos Abatement Sites

Asbestos abatement is necessary because of the substantial health risks posed by the presence of asbestos and asbestos-containing materials. Asbestos is well recognized as a health hazard, with exposure occurring primarily through inhalation. Depending largely on size and shape, deposition of inhaled asbestos fibers may occur in lung tissue. Inhalation exposure is cumulative, and exposures have been expressed in terms of concentration of fibers over time. Studies in humans and animals also indicate that inhalation exposure to asbestos fibers may lead to the development of pulmonary disease including asbestosis and/or lung cancer and mesothelioma of the pleura or peritoneum. In general, noncancer effects in other tissues have not been detected; however, the development of cancer in other tissues (e.g., gastrointestinal tissues) in some worker populations may be related to asbestos exposure.⁶ In addition to the risks posed by inhalation exposure, epidemiological studies have established that oral exposure to asbestos may be linked to the development of gastrointestinal cancer.⁷ For example, studies of some workers exposed to asbestos by inhalation have noted excesses in death rates from gastrointestinal cancer.⁸ Other studies suggest that populations with high levels of asbestos fiber in drinking water may have increased risks of gastrointestinal cancers.⁹

Because of the health risks associated with asbestos, abatement sites must be sealed using plastic barriers as described below, ensuring that asbestos fibers do not escape the containment area. If not properly installed, however, these barriers may increase fire risk at asbestos abatement sites. The proposed legislation seeks to protect workers and the public from the health impacts of asbestos exposure while protecting workers, firefighters, and the public from fire risks.

IV. New York City Asbestos Abatement Operations

One of the objectives of the Group convened by Deputy Mayor Skyler in the fall of 2007 was to review how the City regulates construction, demolition and abatement operations.¹⁰ The Group issued its Report in July of 2008, which report, among other things, gave a detailed description of Abatement and Demolition Operations, including flowcharts to describe these processes. The descriptions of those processes, in relevant part, are summarized below. As indicated in the Report, asbestos abatement in New York City is regulated by the Department of Environmental Protection ("DEP") under the Asbestos Control Program ("ACP"). Under DEP rules, a building owner who wants to renovate, alter or demolish a property must first abate any asbestos-containing material in the affected area in accordance with applicable Federal State and local rules and regulations. Each year, approximately 5,000 abatement jobs take place in New York City.¹¹ All asbestos abatement must take place in a controlled work area, and large jobs require the establishment of a containment area, which includes decontamination enclosure systems, negative air pressure, isolation barriers, and sealing with plastic sheeting.¹² These local laws are intended to significantly improve the safety of asbestos abatement operations for all parties, including first responders.

V. Proposed Changes to Regulation of Asbestos Abatement Sites

a. Smoking in the Construction Site Workplace

While the New York City Fire Code prohibits smoking at construction sites and federal regulation and DEP rules at asbestos work places, those prohibitions were not effective in deterring smoking in the former Deutsche Bank building.¹³ Proposed Int. No. 1001 prohibits smoking at asbestos abatement sites, and further prohibits any person from bringing tobacco, matches, and lighters onto an asbestos abatement site. This legislation will enhance and extend the existing smoking prohibitions and allow for greater enforcement and protection in the hope of preventing future fires from taking place.

b. Egress at Asbestos Abatement Sites

It has been reported that on the day of the 130 Liberty Street fire, firefighters responded, assessed access issues and ascertained that the while the building had two independent stairwells in the center "core" area of each floor, with stairwell "A" offset to the south and stairwell "B" offset to the north, both stairwells leading from the 15th floor to the 16th floor had been sealed because of ongoing asbestos abatement.¹⁴ The firefighters' spent the next 20 minutes, breaching the

barriers leading up to the 16th floor. In the meantime, on the fifteenth floor, where several firefighters were engaged in fighting the blaze, thick, choking smoke reduced visibility to near zero and disoriented many firefighters, driving them down to the 14th floor. However before long, the 14th floor was also filled with thick black smoke and the firefighters attempting to escape it by descending below the 14th floor found their escape was blocked by wooden planking of the asbestos containment barriers in both stairwells. Int. No. 1005 requires that the DEP Commissioner, in consultation with the Fire Commissioner and the Commissioner of buildings, promulgate rules which give further guidance to contractors on how to maintain egress at asbestos projects in order to avoid a similar tragedy in the future.

c. Asbestos Abatement Permitting

The Group found that the existing abatement process allowed an abatement contractor to commence work on the date indicated on an ACP 7 regardless of the size or complexity of the job unless the rules required a variance. The Group determined that an additional level of review should be required for certain jobs.¹⁵ Revised Int. No.1003 would establish a three-point asbestos abatement protection program that will: 1) require permits for certain abatement jobs that pose the highest safety risk; 2) mandate the use of non-combustible fire-resistant materials for certain containment structures during the abatement process; and 3) authorize DEP inspectors to enforce provisions of the Fire and Building Code at abatement sites, thereby adding to the safety of these projects for those in the building, the community and those required to respond in the event of an emergency.

VI. Bill Discussion

a. Proposed Int. No. 1001-A

Section 1 of Proposed Int. No. 100-A amends Chapter 4 of Title 24 of the Administrative Code of the City of New York by adding a new section 24-150.1, prohibiting smoking at asbestos abatement sites. New subdivision (a) has been revised since introduction of the ballot prohibit smoking on any floor of a building where abatement activities are taking place as defined in the rules of the department relating to asbestos control. New subdivision (b) as revised since introduction of the bill to prohibit tobacco inside the work place as that area is defined in the rules of the department relating to asbestos control. Subdivision (c) has been revised since the bill's introduction to prohibit lighters and matches from the work place as that area is defined in the rules of the department relating to asbestos control. Subdivision (d), found in Into No. 1000 when introduced requiring the promulgation of rules has been deleted because the reference to DEP rulemaking has been integrated into subdivisions (a), (b), (c).

Section 2 of Int. No. 1001 provides that this local law shall take effect immediately.

b. Proposed Int. No. 1005

Section 1 of Int. No. 1005 amends subdivision (c) of section 24-146.1 of the Administrative Code of the City of New York, to require the Commissioner of Environmental Protection, in consultation with the Fire Commissioner and the Commissioner of the Buildings, to promulgate rules within one hundred and twenty days of the enactment that added this sentence giving contractors further guidance on how to maintain egress at asbestos projects.

Section 2 provides that this local law shall take effect immediately.

c. Proposed Int. No. 1003-A

Proposed Int. No. 1003-A amends the Administrative Code of the City of New York, detailing new permitting procedures for asbestos abatement activities. Only a minor technical revision was made to his local law since its last hearing .

Section 1 adds a new subdivision (n) to section 24-146.1 of the Administrative Code of the City of New York. New subdivision (n) directs the Commissioner of Environmental Protection to adopt rules specifying the standards for the construction of temporary structures for asbestos abatement activities. Such rules shall, along with any other requirements, provide that these structures be made with non-combustible or flame-resistant materials, in compliance with appropriate reference standards.

Section 2 adds a new section 24-146.3 to Chapter 1 of Title 24 of the Administrative Code. Subdivision (a) of new section 24-146.3 directs the Commissioner of Environmental Protection to establish a permit requirement for asbestos projects. On and after such a date as these rules shall be established, it shall be unlawful to commence or engage in such a project unless the Commissioner of Environmental Protection has issued a permit for the project. Subdivision (b) of new section 24-146.3 specifies that the rules for abatement permits shall be established by the Commissioner of Environmental Protection, in consultation with the Fire Commissioner and the Commissioner of Buildings. Subdivision (b) further specifies that the criteria for the permit requirement shall include the effect of the project on the maintenance of egress in the building, the effect of the project on the building's fire protection systems, and whether the project includes work requiring another permit from the Department of Buildings. Subdivision (c) provides that, where an application for an asbestos abatement project includes work that would otherwise require a permit from the Department of Buildings, all relevant construction documents shall be submitted with the application for the asbestos abatement permit application, and must be approved by the Commissioner of Buildings or by a DEP employee designated by the Commissioner of Buildings before an asbestos abatement permit is issued.

Subdivision (d) provides that the Commissioner of Environmental Protection may revoke any abatement permit for failure to comply with the provisions of section 24-146.3 or section 24-146.1, or when there has been any false statement or misrepresentation in the application, or when a permit was issued in error. Written notice to the permit holder, detailing the reason for a proposed revocation, is required. The applicant may present information as to why the permit should not be revoked within 10 days of hand-delivery of the notice or 15 days of sending notice by mail. However, the Commissioner of Environmental Protection may immediately

suspend a permit where imminent peril to life or property exists. Subdivision (e) requires that the permit be posted for the duration of the project. Subdivision (f) requires that all work conform to the approved or accepted construction documents and any approved amendments. Subdivision (g) allows the Commissioner of Environmental Protection to issue a stop work order at any time when work is being performed in violation of this section, section 24-146.1, or rules adopted pursuant to these sections.

Section 3 amends the table of civil penalties in subparagraph (i) of paragraph 5 of subdivision (b) of section 24-178 of the Administrative Code by specifying that the civil penalty for a violation of section 24-146.3 will be set at a minimum of \$1,000, and a maximum of \$15,000.

Section 4 repeals Article 106 of Chapter 1 of Title 28 of the Administrative Code, and adds a new Article 106 to Title 28, entitled "Asbestos". New section 128-106.1 requires asbestos certification before a demolition or alteration permit is issued by DOB for a building constructed on or before April 1, 1987. New section 28-106.2 requires that asbestos containment structures, decontamination system enclosures and other temporary structures or work performed for the purpose of asbestos abatement comply with this section, with DEP rules, and with Article 30 of the Labor Law. New section 28-106.2.1 requires that materials used in construction of temporary structures for asbestos abatement activities be non-combustible or flame resistant, in compliance with reference standard NFPA 255-06 or NFPA 701-99. New section 28-106.3 provides that work performed solely for the purpose of an asbestos project that is required to be permitted pursuant to section 24-146.3 of the Administrative Code shall be exempt, except as otherwise provided by rule, from the permit requirements of Title 28. New section 28-106.4 provides that "asbestos" and "asbestos project" shall have the same meanings as they do in section 24-146.1 of the Administrative Code.

Section 5 adds a new subsection 104.1.1 to Section FC 104 of Chapter 1 of the New York City Fire Code. New subdivision 104.1.1 authorizes the Fire Commissioner to designate officers and employees of DEP to issue notices of violation, violation orders, and Criminal Court process at premises in which asbestos abatement activity is taking place.

Section 6 requires that the rules adopted by the DEP Commissioner shall provide for phased implementation of the permit requirement established by this section, and sets a schedule for the phase-in.

Section 7 places the responsibility for enforcement and administration of this section on the Commissioner of Environmental Protection and mandates that said Commissioner meet with affected industries not less than four times a year to review implementation of this local law.

Section 8 provides that this local law shall take effect 60 days after being enacted into law, but that rule-making may begin prior to that date.

On June 9, 2009, the Committee voted 8-0 in favor of these bills. There were no abstentions and no negative votes.

¹ News from the BLUE ROOM, Multi-Agency Update on Fire at 130 Liberty Street, August 20, 2007.

² DANY, 2008. Statement by the District Attorney: Deutsche Bank Fire.

³ New from the BLUE ROOM, Update on Investigations of the Fire at 130 Liberty Street, August 22, 2007.

⁴ In the fall of 2007, Deputy Mayor Edward Skyler convened a Working Group that included representatives of the Department of Buildings, Department of Environmental Protection, New York City Fire Department, the Mayor's Office of Operations, and the Law Department to review how the City regulates construction, demolition and abatement operations, including agency practices regarding enforcement, and the ways these operations are conducted in the field. See, Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

⁵ Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

⁶ United States Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos, at p. 16 (September 2001).

⁷ Id. at pages 18 and 19.

⁸ Id.

⁹ Id.

¹⁰ Id at pg. 1.

¹¹ Supra note 5 at pg. 6.

¹² Id.

¹³ Fire Code Section 1404.1, Federal Regulation 1910.1001(i) (4) and 1926.1101(j) (4).

¹⁴ DANY, 2008. Statement by the District Attorney: Deutsche Bank Fire.

¹⁵ Id.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1001-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
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 expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION:City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Nathan Toth, Assistant Director

HISTORY: This legislation was introduced as Int. 1001 by the Full Council and referred to the Committee on Environmental Protection on May 20, 2009. The Committee on Environmental Protection held a hearing on Int. 1005 and laid over the legislation on May 21, 2009. The committee will vote on the legislation June 09, 2009.

Accordingly, Your Committee recommends the adoption of Int. Nos. 1001-A, 1005, and 1003-A, all as amended.

(The following is the text of Int. No. 1001-A:)

Int. No. 1001-A

By Council Member James, the Speaker (Council Member Quinn), Crowley, Ulrich, White, Koppell, Gennaro, Brewer, Liu, Mealy, Stewart, Weprin, Recchia, Felder, Gentile, Jackson, Reyna and Sears (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking at abatement sites.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 24-150.1 to read as follows:

§24-150.1 *Smoking at abatement sites. (a) Smoking shall not be permitted on any floor of a building where abatement activities, as defined in the rules of the department relating to asbestos control, are taking place.*

(b) Tobacco shall not be permitted inside the work place, as such area is defined in the rules of the department relating to asbestos control.

(c) Lighters and matches shall not be permitted in the work place, as such area is defined in the rules of the department relating to asbestos control.

§2. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, THOMAS WHITE JR., MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, June 9, 2009.

(The following is the text of a Message of Necessity for the immediate passage of Int. No. 1001-A:)

Pursuant to authority vested in me by section twenty of the Municipal Some Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting smoking at abatement sites.

Given under my hand and seal this 9th day of June, 2009 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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. 1003-A

Report of the Committee on Environmental Protection 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 asbestos abatement and repealing article 106 of chapter 1 of title 28 of the administrative code in relation thereto.

The Committee on Environmental Protection, to which was referred on May 20, 2009 (Minutes, page 2031) the annexed amended proposed local law, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Environmental Protection for Int. No. 1001 printed above in these Minutes.)

The following is from the text of the Fiscal Impact Statement for Int. No. 1003-A:

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be an impact on revenue in Fiscal Year 2010 but it is premature to estimate what the revenues would be without the establishment of a permit fee and a sense of how many fines would be imposed on violators and at what dollar amount.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION:City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Nathan Toth, Assistant Director

HISTORY: This legislation was introduced as Int. 1003 by the Full Council and referred to the Committee on Environmental Protection on May 20, 2009. The Committee on Environmental Protection held a hearing on Int. 1003 and laid over the legislation on May 21, 2009. An amendment has been proposed, and the committee will consider the legislation as Proposed Int. 1003-A on June 09, 2009.

Accordingly, Your Committee recommends the adoption of Int. Nos. 1001-A, 1005, and 1003-A, all as amended.

(The following is the text of Int. No. 1003-A:)

Int. No. 1003-A

By Council Members Martinez, Gerson, the Speaker (Council Member Quinn), Crowley, Ulrich, White, Koppell, Gennaro, Fidler, James, Liu, Nelson, Stewart, Recchia, Gentile, Sears and Weprin (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to asbestos abatement and repealing article 106 of chapter 1 of title 28 of the administrative code in relation thereto.

Be it enacted by the Council as follows:

Section 1. Section 24-146.1 of the administrative code of the city of New York is amended by adding a new subdivision (n) to read as follows:

(n) *The commissioner shall adopt rules specifying the standards for the construction of temporary structures for asbestos abatement activities. In addition to any other requirements, such rules shall provide that materials used in the construction of such structures be non-combustible or flame resistant in compliance with reference standard NFPA 255-06 or NFPA 701-99, as such standards may be modified by local law or by the Department of Buildings pursuant to applicable rules.*

§2. The administrative code of the city of New York is amended by adding a new section 24-146.3 to read as follows:

§ 24-146.3 *Asbestos abatement permit. (a) The commissioner shall establish a permit requirement for asbestos projects, as defined in the rules of the department, affecting the safety of a building. On and after a date to be provided in the rules establishing such a permit requirement, it shall be unlawful to commence or engage in such a project unless the commissioner has issued an abatement permit for such project.*

(b) *The rules shall be adopted in consultation with the fire commissioner and the commissioner of buildings and shall specify criteria for the issuance of such permits and requirements to enhance safety at the site of such projects. The criteria for the permit requirement shall include, but shall not be limited to, the effect of the project on the maintenance of the means of egress in the building in compliance with applicable provisions of the New York city construction codes, the New York city fire code and other applicable provisions of law, the effect of the project on the fire protection systems of the building and whether the project includes work performed only for the purpose of the asbestos project that may otherwise require a work permit from the department of buildings, such as but not limited to alteration work necessary to expose asbestos material for removal to the extent that such work would otherwise require a work permit pursuant to title 28 of the administrative code.*

(c) *Application for an asbestos permit shall be made to the department in such form and containing such information as shall be prescribed in the rules of the department. The fee for such permit shall be set forth in the rules of the department. Where the proposed asbestos project would involve construction work that would otherwise require a work permit from the department of buildings, construction documents, as defined in chapter 1 of title 28 of the administrative code, shall be part of the abatement permit application filed with the department of environmental protection, except where the submission of such documents is waived by the department of buildings in accordance with the provisions of section 28-104.7.12 of the administrative code. The commissioner of buildings, his or her duly authorized representative, or an employee of the department of environmental protection designated by the commissioner of buildings who is a qualified registered design professional with experience in building construction and design shall approve or accept such construction documents on behalf of the department of buildings in accordance with all applicable provisions of title 28 of the administrative code and no abatement permit shall be issued without such approval or acceptance.*

(d) The commissioner may, on written notice to the permit holder, revoke any abatement permit for failure to comply with the provisions of this section or section 24-146.1 or the rules adopted pursuant thereto or whenever there has been any false statement or any misrepresentation as to a material fact in the application or other documents submitted to the department upon the basis of which such permit was issued; or whenever an abatement permit has been issued in error and conditions are such that the permit should not have been issued. Such notice shall inform the permit holder of the reasons for the proposed revocation and that the applicant has the right to present to the commissioner or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of mailing of the notice, information as to why the permit should not be revoked. The commissioner may immediately suspend any permit without prior notice to the permit holder when the commissioner has determined that an imminent peril to life or property exists. The commissioner shall forthwith notify the permit holder that the permit has been suspended and the reasons therefore, that it is proposed to be revoked, and that the permit holder has the right to present to the commissioner or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of mailing of the notice information as to why the permit should not be revoked.

(e) The permit shall be posted as specified in the rules of the department for the duration of the asbestos project.

(f) All work shall conform to the approved or accepted construction documents, and any approved amendments thereto.

(g) The permittee shall comply with section 24-146.1 of this code and the rules of the department adopted pursuant to such section and with article 30 of the labor law and rules adopted pursuant to such article. The commissioner may issue a notice or order to stop work in accordance with the procedure set forth in subdivision (h) of section 24-146.1 at any time when work is being performed in violation of this section or section 24-146.1 or rules adopted pursuant to such sections and such work poses a threat to human safety.

§3. The table of civil penalties in subparagraph (i) of paragraph 5 of subdivision b of section 24-178 of the administrative code of the city of New York is amended by adding after the line beginning 24-146.1(b)(1) a civil penalty for violation of section 24-146.3, to read as follows:

TABLE OF CIVIL PENALTIES

Violations related to section, subdivision and paragraph	Civil Penalties	
	Maximum	Minimum
24-146.3.....	15,000	1,000

§4. Article 106 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is REPEALED and a new article 106 is added to read as follows:

**ARTICLE 106
ASBESTOS**

§28-106.1 Asbestos certification required. The commissioner shall not issue a permit for the demolition or alteration of a building constructed on or before April 1, 1987, unless the applicant submits such certification relating to asbestos as may be required by the rules of the department of environmental protection.

§28-106.2 Construction and maintenance of asbestos containment structures and other temporary structures or work required for asbestos abatement activities. Notwithstanding any other provision of this code, the construction and maintenance of asbestos containment structures, decontamination system enclosures and other temporary structures or work performed in the course of and only for the purpose of asbestos abatement activities shall comply with this section and the rules of the Department of Environmental Protection relating to such temporary structures and work and with Article 30 of the Labor Law and rules adopted pursuant to such article.

§28-106.2.1 Materials. The rules of the department of environmental protection relating to materials used in the construction of temporary structures for asbestos abatement activities shall contain a provision requiring such structures to be non-combustible or flame resistant in compliance with reference standard NFPA 255-06 or NFPA 701-99, as such standards may be modified by local law or by the Department of Buildings pursuant to applicable rules.

§28-106.3 Permit exemption. Except as otherwise provided by rule, work performed in the course of and only for the purpose of an asbestos project that is required to be permitted pursuant to section 24-146.3 of the administrative code shall be exempt from the permit requirements of this code.

§28-106.4 Definitions. For the purposes of this article, the terms "asbestos" and "asbestos project" shall have the meanings as are ascribed in section 24-146.1 of the administrative code.

§5. Section FC 104 of chapter 1 of the New York city fire code of chapter 2 of title 29 of the administrative code of the city of New York is amended by adding a new subsection 104.1.1 to read as follows:

104.1.1 Asbestos abatement activity. Notwithstanding any other provision of law, the commissioner may designate officers and employees of the Department of Environmental Protection to issue notices of violation, violation orders and Criminal Court process at premises in which asbestos abatement activity is taking place, for violations of this code and other laws, rules and regulations enforced by the department.

§6. The rules adopted by the commissioner of environmental protection pursuant to section 24-146.3 of the administrative code, as added by section 2 of this local law, shall provide for the phased implementation of the permit requirement established by such section as hereinafter provided. The first phase shall commence on the later of the 90th day after the date of enactment of this local law or the 30th day after the effective date of such rules and shall continue for a period of 90 days thereafter. In the first phase only asbestos projects that involve the disturbance of 1,000 square or linear feet or more of asbestos containing material on a single floor shall be subject to sections 24-146.3 and article 106 of chapter 1 of title 28 of the administrative code as added by sections 2 and 4 of this local law. During the first phase asbestos projects other than those referred to above shall comply with the provisions of law and rules in effect prior to the effective date of this local law. The second phase shall commence at the conclusion of the first phase and shall include all asbestos projects.

§7. The commissioner of environmental protection shall have responsibility for the enforcement and administration of section 24-146.3 of the administrative code, as added by section 2 of this local law and shall meet with affected industries not less than four times a year to review the implementation of this local law.

§8. This local law shall take effect 60 days after it shall have been enacted into law, except that prior to such date the fire commissioner, the commissioner of buildings and the commissioner of environmental protection may take any administrative action, including the promulgation of rules, that may be necessary for the timely implementation of this local law.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, THOMAS WHITE JR., MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, June 9, 2009.

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. 1005

Report of the Committee on Environmental Protection in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to egress at abatement projects.

The Committee on Environmental Protection, to which was referred on May 20, 2009 (Minutes, page 2038) the annexed amended proposed local law, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Environmental Protection for Int. No. 1001 printed above in these Minutes.)

The following is from the text of the Fiscal Impact Statement for Int. No. 1005:

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
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 expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Nathan Toth, Assistant Director

HISTORY: This legislation was introduced as Int. 1005 by the Full Council and referred to the Committee on Environmental Protection on May 20, 2009. The Committee on Environmental Protection held a hearing on Int. 1005 and laid over the legislation on May 21, 2009. The committee will vote on the legislation on June 09, 2009.

Accordingly, Your Committee recommends the adoption of Int. Nos. 1001-A, 1005, and 1003-A, all as amended.

(The following is the text of Int. No. 1005:)

Int. No. 1005

By Council Member Stewart, the Speaker (Council Member Quinn), and Council Members Crowley, Ulrich, White, Koppell, James, Liu, Gennaro, Fidler, Nelson, Gentile, Recchia, Reyna, Weprin and Gerson (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to egress at abatement projects.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 24-146.1 of chapter 1 of title 24 of the administrative code of the city of New York, is amended to read as follows:

(c) The commissioner shall promulgate regulations establishing procedures for the safeguarding of the health and safety of the public and all persons who work at or in the vicinity of an asbestos project. *The commissioner, in consultation with the fire commissioner and the commissioner of buildings, shall promulgate rules within one hundred twenty days of the enactment of this local law which give further guidance to contractors on how to maintain egress at asbestos projects, as such projects are defined in the rules of the department, in accordance with all applicable laws, codes, rules and regulations.*

§2. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, THOMAS WHITE JR., MATHIEU EUGENE, ELIZABETH CROWLEY, ERIC A. ULRICH, Committee on Environmental Protection, June 9, 2009.

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 Fire and Criminal Justice Services

Report for Int. No. 1002

Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking at construction sites.

The Committee on Fire and Criminal Justice Services, to which was referred on May 20, 2009 (Minutes, page 2026) the annexed proposed local law, respectfully

REPORTS:**I. INTRODUCTION:**

On June 9, 2009, the Committee on Fire and Criminal Justice Services, chaired by Council Member James Vacca, will consider the above-referenced legislation. A previous hearing was held on these bills on June 2, 2009. The bills remain substantively unchanged since that hearing while some technical amendments were made to both bills.

II. BACKGROUND:

On August 18, 2007, a fire in the former Deutsche Bank Building at 130 Liberty Street in Manhattan led to the deaths of New York City Firefighters Joseph Graffagnino and Robert Beddia and resulted in injuries to several others. 130 Liberty Street was a 26 story high-rise office building which was undergoing asbestos abatement and demolition at the time of the fire.¹ As early as August 20, 2007 the FDNY announced it was investigating the possibility that the fire was caused by a discarded cigarette on the 17th floor,² with later investigations concluding the cause of the fire was the careless discard of smoking material in the asbestos decontamination area on the south side of the building on the 17th floor.³ The FDNY also concluded shortly thereafter that the sprinkler system was damaged and out of service and that there was no working standpipe in the building on the day of the fire, which resulted in significant delay in getting water on the fire.⁴ These and other findings led Council Members to pursue legislative solutions to the problems being uncovered and prompted the City of New York to undertake a comprehensive review of the way construction, demolition, and abatement operations are regulated and conducted in the City.⁵ The bills before this Committee are part of a package of twelve bills that resulted from a collaborative process between the Administration and the Council. These bills combine the findings and recommendations of a Working Group (“the Working Group”) called for by the mayor on this subject⁶ with legislative proposals put forth by Council Members in the wake of the fire. The bills are collectively intended to improve construction, demolition, and asbestos abatement procedures in the City of New York.

III. ANALYSIS OF INT. NO. 1002

Currently, the New York City Fire Code prohibits smoking at construction sites and federal regulations and DEP rules prohibit smoking in asbestos work places.⁷ The Working Group recommended that the Citywide smoking ban at construction, demolition, and abatement sites should be strengthened and enforced with a zero-tolerance approach.⁸ Specifically, the Working Group recommended that DOB should amend its rules and/or seek legislation to ban smoking in all areas within a construction or demolition site and should consider whether additional penalties or mechanisms were needed to enforce the prohibition.⁹ Additionally, the Working Group recommended that DOB should amend its current protocols to prohibit smoking in construction sites, in furtherance of existing requirements for contractors to institute and maintain safety measures during construction and demolition.¹⁰ This legislation will enhance the existing smoking prohibitions by including them in the building code, which will increase awareness of the prohibitions and allow for greater enforcement and protection by building inspectors in the hope of preventing future fires from taking place.

Section 1 of Int. No. 1002 amends section BC 3303 of the building code of the City of New York by adding a new subsection 3303.7.3 which (i) prohibits smoking at all construction and demolition sites and (ii) requires signs to be posted in accordance with the provisions of Fire Code Section 310 and any rules promulgated thereunder.

Section 2 provides that this local law shall take effect take effect in 60 days.

IV. ANALYSIS OF INT. NO. 1007

The Working Group found that the DOB, DEP and FDNY recorded inspection results in three different formats. Specifically: (i) DOB inspectors were recording results for new buildings and full demolitions on paper inspection cards; (ii) FDNY inspectors were recording results in a sharable database for 15-day inspections and on paper inspection cards for 30-day and other field inspections; and inspections conducted by the Bureau of Fire Prevention were recorded on paper, then entered into a database; and (iii) DEP abatement inspectors were recording results in an internal database that was not being shared. As a result, individual inspectors across agencies did not have the means to know when a location had been inspected by another agency, or the results of that inspection. The Working Group recommended that the DOB, FDNY, and DEP implement a system to share relevant results of inspections of buildings that meet agreed-upon criteria. The Working Group recommended that the FDNY develop a computer-based process to share inspection data internally and with DOB and DEP.¹¹ In the short term, it was recommended that

the FDNY, DOB, and DEP implement a mechanism such as a common database which would enable them to share relevant inspection results that meet agreed-upon criteria.¹² Over the long term, it was recommended that the FDNY, DOB, and DEP develop a comprehensive data-sharing mechanism that would capture relevant inspection results that might include open stop work orders, violations, and other data.¹³ While the relevant agencies have already begun to implement some of the Working Group recommendations, Int. No. 1007 mandates that the Buildings Commissioner, the Fire Commissioner and the Commissioner of Environmental Protection shall establish procedures to share information regarding violations issues as a result of inspections of buildings meeting agreed upon criteria that are relevant to the responsibilities of each department as related below.

Int. No. 1007 amends the Administrative Code of the City of New York, in relation to inter-agency notification. Section 1 adds a new section 28-103.7.1 that requires the Building Commissioner, the FDNY Commissioner and DEP Commissioner to establish a procedure to share information regarding violations issued as a result of inspections of buildings meeting agreed-upon criteria that are relevant to the responsibilities of each department.

Section 2 amends Chapter 2 of title 29 of the Administrative Code of the City of New York, by adding a new subsection FC 106.4 that requires the Fire Commissioner, the Building Commissioner and the Commissioner of DEP to establish a procedure to share information regarding violations in accordance with the requirements of the new section 28-103.7.1.

Section 3 amends section 24-146.1 of the Administrative Code by adding a new subdivision (n) that requires the Commissioner of DEP, in coordination with the Commissioner of the FDNY and Commissioner of DOB, to establish a procedure to share information regarding violations in accordance with the requirements of section 28-103.7.

Section 4 provides that one year after the local laws enactment, a copy of the procedure established in accordance with section 28-103.7.1 shall be provided to the City Council.

Section 5 provides that this local law shall take effect six months after it shall have been enacted into law

¹ Fire Department City of New York Safety and Inspection Services Command, Investigative Report 130 Liberty Street, Volume 1, at pg. 5.

² News from the BLUE ROOM, Multi-Agency Update on Fire at 130 Liberty Street, August 20, 2007.

³ Supra, note 1.

⁴ New from the BLUE ROOM, Update on Investigations of the Fire at 130 Liberty Street, August 22, 2007.

⁵ In the fall of 2007, Deputy Mayor Edward Skyler convened a Working Group that included representatives of the Department of Buildings, Department of Environmental Protection, New York City Fire Department, the Mayor's Office of Operations, and the Law Department to review how the City regulates construction, demolition and abatement operations, including agency practices regarding enforcement, and the ways these operations are conducted in the field. See, Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

⁶ Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

⁷ Fire Code Section 1404.1, Federal Regulation 1910.1001(i)(4) and 1926.1101(j)(4).

⁸ Supra, note 6 at pg. 20.

⁹ Id at pg. 21.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1002:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This local law would generate no additional revenues for the City.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of this legislation since its primary purpose is to codify in the building code

the prohibition of smoking on construction sites. Costs associated with the posting of signage would be borne by those entities performing or managing CDA projects.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Russell, Legislative Financial Analyst
Andy Grossman, Deputy Director

HISTORY: Intro. 1002 was introduced by the Council and referred to the Committee on Fire and Criminal Justice Services on May 20, 2009. The legislation was considered and laid over by the Committee on June 2, 2009. This legislation is to be considered by the Committee on June 9, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1002:)

Int. No. 1002

By Council Member James and the Speaker (Council Member Quinn) and Council Members Vallone Jr., Brewer, Koppell, Liu, Mealy, Stewart, Weprin, White, Felder, Crowley, Gentile, Jackson, Reyna and Sears (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking at construction sites.

Be it enacted by the Council as follows:

Section 1. Section BC 3303 of chapter 33 of the New York city building code, of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new subsection 3303.7.3 to read as follows:

3303.7.3 Smoking. Smoking shall be prohibited at all construction and demolition sites. Signs shall be posted in accordance with the provisions of Section 310 of the New York City Fire Code and any rules promulgated thereunder.

§ 2. This local law shall take effect 60 days after it shall have been enacted into law.

JAMES VACCA, Chairperson; TONY AVELLA, ALAN J. GERSON, ERIC N. GIOIA, PETER F. VALLONE JR., VINCENT J. GENTILE, MATHIEU EUGENE, ELIZABETH CROWLEY, Committee on Fire and Criminal Justice Services, June 9, 2009.

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. 1007

Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to inter-agency notification.

The Committee on Fire and Criminal Justice Services, to which was referred on May 20, 2009 (Minutes, page 2041) the annexed proposed local law, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Fire and Criminal Justice Services for Int. No. 1002 printed in these Minutes.)

The following is from the text of the Fiscal Impact Statement for Int. No. 1007:

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This local law would generate no additional revenues for the City.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of this legislation since existing resources could be used by all impacted agencies in order to comply with legislation. All information that the legislation mandates to be shared is already collected by each agency. Sharing the information should not represent any significant new costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Russell, Legislative Financial Analyst
Andy Grossman, Deputy Director

HISTORY: Intro. 1007 was introduced by the Council and referred to the Committee on Fire and Criminal Justice Services on May 20, 2009. The legislation was considered and laid over by the Committee on June 2, 2009. This legislation is to be considered by the Committee on June 9, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1007:)

Int. No. 1007

By Council Member Vacca and the Speaker (Council Member Quinn) and Council Members Vallone Jr., Brewer, Fidler, James, Mealy, Nelson, Sanders, Seabrook, Stewart, Oddo, White, Crowley, Gentile, Jackson, Reyna, Sears and Weprin (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to inter-agency notification.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 28-103.7.1 to read as follows:

§ 28-103.7.1 Sharing results of buildings inspections. The commissioner, the fire commissioner and the commissioner of the department of environmental protection shall establish a procedure, the implementation of which shall begin within six months of the effective date of this section, to share information regarding violations issued as a result of inspections of buildings meeting agreed-upon criteria that are relevant to the responsibilities of each department.

§2. Section FC 106 of chapter 1 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, is amended by adding a new subsection 106.4 to read as follows:

106.4. Sharing results of inspections. The commissioner, in coordination with the Commissioner of Buildings and the Commissioner of Environmental Protection, shall establish a procedure to share information regarding violations in accordance with Section 28-103.7.1 of the New York City Administrative Code.

§3. Section 24-146.1 of the administrative code of the city of New York is amended by adding a new subdivision (n) to read as follows:

(n) Sharing the results of inspections. The commissioner, in coordination with the commissioner of the department of buildings and the fire commissioner, shall establish a procedure to share information regarding violations issued pursuant to this section, in accordance with the requirements of section 28-103.7.1 of the administrative code of the city of New York.

§4. Upon the passage of one year after this local law’s enactment, a copy of the procedure established in accordance with the requirements of Section 28-103.7.1 of the administrative code of the city of New York as added by section one of this local law shall be provided to the Council.

§5. This local law shall take effect six months after it shall have been enacted into law.

JAMES VACCA, Chairperson; TONY AVELLA, ALAN J. GERSON, ERIC N. GIOIA, PETER F. VALLONE JR., VINCENT J. GENTILE, MATHIEU EUGENE, ELIZABETH CROWLEY, Committee on Fire and Criminal Justice Services, June 9, 2009.

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 Int. No. 979

Report of the Committee on Land Use in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.

The Committee on Land Use, to which was referred on May 6, 2009 (Minutes, page 1874) the annexed proposed local law, respectfully

REPORTS:

SUBJECT

**CITYWIDE
LLY**

20095660

A local law to amend the New York city charter, in relation to authorizing the Department of Transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.

INTENT

To ensure the uninterrupted provision of unsubsidized private bus service.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached Introduction.

(The following is from the text of the Fiscal Impact Statement for Int. No. 979:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
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 expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY Nathan Toth, Assistant Director
Chima Obichere, Supervising
Legislative Financial Analyst

HISTORY: Introduced and referred to the Land Use Committee on May 6, 2009. Considered and approved by the Subcommittee on Zoning and Franchises on June 2, 2009. Considered and approved by the Land Use Committee on June 4, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 979:)

Int. No. 979

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

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

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 378 of the New York city charter, as amended by local law 30 for the year 2008, is amended to read as follows:

b. Not later than the first day of March, nineteen hundred ninety, the mayor shall designate a single agency as the responsible agency for each type of franchise currently granted by the city. If such an agency intends to continue granting any such type of franchise, the agency shall submit to the council a proposed authorizing resolution for such type of franchise at least two years, or such shorter period as may be approved by the franchise and concession review committee, prior to the earliest expiration date of any existing franchise of that type; provided, however, that the department of transportation, with the approval of the franchise and concession review committee, may extend the expiration date of the operating authority of any private bus company that does not receive a subsidy from the city to a date not later than the thirtieth day of June, two thousand and [nine] *ten*. Notwithstanding the provisions of section three hundred seventy-one, the public notice and hearing requirements of the franchise and concession review committee with respect to an approval of an extension of the operating authority of a private bus company shall be fully satisfied by a public hearing held after notice of such hearing shall have been published at least one day prior thereto in the City Record.

§2. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2009.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1073

Report of the Committee on Land Use in favor of approving Application no. C 090181 ZMK submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d changing from an M1-2 District to an M1-2/R8 and establishing a Special Mixed Use District (MX-2).

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1736) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 090181 ZMK

City Planning Commission decision approving an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and

2. establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

INTENT

To facilitate a mixed use development on Dock Street in the DUMBO neighborhood in Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Rivera offered the following resolution:

Res. No. 2018

Resolution approving the decision of the City Planning Commission on ULURP No. C 090181 ZMK, a Zoning Map amendment (L.U. No. 1073).

By Council Members Katz and Rivera.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision"), on the application submitted by Two Trees Management Company, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090181 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090183 ZSK (L.U. No. 1074), special permit pursuant to Section 74-512 for a 465 space public parking garage; C 090184 ZSK (L.U. No. 1075), a special permit pursuant to Section 74-743 to waive regulations related to height and setback, rear yard, inner court and the minimum distance between legally required windows and a side lot line in a General Large Scale Development; and 20095229 SCK (Preconsidered L.U. No. 1113), an application by SCA for a proposed school known as Dock Street School;

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 May 21, 2009;

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 Negative Declaration (CEQR No. 09DCP025K):

A Negative Declaration was issued on November 17, 2008. A revised Environmental Assessment Statement was prepared to

address the modifications to the project, discussed below, to note the withdrawal of the related application for a zoning text amendment (N 090182 ZRK), and to reflect the issuance of a Certificate of No Effect by the Landmarks Preservation Commission with regard to the portion of Block 36, Lot 1 that has landmark status. A Negative Declaration reflecting the revised Environmental Assessment Statement was issued on April 22, 2009.

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and
2. establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008, Community District 2, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1074

Report of the Committee on Land Use in favor of approving Application no. C 090183 ZSK submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1737) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 090183 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 and 53), in an M1-2/R8 (MX-2) District, with a general large-scale development

(Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts.

INTENT

To facilitate a mixed use development on Dock Street in the DUMBO neighborhood in Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Rivera offered the following resolution:

Res. No. 2019

Resolution approving the decision of the City Planning Commission on ULURP No. C 090183 ZSK (L.U. No. 1074), for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 and 53), in an M1-2/R8 (MX-2) District, with a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn.

By Council Members Katz and Rivera.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision") on the application submitted by Two Trees Management Company, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 and 53), in an M1-2/R8 (MX-2) District, with a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts, (ULURP No. C 090183 ZSK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090181 ZMK (L.U. No. 1073), a zoning map amendment changing from an M1-2 zoning district to an M1-2/R8, Special Mixed Use District (MX-2); C 090184 ZSK (L.U. No. 1075), a special permit pursuant to Section 74-743 to waive regulations related to height and setback, rear yard, inner court and the minimum distance between legally required windows and a side lot line in a General Large Scale Development; and 20095229 SCK (Preconsidered L.U. No. 1113), application by SCA for a proposed school known as Dock Street School;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-512 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on May 21, 2009 on the Decision and Application;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration (CEQR No. 09DCP025K):

A Negative Declaration was issued on November 17, 2008. A revised Environmental Assessment Statement was prepared to address the modifications to the project, discussed below, to note the withdrawal of the related application for a zoning text amendment (N 090182 ZRK), and to reflect the issuance of a Certificate of No Effect by the Landmarks Preservation Commission with regard to the portion of Block 36, Lot 1 that has landmark status. A Negative Declaration reflecting the revised Environmental Assessment Statement was issued on April 22, 2009.

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1075

Report of the Committee on Land Use in favor of approving Application no. C 090184 ZSK submitted by Two Trees Management Company 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 of the Zoning Resolution to modify the regulations of Section 23, Section 23-86, Section 25-533, Section 43-28 and Section 123-66 to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District*, within a general large scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2.**

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1737) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 090184 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management Company 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 of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 59, 52 and 53), in an M1-2/R8 (MX-2) District, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts.

INTENT

To facilitate a mixed use development on Dock Street in the DUMBO neighborhood in Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Rivera offered the following resolution:

Res. No. 2020

Resolution approving the decision of the City Planning Commission on ULURP No. C 090184 ZSK (L.U. No. 1075), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 59, 52 and 53), in an M1-2/R8 (MX-2) District, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn.

By Council Members Katz and Rivera.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision") on the application submitted by Two Trees Management Company, 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 of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 59, 52 and 53), in an M1-2/R8 (MX-2) District, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts (ULURP No. C 090184 ZSK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090181 ZMK (L.U. No. 1073), a zoning map amendment changing from an M1-2 zoning district to an M1-2/R8, Special Mixed Use District (MX-2); C 090183 ZSK (L.U. No. 1074), special permit pursuant to Section 74-512 for a 465 space public parking garage; and 20095229 SCK (Preconsidered L.U. No. 1113), application by SCA for a proposed school known as Dock Street School;

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

WHEREAS, the 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 May 21, 2009 on the Decision and Application;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration (CEQR No. 09DCP025K):

A Negative Declaration was issued on November 17, 2008. A revised Environmental Assessment Statement was prepared to address the modifications to the project, discussed below, to note the withdrawal of the related application for a zoning text amendment (N 090182 ZRK), and to reflect the issuance of a Certificate of No Effect by the Landmarks Preservation Commission with regard to the portion of Block 36, Lot 1 that has landmark status. A Negative Declaration reflecting the revised Environmental Assessment Statement was issued on April 22, 2009.

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1077

Report of the Committee on Land Use in favor of approving Application no. C 050260 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the height and setback requirements of Section 23-632, the inner and outer court regulations of Section 23-841, Section 23-843, Section 23-851, Section 23-852, Section 24-63, Section 24-633, Section 24-652, and Section 23-863, the minimum distance between buildings on a zoning lot requirements of Section 23-711 and the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1738) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 050260 ZSM

City Planning Commission decision approving an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify:

- a. the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required);
- b. the inner and outer court regulations of Section 23-841 (Narrow outer courts), Section 23-843 (Outer court recesses), Section 23-851 (Minimum dimensions of inner courts), Section 23-852 (Inner court recesses), Section 24-632 (Wide outer courts), Section 24-633 (Outer court recesses), Section 24-652 (Minimum distance between required windows and certain walls), and Section 23-863 (Minimum distance between legally required windows and any wall in an inner court);
- c. the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings); and
- d. the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 (General Provisions);

in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet

easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

INTENT

To facilitate the proposed expansion of Fordham University, Lincoln Center Campus.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve with modifications the decision of the City Planning Commission; the Committee further recommends that the Council first send these modifications back to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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

Report for L.U. No. 1078

Report of the Committee on Land Use in favor of approving Application no. C 050269 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1739) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 050269 ZSM

City Planning Commission decision approving an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed-use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

INTENT

To facilitate the proposed expansion of Fordham University, Lincoln Center Campus.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve with modifications the decision of the City Planning Commission; the Committee further recommends that the Council first send these modifications back to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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

Report for L.U. No. 1079

Report of the Committee on Land Use in favor of approving Application no. C 050271 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, subcellar and 2nd subcellar level of a proposed mixed use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1739) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 050271 ZSM

City Planning Commission decision approving an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, sub-cellar, and 2nd sub-cellar levels of a proposed mixed-use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

INTENT

To facilitate the proposed expansion of Fordham University, Lincoln Center Campus.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve with modifications the decision of the City Planning Commission; the Committee further recommends that the Council first send these modifications back to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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

Report for L.U. No. 1081

Report of the Committee on Land Use in favor of approving Application no. N 090170 ZRM submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan, Community District 7.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1740) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

N 090170 ZRM

City Planning Commission decision approving an application submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District.

INTENT

To facilitate the proposed expansion of Fordham University, Lincoln Center Campus.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve the decision of the City Planning Commission; the Committee further recommends that the Council first send these modifications back to the City Planning Commission for further review.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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

Report for L.U. No. 1082

Report of the Committee on Land Use in favor of approving Application no. N 080253 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, Borough of Queens, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1740) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

N 080253 ZRQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).

INTENT

To modify special permit regulations pertaining to the Sunnyside Gardens area in Queens.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Gioia offered the following resolution:

Res. No. 2021

Resolution approving the decision of the City Planning Commission on Application No. N 080253 ZRQ, for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District), Borough of Queens (L.U. No. 1082).

By Council Members Katz and Gioia.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District), Application No. N 080253 ZRQ, Community District 2, Borough of Queens (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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 Negative Declaration issued on February 11, 2008 (CEQR No. 08DCP037Q):

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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 graytone or underlined is new, to be added;

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

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

* * * indicate where unchanged text appears in the Zoning Resolution.

Article I

General Provisions

Chapter 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

12-10

DEFINITIONS

* * *

Special Planned Community Preservation District

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts ~~which that~~ are at least 1.5 acres and contain a minimum of three #buildings#; were substantially designed and developed as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961; ~~which was~~ were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor ; and established designated pursuant to Section 103-05-01. The Special ~~PC~~ Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

* * *

Article X

Special Purpose Districts

Chapter 3

Special Planned Community Preservation District

103-00

GENERAL PURPOSES

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;

- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide future development within the each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01

Definitions

~~Special Planned Community Preservation District
(repeated from Section 12-10)~~

~~The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, are substantially designed and #developed# as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, which were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor, and were designated pursuant to Section 103-05. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.~~

Establishment of Special Planned Community Preservation District

~~The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:~~

- (a) ~~have a land area of at least 1.5 acres;~~
- (b) ~~contain a minimum of three #buildings#;~~
- (c) ~~were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and~~
- (d) ~~include considerable clustered #open space# and related #commercial uses# available to all residents of the District.~~

~~The Commission has found that the existing site plan resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.~~

103-02

Special Planned Community Preservation District Areas

~~The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:~~

~~Fresh Meadows in the Borough of Queens~~

~~The Harlem River Houses in the Borough of Manhattan~~

~~Parkchester in the Borough of the Bronx~~

~~Sunnyside Gardens in the Borough of Queens.~~

103-10

General Provisions

~~In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, and in accordance with the provisions of this Chapter, no new #development#, #enlargement# which may include demolition of #buildings#, or substantial alteration of landscaping or topography, is shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, designated as a #Special Planned Community Preservation District# except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).~~

~~Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.~~

103-11

Special Permits for Bulk and Parking Modifications

- (a) ~~For any new #development#, or #enlargement# which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:~~
 - (1) ~~the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
 - (2) ~~the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
 - (3) ~~minor variations in the #yard# regulations required by the applicable district regulations;~~
 - (4) ~~minor variations in the height and setback regulations required by the applicable district regulations;~~
 - (5) ~~modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or~~
 - (6) ~~permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).~~
- (b) ~~In order to grant such special permits, the City Planning Commission shall make the following findings:~~
 - (1) ~~that the new #development# or #enlargement# relates to the existing #buildings# or other structures# in scale and design, and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;~~
 - (2) ~~that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;~~
 - (3) ~~that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and~~
 - (4) ~~that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.~~
- (c) ~~Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or part of the required parking.~~
- (d) ~~No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8, of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under the provisions of this Section and Section 103-12.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation District#.~~

103-12**Special Permit for Landscaping and Topography Modifications**

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-04-103-13**Requirements for Application**

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial ~~alteration~~ modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14**Recordation**

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-05 (text incorporated into 103-01)**Designation of Special Planned Community Preservation Districts**

~~The City Planning Commission and the Board of Estimate may designate as #Special Planned Community Preservation Districts# areas of at least 1.5 acres which contain a minimum of three #buildings# designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered #open space# and related #commercial uses# available to all residents of the District, where the Commission finds that the existing site plan results in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.~~

103-06 (text incorporated into 103-11(a). Portion of paragraph (f) incorporated into 103-11(c).

Special Permit Provisions

~~For any new #development# or #enlargement# which may include demolition within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:~~

- (a) ~~the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- (b) ~~the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~

(e) ~~minor variations in the #yard# regulations required by the applicable district regulations;~~

(d) ~~minor variations in the height and setback regulations required by the applicable district regulations;~~

(e) ~~modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot);~~

(f) ~~permitted or required #accessory# off street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces). Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.~~

103-061 (text incorporated into 103-11(b))**Findings**

As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:

(a) ~~that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;~~

(b) ~~that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;~~

(e) ~~that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and~~

(d) ~~that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation Districts#.~~

103-07 (text incorporated into 103-11(d))**Special Provisions for Demolition of Buildings**

~~No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).~~

103-08 (text incorporated into 103-12)**Special Provisions for Alterations of Landscaping or Topography**

~~No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.~~

103-09 (text renumbered 103-14)**Recordation**

~~At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.~~

~~Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.~~

~~Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.~~

103-20

Special Regulations for Sunnyside Gardens

~~In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable~~

~~The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.~~

103-21

Special Bulk Regulations

~~Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residential# and #Commercial Districts# or modified within the Special District are hereby further modified to the extent set forth in this Section, inclusive.~~

103-211

Special Floor Area Regulations

~~In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of .9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.~~

103-212

Special Density Regulations

~~In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, for all #residential developments# or #enlargements#, the density factor for #dwelling units# shall be 900.~~

103-213

Special Height Regulations

~~In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.~~

103-214

Special Yard Regulations

~~In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.~~

103-22

Special Parking Regulations

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

103-23

Curb Cuts

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1102

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090228 HAX, an Urban Development Action Area Designation and Project, located at 404 Claremont Parkway, and the disposition of such property, Borough of the Bronx, Council District no. 16.

The Committee on Land Use, to which was referred on May 6, 2009 (Minutes, page 1885) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BRONX CB - 3

C 090228 HAX

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD.

INTENT

To facilitate expansion of the playground for the Carl C. Icahn Charter School.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 2, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the designation and project and the disposition, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2022

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090228 HAX, approving the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1102; C 090228 HAX).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96), as an Urban Development Action Area;
- b) an Urban Development Action Area Project for such area; and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate an expansion of the playground for the Carl C. Icahn Charter School, Community District 3, Borough of the Bronx (ULURP No. C 090228 HAX) (the "Application");

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

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

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on May 5, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on June 2, 2009;

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

RESOLVED:

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090228 HAX).

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

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

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1104

Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20075505 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for the Corner 47th Restaurant Corp., to construct, maintain and operate an enclosed sidewalk café located at 683 Ninth Avenue., Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which was referred on May 6, 2009 (Minutes, page 1886) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

20075505 TCM

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Corner 47th Restaurant Corp., d/b/a Pietrasanta, for a revocable consent to construct, maintain and operate an enclosed sidewalk café located at 683 Ninth Avenue, Borough of Manhattan.

By submission dated June 10, 2009 and submitted on June 10, 2009 the Applicant withdrew the Petition.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 10, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2023

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an enclosed sidewalk café located at 683 Ninth Avenue, Borough of Manhattan (20075505 TCM; L.U. No. 1104).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 24, 2009 its approval dated April 24, 2009 of the petition of Corner 47th Restaurant Corp., d/b/a Pietrasanta, for a revocable consent to construct, maintain and operate an enclosed sidewalk café located at 683 Ninth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated June 10, 2009, and submitted to the Council on June 10, 2009 the applicant withdrew the petition.

RESOLVED:

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN,

ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 1105

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090249 PPX, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of one city-owned property, located on Block 3838/part of Lot 60, Borough of the Bronx, Council District no. 13.

The Committee on Land Use, to which was referred on May 20, 2009 (Minutes, page 2060) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BRONX CB - 9

C 090249 PPX

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located on Block 3838, p/o Lot 60, pursuant to zoning.

INTENT

To facilitate the development of the site.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 2, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2024

Resolution approving the decision of the City Planning Commission on ULURP No. C 090249 PPX, for the disposition of one (1) city-owned property located on Block 3838, p/o Lot 60, Borough of the Bronx (L.U. No. 1105).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on May 8, 2009 its decision dated May 6, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services (DCAS) for disposition of one (1) city-owned property located on Block 3838, p/o Lot 60 pursuant to zoning, ULURP Application Number C 090249 PPX, Community District 9, Borough of the Bronx (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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

RESOLVED:

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1106

Report of the Committee on Land Use in favor of approving Application no. C 070504 ZMK submitted by Columbia Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street.

The Committee on Land Use, to which was referred on May 20, 2009 (Minutes, page 2061) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

C 070504 ZMK

City Planning Commission decision approving an application submitted by Columbia Street Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008.

INTENT

To facilitate a health club within a portion of an existing building.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2025

Resolution approving the decision of the City Planning Commission on ULURP No. C 070504 ZMK, a Zoning Map amendment (L.U. No. 1106).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on May 8, 2009 its decision dated May 6, 2009 (the "Decision"), on the application submitted by Columbia Street Commercial Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 070504 ZMK) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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 Negative Declaration, issued on December 15, 2008 (CEQR No. 07DCP087K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008, Community District 6, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1107

Report of the Committee on Land Use in favor of approving Application no. N 090185 ZRR submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island.

The Committee on Land Use, to which was referred on May 20, 2009 (Minutes, page 2061) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CBs - 1, 2, 3

N 090185 ZRR

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island.

INTENT

To amend the text of the Zoning Resolution to improve traffic conditions in the Borough of Staten Island.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2026

Resolution approving the decision of the City Planning Commission on Application No. N 090185 ZRR, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island (L.U. No. 1107).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on May 8, 2009 its decision dated May 6, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island, Application No. N 090185 ZRR, Community Districts 1, 2, and 3, Borough of Staten Island (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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 Negative Declaration issued on January 20, 2009 (CEQR No. 09DCP021R);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

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

* * *

Article III
Chapter 6
Accessory Off-Street Parking and Loading Regulations

* * *

36-50
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED
ACCESSORY OFF-STREET PARKING SPACES

* * *

36-58
Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

	A	B	C	D
Angle of Park	Minimum length	Minimum Width	Minimum Aisle Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	NA
0**	8'-6"	20'-0"	23'-3"	NA
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

* Figures given are for one-way traffic
 ** Figures given are for two-way traffic

* * *

36-59
Cross Access Connections in the Borough of Staten Island

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections", and shall be provided in accordance with the requirements of this Section.

36-591
Applicability

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at

least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance with the requirements of Sections 36-593 and 36-594.

36-592
Certification of cross access connections

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of this Section 36-59, inclusive, have been met.

36-593
Site planning criteria for cross access connections

Every potential cross access connections meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

- (a) the connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;
- (b) the connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot;
- (c) the connection shall have a grade not greater than 15 percent;
- (d) the connection be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property; and
- (e) the connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#

No screening or landscaping along a #lot line# shall be required in the connection area.

36-594
Establishment of Location of Required Cross Access Connection

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such lot line or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

- (a) where an easement has not been previously recorded against any adjacent property in accordance with Section 36-595, an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section 36-593. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations identified.
- (b) where an easement has been previously recorded against an adjacent property in accordance with Section 36-595, an easement providing for at least one cross access connection meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct its portion of the cross access connection in accordance with the requirements of Section 36-593 and 36-595. If such cross access connection has been established in a location that contained parking spaces, upon the effective date of the easement, as set forth in Section 36-595, the following provisions shall apply:

- (1) such connection shall be counted as four required parking spaces; and
- (2) such connection shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping).

36-595
Recordation and Notice Requirements

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject property shall notify the owner of the adjacent property of the easement location he has selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

36-596
Certification that no connection is required; relocation and voluntary connection

- (a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

- (1) grade changes greater than 15 percent;
- (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property, or
- (3) wetlands or trees with a caliper of six inches or more,

and no alternate location along such #lot line# or other boundary between properties exists.

- (b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section. The Chairperson may also certify a non-required cross access connection provided such connection complies with all requirements of this Section 36-59, inclusive.

36-597
Authorizations for waivers or modifications of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or enlarged #building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

* * *

Article IV
Chapter 4
Accessory Off-Street Parking and Loading Regulations

* * *

44-40
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

* * *

44-49
Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-59 (Cross Access Connections in the Borough of Staten Island).

* * *

Chapter 7
Special South Richmond Development District

* * *

107-40
SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-483
Planting and screening for open parking areas

- (a) Tree planting requirements

* * *

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superceded by the number of trees required pursuant to this Section.

- (b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# or #streets# by a perimeter landscaped area at least seven feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped areas may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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. 1108

Report of the Committee on Land Use in favor of approving Application no. N 090317 ZRY, 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 III, Chapter 7 (Special Urban Design Regulations concerning provisions related to privately owned public plazas).

The Committee on Land Use, to which was referred on May 20, 2009 (Minutes, page) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

CITYWIDE

N 090317 ZRY

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article III, Chapter 7 (Special Urban Design regulations) concerning provisions related to privately owned public plazas.

INTENT

To amend the design and operational standards related to privately owned public plazas.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2027

Resolution approving the decision of the City Planning Commission on Application No. N 090317 ZRY, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 7 (Special Urban Design regulations) concerning provisions related to privately owned public plazas, Citywide (L.U. No. 1108).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on May 14 2009 its decision dated May 6, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of

City Planning for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 7 (Special Urban Design regulations) concerning provisions related to privately owned public plazas, Application No. N 090317 ZRY, Citywide (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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 Negative Declaration issued on February 17, 2009 (CEQR No. 07 DCP 051Y):

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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 III

COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 7

Special Urban Design Regulations

* * *

37-60

PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007

* * *

37-62

Changes to Existing Publicly Accessible Open Areas

* * *

37-625

Design changes

Design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

37-70

PUBLIC PLAZAS

* * *

37-71

Basic Design Criteria

* * *

37-712

Area dimensions

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#. of the #development#.

Any non-bonus open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or
- (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

37-713

Locational restrictions

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park#. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts. No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts.

However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

* * *

37-72

Access and Circulation

37-721

Sidewalk frontage

To facilitate access to a #public plaza#, the area within 15 feet of a #street line# or sidewalk widening, along at least 50 percent of each aggregate #street# frontage of the major and minor portions, shall be free of obstructions to public access to the #public plaza# from the adjacent sidewalk or sidewalk widening, except for those obstructions listed in this Section. For #corner public plazas#, the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions, except for those listed in this Section. Only areas with at least five feet of clear, unobstructed area when measured parallel to the street line shall be considered to be free of obstructions. For the remaining 50 percent of the frontage and within 15 feet of the #street line#, no walls or other obstructions, except for permitted obstructions listed in this Section and fixed and moveable seating and tables, shall be higher than two feet above the #curb level# of the #street line# in front of the #public plaza#.

The following shall be considered permitted obstructions within the sidewalk frontage:

- Light stanchions;
- Public space signage;
- Railings for steps;
- Trash receptacles;
- Trees planted flush to grade.

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

(a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:

- (1) At least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
- (2) Such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted Obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

* * *

37-724

Subway entrances

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

* * *

37-726

Permitted obstructions

* * *

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and building trash storage facilities

* * *

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on the any building wall of the #development# fronting upon the #public plaza#, except that unless such exhaust vents on the building wall that are more than 15 feet above the level of the adjacent #public plaza# shall be permitted. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza# provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

* * *

37-728

Standards of accessibility for persons with disabilities

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or is a new. #development#.

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section, if they are completely removed from the #publicly accessible open area# when not in operation and if the area previously occupied by the kiosk is returned to public use and such area is in compliance with the #public plaza# design standards.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage ~~in a major portion~~ of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air café. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #public plaza# #publicly accessible open area# or sidewalk are prohibited. Open air cafes shall be located at the same elevation as the adjoining #public plaza# and sidewalk areas, except for platforms that shall not exceed six inches in height. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes ~~that comply with the provisions of this Section~~ may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- ~~(4)~~(3) the owners of such #use# or the building owner ~~will maintain such #use# in accordance with the provisions of Section 37-77 (Maintenance)~~ shall be responsible for the maintenance of such kiosk or open air café, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air café outside an area so designated shall be permitted;
- ~~(5)~~(4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- ~~(3)~~(5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area# such #use#, is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such café; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes ~~within a #publicly accessible open area# filed with the Chairperson of the City Planning Commission~~ shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area# each kiosk or open air cafe application must be

accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (b)(c). ~~except that date of inspection shall be within 15 days of the date that the application is filed.~~

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air café, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design Changes) shall be required.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

* * *

**37-741
Seating**

* * *

The following standards shall be met for all required seating:

* * *

- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 pm to 7:00 am.

* * *

**37-742
Planting and trees**

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

~~All #public plazas# shall also provide one of the following additional planting types: additional trees, planters, planting beds, or accessible lawns. Trees provided to satisfy this requirement shall be provided at the rate of one tree for every 2,000 square feet of #public plaza# area. Planters, planting beds, and accessible lawns provided to satisfy this requirement shall be provided at the rate of 150 square feet for every 1,000 square feet of #public plaza# area. Plantings contained in hanging containers shall not satisfy this planting requirement.~~

For all #public plazas#, at least 50 percent of the required #public plaza# trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of two feet, six inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

~~When planting beds are provided, they shall have a soil depth of at least eighteen inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above any an adjacent walking surfaces, or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations.~~ Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

* * *

**37-747
Public space signage**

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

**37-75
Signs**

**37-751
Public space signage systems**

The following public space signage systems shall be required for all #public plazas#:

- (a) Entry plaque

* * *

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

- (b) Information plaque

~~An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be located within five feet of a sidewalk and shall have all required lettering located above a height of three feet. The information plaque shall consist of:~~

An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

* * *

**37-753
Accessory signs**

~~A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).~~

~~#Signs accessory# to the #building# or tenants of retail spaces fronting on the #public plaza# are permitted within the #public plaza# area, provided that:~~

- (a) ~~no more than three such #signs# are provided within the #public plaza#, but in no event shall more than one of these #signs# be freestanding, as described in paragraph (e) of this Section;~~
- (b) ~~all such #signs# shall be non illuminated;~~
- (c) ~~such #signs# shall contain only the building or establishment name and address;~~
- (d) ~~any #signs# affixed to the building walls may not exceed two feet square in size;~~
- (e) ~~any freestanding #signs# shall not exceed two feet in horizontal dimension and, if associated with a #building# used for office uses, may contain the names of principal building tenants in addition to the content permitted, as described in this Section, and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and~~
- (f) ~~any #sign# located on permitted canopies or awnings within the #public plaza# shall contain only the building or establishment name and must not exceed a height of one foot.~~

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS), except as provided below:

- (a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the building wall fronting on the #public plaza#;
- (b) all #signs# shall be non-#illuminated#;
- (c) all #signs# shall contain only the building or establishment name and address;
- (d) all #signs accessory# to retail #uses# affixed to building walls may not exceed four square feet in size;
- (e) not more than three #accessory signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For corner #public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and
- (f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the building or establishment name and shall not exceed a height of one foot.

**37-76
Mandatory Allocation of Frontages for Permitted Uses**

- (a) Ground floor level uses

At least 50 percent of the total frontage of all new building walls of the #development# fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by building lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including uses in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall:

- (1) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the retail establishment and the #public plaza#;

- (2) ~~Such retail spaces shall have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and~~
- (3) ~~occupy such frontage for the life of the increased #floor area# of the bonused #development#.~~

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all building walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by building lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including uses in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall comply with the provisions of subparagraphs (1), (2) and (3) above.

- (b) Public entrances

Principal entrances to #buildings# A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a building entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the #development's# new building walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall building entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

- (c) Transparency

The building frontage All new building walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area of a new or existing building wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting planted to a minimum height of 15 feet above the #public plaza#.

**37-77
Maintenance**

- (a) The building owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot# ~~and in the #street# sidewalk area adjacent to the #zoning lot#.~~
- (b) ~~Kiosks and open air cafes #developed# in accordance with the provisions of Section 37-73 shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted.~~
- (c) Performance bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, moveable seating exclusive of any seating for open air cafes, and the litter-free maintenance of the #public plaza# including the replacement of such trees and moveable furniture during the life of the #development#.

In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting

~~contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.~~

~~In the event that the City enforces the aforementioned obligation as provided for in this paragraph, (c), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.~~

~~The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of \$750 per required tree, \$100 per moveable chair and \$200 per 1,000 square feet of #urban plaza# for litter removal, as set forth in this Section.~~

~~Effective January 1, 1989, and at five year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, moveable seating and litter free maintenance of the #public plaza#.~~

37-78

Compliance

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Section 37-70 or Section 37-625, as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Section 37-70 or Section 37-625, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

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), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to (effective date of amendment) may be #developed# in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #public plaza# #publicly accessible open area# with the regulations of Section 37-70 or Section 37-625, as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered

architect, landscape architect or professional engineer, in a format acceptable to the Director and shall include, without limitation:

- (1) a copy of the original #public plaza# or design change certification letter, and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (2) a statement that the #public plaza# #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that ~~the #public plaza#~~ such open area is in full compliance with the regulations under which ~~the #public plaza#~~ it was approved as well as the approved plans pertaining to such #public plaza# open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the #public plaza# #publicly accessible open area# was approved and the approved plans pertaining to such #public plaza# open area and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the #public plaza# #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance reports at time of application

~~In a~~Any application for a new certification or authorization ~~for involving an existing #public plaza#, #publicly accessible open area# where such #public plaza# was the subject of a previously granted certification or authorization granted pursuant to Section 37-70, the applicant shall provide~~ include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #public plaza# #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the #public plaza# #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #public plaza# #publicly accessible open area#; or
- (2) the #public plaza# #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #public plaza# #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto, or failure to submit a required compliance report shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1112

Report of the Committee on Land Use in favor of approving Application no. 20095326 SCK, a proposed site for 680 seat primary school known as P.S. 331 K, to be located at 7002-40 Fourth Ave., 364-86 Ovington Ave. (Block 5891, Lot 48 p/o), Council District No. 43, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which was referred on June 10, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 10

20095326 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 680-Seat Primary School Facility (P.S. 331, Brooklyn) to be located at 7002 Fourth Avenue (Block 5891, Lot 48 in portion) in Community School District No. 20.

INTENT

To facilitate the development of a new, approximately 680-seat primary school facility in the Bay Ridge section of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 2, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the Site Plan.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2028

Resolution approving the site plan for a new, approximately 680-Seat Primary School Facility to be located at 7002 Fourth Avenue (Block 5891, Lot 48 in portion), Borough of Brooklyn (Non-ULURP No. 20095326 SCK; Preconsidered L.U. No. 1112).

Council Members Katz and Lappin.

WHEREAS, the New York City School Construction Authority submitted to the Council on May 29, 2009, a site plan dated May 26, 2009 pursuant to Section 1732 of the New York State Public Authorities Law for the proposed site selection for a new, approximately 680-Seat Primary School Facility, known as P.S. 331, Brooklyn, to be located at 7002 Fourth Avenue (Tax Block 5891, Tax Lot 48 in

portion) in the Bay Ridge section of Brooklyn to serve students in pre-kindergarten through fifth grade, Community Board No. 10, Borough of Brooklyn in Community School District No. 20 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on June 2, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on May 26, 2009 (SEQR Project Number 09-015); and

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1113

Report of the Committee on Land Use in favor of approving Application no. 20095229 SCK, a proposed site for a new, approximately 300 seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Council District No. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which was referred on June 10, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

20095229 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 300-Seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Borough of Brooklyn, Community School District No. 13.

INTENT

To facilitate a mixed use development on Dock Street in the DUMBO neighborhood in Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 4, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the site plan.

In connection herewith, Council Members Katz and Rivera offered the following resolution:

Res. No. 2029

Resolution approving the site plan for a new, approximately 300-Seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Borough of Brooklyn (Non-ULURP No. 20095229 SCK; Preconsidered L.U. No. 1113).

By Council Members Katz and Rivera.

WHEREAS, the New York City School Construction Authority submitted to the Council on May 21, 2009, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 300-Seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Community Board No. 2, Borough of Brooklyn, Community School District No. 13 (the "Site Plan");

WHEREAS, the Application is related to ULURP Application Numbers C 090181 ZMK (L.U. No. 1073), a zoning map amendment changing from an M1-2 zoning district to an M1-2/R8, Special Mixed Use District (MX-2); C 090183 ZSK (L.U. No. 1074), special permit pursuant to Section 74-512 for a 465 space public parking garage; C 090184 ZSK (L.U. No. 1075), and a special permit pursuant to Section 74-743 to waive regulations related to height and setback, rear yard, inner court and the minimum distance between legally required windows and a side lot line in a General Large Scale Development;

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on May 21, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration (CEQR No. 09DCP025K):

A Negative Declaration was issued on November 17, 2008. A revised Environmental Assessment Statement was prepared to address the modifications to the project, discussed below, to note the withdrawal of the related application for a zoning text amendment (N 090182 ZRK), and to reflect the issuance of a Certificate of No Effect by the Landmarks Preservation Commission with regard to the portion of Block 36, Lot 1 that has landmark status. A Negative Declaration reflecting the revised Environmental Assessment Statement was issued on April 22, 2009.

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, JOHN C. LIU, MIGUEL MARTINEZ, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, June 4, 2009.

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 Parks and Recreation

Report for Int. No. 927-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the unlawful damage or removal of trees within a Special Natural Area District.

The Committee on Parks and Recreation, to which was referred on February 11, 2009 (Minutes, page 449) the annexed amended proposed local law, respectfully

REPORTS:**BACKGROUND**

On June 9, 2009, the Committee on Parks and Recreation, chaired by Council Member Helen Diane Foster will conduct a hearing on Proposed Int. No. 927-A, "A Local Law to amend the administrative code of the city of New York, in relation to the unlawful damage or removal of trees within a Special Natural Area District." This will be the second hearing concerning this legislative matter. The first hearing on this matter occurred on May 21, 2009.

Int. No. 927-A

This bill amends Article 202 of Chapter 2 of Title 28 of the Administrative Code by adding a new item 4 to Section 28-201.2.2.

Special Natural Area Districts (SNADs) are established by Chapter 5 of Article X of the Zoning Resolution, and there are a variety of restrictions that are imposed for property within a SNAD. This bill would designate the damage or removal of trees within a zoned SNAD as a major violation under the Building Code. As a major violation, the maximum penalty will be raised from five hundred dollars presently to ten thousand dollars. In addition, the bill would mandate a mandatory minimum fine or civil penalty for such removal of seven hundred fifty dollars. Under current law, only the owner of the property within a SNAD may be held liable for the illegal damage or destruction of a tree. This bill would impose liability on any person or entity. Finally, if one were prosecuted criminally for such removal, there would be a maximum sentence of incarceration of fifteen days, as opposed to presently, where there is none.

The purpose of the bill is to increase the penalties to those who unlawfully remove or damage trees within a SNAD, and to expand liability for such damage or removal to all persons or entities, regardless of whether the person or entity who removed or damages the tree actually owned the property.

This local law would take effect 120 days after enactment; however, during that time, the Commissioner of Buildings is required to promulgate rules necessary for its implementation.

(The following is from the text of the Fiscal Impact Statement for Int. No. 927-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenue resulting from the enactment of this legislation. Although a fine is imposed, such a fine is intended to compel compliance, not generate revenue.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Walter Pitts, Legislative Financial Analyst

HISTORY: This legislation was introduced as Int. 927 by the full Council and referred to the Committee on Parks and Recreation on February 11, 2009. The Committee on Parks and Recreation held a hearing on Int. 927 and laid

over the legislation on May 21, 2009. An amendment has been proposed and the committee will reconsider the legislation as Proposed Int. 927-A on June 9, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 927-A:)

Int. No. 927-A

By Council Members Oddo, Brewer, Gerson, Jackson, James, Koppell, Mark-Viverito, Gonzalez, Gennaro and Liu.

A Local Law to amend the administrative code of the city of New York, in relation to the unlawful damage or removal of trees within a Special Natural Area District.

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.2 of article 202 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new item 4 to read as follows:

4. A violation of the zoning resolution by any person for causing damage to or removing a tree within a Special Natural Area District, as defined in the zoning resolution.

4.1 The fine or civil penalty for a violation described in item 4 shall be not less than seven hundred fifty dollars for each tree damaged or removed.

§2. This local law shall take effect 120 days after it shall have been enacted into law, except that the commissioner of buildings shall promulgate such rules as may be necessary to implement the provisions of this local law prior to such date.

HELEN D. FOSTER, Chairperson; ALAN J. GERSON, HELEN SEARS, LETITIA JAMES, Committee on Parks and Recreation, June 9, 2009.

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

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:

(The following named persons were approved as Commissioners of Deeds by the Council at the Stated Council Meeting of May 20, 2009:)

Approved New Applicant's Report

Name	Address	District #
Twuana N. Benjamin	1093 Longwood Avenue #1 Bronx, NY 10474	17
Nancy Bennett	147 Winham Avenue Staten Island, NY 10306	50
Eugenie Finogenov	2564 East 19th Street Brooklyn, NY 11235	48
Awilda Hidalgo.	289 South 1st Street #1C Brooklyn, NY 11211	34
Barbara Webber	54 Boerum Street #2J	34

Maria S. Pabon	Brooklyn, NY 11206 100 Carver Loop #25F Bronx, NY 10475	12
Miriam Rivera	134 Dikeman Street #4R Brooklyn, NY 11231	38
Ana G. Rodriguez	354 East Mosholu Parkway South #BB Bronx, NY 10458	11
Xiomara Velazquez	102-00 Shorefront Parkway #5D Rockaway Park, NY 11694	32

Approved New Applicants and Reapplicants

Name	Address	District #
Joan Akers	2058 Union Street #3G Brooklyn, NY 11212	41
Heather A. Morales	943 Herkimer Street #3rd Floor Brooklyn, NY 11233	41
Delores S. Smith-Johnson C/O Mi	967 Putnam Avenue #4L Brooklyn, NY 11221	41
Diana Alvarez	125 Richmond Street Brooklyn, NY 11208	37
Ladania M. Bailey	221-19 114th Road Queens, NY 11411	27
Carol Bell	190-36 118th Road St. Albans, NY 11412	27
Walter McNeil	89-00 170th Street Jamaica, NY 11432	27
Cynthia Barreto	78 Margo Loop Staten Island, NY 10301	49
Sara L. Beden	165 St. Marks Place Staten Island, NY 10301	49
Michelle Levine	1324 Forest Avenue #445 Staten Island, NY 10302	49
Carolyn Rodriguez	71 Forest Street Staten Island, NY 10314	49
Julia Vanterpool-Ingram	121 Jersey Street Staten Island, NY 10301	49
Kim Best-Simms	181 A Halsey Street Brooklyn, NY 11216	36
Beverly Black	339 Macon Street Brooklyn, NY 11216	36
John M. Fredeick II	1400 Bergen Street #811 Brooklyn, NY 11213	36
Cheryl Green	396 A Monroe Street Brooklyn, NY 11221	36
Cynthia Blandino	1019 East 216th Street Bronx, NY 10469	12
Vanessa Bravo	42-52 Union Street Queens, NY 11355	20
Sami R. Hussaini	142-41 41st Avenue # 504 Flushing, NY 11355	20
Sarah J Shea	146-11 Booth Memorial Avenue Queens NY 11355	20
Kofii Carter	35-35 21 st Street #2D Queens, NY 11106	26
Walter Gottschalk	38-20 47 Avenue Queens, NY 11101	26
Rupert Chase	144-21 Liberty Avenue Queens, NY 11435	28
Tara Chester	168-10 127 th Avenue Queens, NY 11434	28
Kylea Choice	2260 Crotona Avenue #7A Bronx, NY 10457	15
Leona Coleman	273 West 131th Street New York, NY 10027	9
Brian DeRoberts	6629 Broadway #5L Bronx, NY 10471	11
Robert Derossi II	1730 Stillwell Avenue Brooklyn, NY 11223	47
Joseph A. English	220 25 th Street	38

Christina H. Fiore	Brooklyn, NY 11232 30-16 42 nd Street #1L	22	Michael Tannousis	3432 Richmond Road Staten Island, NY 10306	50
Yitzchok Fishman	Astoria, NY 11103 159 Parkville Avenue	44	Alexis Nicole Confer	31-19 Ditmars Blvd #2 Queens, NY 11105	22
Raymond E. Frier	Brooklyn, NY 11230 484 West 43 rd Street #18Q	3	Tatiana Deligiannakis	31-25 41st Street Queens, NY 11103	22
Lou Ann Gentile	New York, NY 10036 174 Weed Avenue	50	Roger A. Davila	94-33 41st Avenue #1 Queens, NY 11373	21
Pauline Getz	Staten Island, NY 10306 1246 Sage Street	31	Jennifer Ferrer	135 Moffat Street Brooklyn, NY 11207	37
Kimmi Herring	Queens, NY 11691 137-52 Sloan Street	31	Ameba Jefferson-McNeil	477 FDR Drive #M1803 New York, NY 10002	1
Vania Vertus Joseph	Queens, NY 11435 128-24 234 th Street	31	Alexander Opoku-Agyemang	1685 Selwyn Avenue #403 Bronx, NY 10457	14
Carol McPherson	Rosedale, NY 11422 257-45 149 th Avenue	31	Diana Sanders	30-26 69th Street Woodside, NY 11377	25
Mary J. Summers	Rosedale, NY 11422 120 Beach 19 th Street #2F	31	Gloria Sanders	30-26 69th Street Woodside, NY 11377	25
Jean Jenkins	Far Rockaway, NY 11691 779 Concourse Village East #19C	16	Jesse Spieler-Jones	614 East 2nd Street #1F Brooklyn, NY 11218	39
Rhoda Koch C/O Englander	Bronx, NY 10451 202-09 53 rd Avenue	23	Janine Zajac	349 East 82nd Street #4FE New York, NY 10028	5
Gennady Kupershmidt	Bayside, NY 11364 2126 East 26 th Street	46			
Millicent Martin	Brooklyn, NY 11229 2014 Randall Avenue	18		<i>Approved New Applicants and Reapplicants</i>	
Camella Price	Bronx, NY 10473 875 Morrison Avenue #13H	18	Michelle Aguayo	14 Beacon Place Staten Island, NY 10306	50
James D. Noble	Brooklyn, NY 11218 151 Dahill Road	39	John T. Delisio	139 Forest Road Staten Island, NY 10304	50
Leonard Silver	Brooklyn, NY 11215 374 Fifth Avenue #2R	39	Irina Gaston	50 Hamden Avenue Staten Island, NY 10306	50
Jean Frantz noel	Brooklyn, NY 11210 620 East 29 th Street #2E	45	Adrien Haagerman	57 Barbara Street Staten Island, NY 10306	50
Troy A. Poole Sr.	Brooklyn, NY 11226 1684 Nostrand Avenue #1	45	Loretta R. Magrino	10 HarborView Place Staten Island, NY 10305	50
Aisha Padgett	Queens, NY 11432 89-44 162 nd Street	24	Lena Marinaro	90 Sand Lane Staten Island, NY 10305	50
Jo Ann Randazzo	Brooklyn, NY 11204 1930 72 nd Street	43	Maria Bacigalupo	112 Ridgewood Avenue Staten Island, NY 10312	51
Patricia Anne Rizzo	Brooklyn, NY 11209 283 81 st Street #5A	43	Rosemary Demeri	25 Cypress Loop Staten Island, NY 10309	51
Annette Santiago	Bronx, NY 10455 730 Elton Avenue	17	Arnold M. Pack	72 Robinson Avenue Staten Island, NY 10312	51
Anita Sapirman	New York, NY 10024 65 West 90 th Street	6	Jenine M. Simone	440 Durant Avenue Staten Island, NY 10308	51
Teresa I. Solis	Queens, NY 11421 84-06 Woodhaven Blvd 2 nd Floor	30	John Spano	362 Iiyssa Way Staten Island, NY 10312	51
Gae Weissmeir	Glendale, NY 11385 78-01 86 th Street	30	Sandra M. Walsh	22 Kathy Place #1B Staten Island, NY 10314	51
Barbara Tonrey	Staten Island, NY 10312 92 Token Street	51	Rose Wegenaar	3334 Amboy Road Staten Island, NY 10306	51
Gary A. Tucker	Staten Island, NY 10312 106 Bennett Place	51	Stephen Berger	1050 Park Avenue #2A New York, NY 10028	4
Octavia Williams	New York, NY 10030 310 West 143 rd Street	7	Catherine Boston	25-31 Butler Street Queens, NY 11369	21
			Doris Brown	166-01 Linden Blvd #8J Jamaica, NY 11434	27
			Louis Corsitto	175-21 88th Avenue #6K Queens, NY 11432	27
			Bernard Buckner	3959 Murdock Avenue Bronx, NY 10466	12
			Elaine M. Burke	32 Regal Walk Staten Island, NY 10303	49
			Sylvia Burnett	480 East 188 St #6L Bronx, NY 10458	15
			Charles H. Davis	402 Van Brunt Street #3R Brooklyn, NY 11231	41
			Alexander Young	111 East 57th Street Brooklyn, NY 11203	41
			Gerald Davis Sr.	471 Willoughby Avenue Brooklyn, NY 11206	36

(The following named persons were approved as Commissioners of Deeds by the Council at this Stated Council Meeting of June 10, 2009:)

Approved New Applicant's Report

Name	Address	District #
Susanna Abqyan	64-08 174th Street Queens, NY 11365	24
Thomas J. Ambrasole	597 Sinclair Avenue Staten Island, NY 10312	51
Stephanie Cerrati	3 Cranford Avenue Staten Island, NY 10306	50

Rose A. Dequesada	152 72nd Street #2K Brooklyn, NY 11209	43
Abraham Helfenbaum	7323 3rd Avenue Brooklyn, NY 11209	43
RoxannVOLI Martorano	1164 76th Street Brooklyn, NY 11228	43
Thomas Dillulio	1629 Radcliff Avenue Bronx, NY 10462	13
Joanne M. Grell	1921 Hobart Avenue Bronx, NY 10461	13
Talena Noriega	2743 Miles Avenue Bronx, NY 10465	13
Migdalia Rosas	1730 Mulford Avenue #16F Bronx, NY 10461	13
Sonia M. Fernandez	481 Crown Street #A9 Brooklyn, NY 11225	35
Cathy C. Calandra	2062 East 14th Street Brooklyn, NY 11229	48
Tatiana Kreneva	1840 East 13th Street #2H Brooklyn, NY 11229	48
Margarita Mironov	2664 East 27th Street Brooklyn, NY 11235	48
Sonia Carrero	180 East 162 Street #4F Bronx, NY 10451	17
Ronetta Gadsden	875-3 Boynton Avenue Bronx, NY 10473	17
Donna Castro	55-30 98th Street #6L Queens, NY 11368	25
Carolyn A. Cleckley	1955 2nd Avenue #8H New York, NY 10029	8
Denise Dees	750 Columbus Avenue #4V New York, NY 10025	8
Erica N. Coleman	168-10 127th Avenue Jamaica, NY 11434	28
Thakoordai Persaud	107-12 123rd Street Queens, NY 11419	28
Louise E. Dankberg	152 East 22 Street New York NY 10010	2
Erica R. Sheinart	261 Clinton Street #4 Brooklyn, NY 11201	35
Karron Franklin	144-26 182nd Place Queens, NY 11413	31
Melvin R. Johnson	130-16 236 Street Queens, NY 11422	31
Barbara Friedman	77 Ridgewood Avenue Brooklyn, NY 11208	37
Ivonne Paz	817 Knickerbocker Avenue #1R Brooklyn, NY 11207	37
Brian Glasser	60 East 9th Street #615 New York, NY 10003	1
Avonelle Greene	233 Admiral Lane Bronx, NY 10473	18
Belkis Perez	250 Homer Avenue #2FL Bronx NY 10465	18
Samuel J. Holiday, Jr.	974 Williams Avenue #B Brooklyn, NY 11207	42
Jacquelyn Orta	9720 Farragut Road Brooklyn, NY 11236	42
A.M. Ashfaquul S. Islam	84-07 57th Road #1K Queens, NY 11373	29
Evelyn G. Procaccini	123-16 Hillside Avenue Queens, NY 11418	29
Valerie M. Sheafe	118-82 Metropolitan Avenue #3C Kew Gardens, NY 11415	29
Beverly Israel	77-15 Park Drive East Terrace Apt. Queens, NY 11367	24
Carol Quintero	67-52 182nd Street Queens, NY 11365	24
Hua Looney	60-58 Putnam Avenue Queens, NY 11385	30
Stephanie McCray	2955 West 29th Street #9C Brooklyn, NY 11224	47

Sylvia Sperber	464 Neptune Avenue #10C Brooklyn, NY 11224	47
Michael J. McFadden	630 Amsterdam Avenue New York, NY 10024	6
Josephine A. Miele	162-35 99th Street Queens, NY 11414	32
Hector P. Molina	30610th Street #1 Brooklyn, NY 11215	39
Damaris Olivieri	383 Bushwick Avenue #11H Brooklyn, NY 11206	34
Christine Pascall	1165 East 54th Street #70 Brooklyn, NY 11234	46
Nicole Ryan	1576 East 98th Street Brooklyn, NY 11236	46
Virginia Payne	36-11 Bowne Street #2A Queens, NY 11354	20
Beverly G. Perkins	20 W. Mosholu Pkwy S Bronx, NY 10468	11
Santa Pimentel	328 West 53rd Street #3G New York, NY 10019	3
Joanne M. Tarantino	50 Park Avenue #6H New York, NY 10016	3
Gail Porti	36.20 213th Street Queens, NY 11361	19
Steven V. Santiago	90-16 201st Street Queens, NY 11423	23
Dominic Joseph Schino	12-15 36th Avenue #4E Queens, NY 11106	26
Donna Williams	2611 8th Avenue #1D New York, NY 10030	7

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) **Int 927-A -** Unlawful damage or removal of trees within a Special Natural Area District.
- (2) **Int 940 -** Boundaries of the Chinatown/Lower East Side empire zone.
- (3) **Int 979 -** Authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.
- (4) **Int 1001-A -** Prohibiting smoking at abatement sites. **(with Message of Necessity requiring affirmative vote of at least two-thirds of the Council for passage)**
- (5) **Int 1002 -** Prohibiting smoking at construction sites.
- (6) **Int 1003-A -** Asbestos abatement and repealing article 106 of chapter 1 of title 28 of the administrative code in relation thereto.
- (7) **Int 1005 -** Egress at abatement projects.
- (8) **Int 1007 -** Inter-agency notification.
- (9) **Res 2017 -** Finding that the enactment of Int. No. 940 does not have a significant adverse impact on the environment
- (10) **L.U. 1073 & Res 2018 -** App. C **090181 ZMK** establishing a Special Mixed Use District (MX-2).
- (11) **L.U. 1074 & Res 2019 -** App. C **090183 ZSK** public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces.
- (12) **L.U. 1075 & Res 2020 -** App. C **090184 ZSK** in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2.
- (13) **L.U. 1082 & Res 2021 -** App. N **080253 ZRQ** Sunnyside Gardens area in Community District 2, Borough of Queens.
- (14) **L.U. 1102 & Res 2022 -** ULURP, app. C **090228 HAX**, UDAADP, 404 Claremont Parkway, and the disposition

- of such property, Bronx, CD 16.
- (15) **L.U. 1104 & Res 2023 -** App. **20075505 TCM**, Corner 47th Restaurant Corp., enclosed sidewalk café 683 Ninth Avenue., Manhattan, CD 3. **(Coupled to be Filed pursuant to a Letter of Withdrawal).**
- (16) **L.U. 1105 & Res 2024 -** ULURP, app. **C 090249 PPX**, Block 3838/part of Lot 60, Borough of the Bronx, Council District no. 13.
- (17) **L.U. 1106 & Res 2025 -** App. **C 070504 ZMK** Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street.
- (18) **L.U. 1107 & Res 2026 -** App. **N 090185 ZRR** concerning establishment of Cross Access Connections in the Borough of Staten Island.
- (19) **L.U. 1108 & Res 2027 -** App. **N 090317 ZRY**, amendment of the Zoning Resolution of the City of New York.
- (20) **L.U. 1112 & Res 2028 -** App. **20095326 SCK**, 680 seat primary school, 7002-40 Fourth Ave., 364-86 Ovington Ave.
- (21) **L.U. 1113 & Res 2029 -** App. **20095229 SCK**, 300 seat Intermediate School Facility, to be located CD 33, Brooklyn.
- (22) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. Gotbaum) 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, Avella, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez*, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann*, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **51***.

The revised General Order vote recorded for this Stated Meeting was 51-0-0 as shown above* (superseding the original vote 49-0-0 recorded on June 10, 2009) with the exception of the votes for the following legislative items:

The following was the revised vote of **41-10-0*** recorded for **LU No. 1073 & Res No. 2018, LU No. 1074 & Res No. 2019, and LU No. 1075 & Res No. 2020** (superseding the original 40-9-0 vote recorded on June 10, 2009):

Affirmative – Arroyo, Baez, Brewer, Comrie, Crowley, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Mark-Viverito, Martinez, Mealy, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vann*, Weprin, White, Oddo, Rivera, and the Speaker (Council Member Quinn) – **41.***

Negative - Avella, Barron, de Blasio, Gentile, Gerson, Gioia, Liu, Mendez,* Vallone, Jr., and Yassky - **10.***

The following was the revised vote of **50-1-0*** recorded for **LU No. 1082 & Res No. 2021** (superseding the original 48-1-0 vote recorded on June 10, 2009):

Affirmative –Arroyo, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez*, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann*, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50.***

Negative - Avella - **1.**

The following was the revised vote of **50-1-0*** recorded for **LU No. 1113 & Res No. 2029** (superseding the original 48-1-0 vote recorded on June 10, 2009):

Affirmative –Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez*, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann*, Weprin, White, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50.***

Negative - Yassky- **1.**

**Please see the Editor's Note re: Attendance and Voting for this Stated Meeting held on June 10, 2009 printed after the Roll Call for Attendance in these Minutes.*

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 927-A, 940, 979, 1001-A (passed under as Message of Necessity from the Mayor), 1002, 1003-A, 1005, and 1007.

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. 1982-A

Report of the Committee on Cultural Affairs, Libraries & International Intergroup Relations in favor of approving, as amended, a Resolution supporting President Barack Obama's nomination of Judge Sonia Sotomayor to the Supreme Court of the United States, congratulating Judge Sotomayor on her nomination, and urging swift Senate confirmation.

The Committee on Cultural Affairs, Libraries & International Intergroup Relations, to which was referred on May 20, 2009 (Minutes, page 2029) the annexed amended resolution, respectfully

REPORTS:

On Tuesday, June 9, 2009, the Committee on Cultural Affairs, chaired by Council Member Domenic M. Recchia, Jr., will consider Resolution No. 1982-A, a resolution supporting President Barack Obama's nomination of Judge Sonia Sotomayor to the Supreme Court of the United States, congratulating Judge Sotomayor on her nomination, and urging swift Senate confirmation. On May 28, 2009, the Committee first held a hearing on Resolution No. 1982-A.

Resolution No. 1982-A would indicate that Associate Supreme Court Justice David Souter will step down from the Supreme Court in June of 2009, and President Barack Obama announced at a May 1, 2009 White House Press Briefing that he will seek a successor who "understands that justice isn't about some abstract legal theory or footnote in a casebook; it is also about how our laws affect the daily realities of people's lives -- whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their own nation".

Resolution No. 1982-A would note that on May 26, 2009, President Obama nominated Federal Appeals Court Judge Sonia Sotomayor to the Supreme Court to replace Justice Souter. Resolution No. 1982-A would also point out that Senators Chuck Schumer (D-NY) and Kirsten Gillibrand (D-NY) wrote a letter to President Obama recommending Judge Sotomayor.

Resolution No. 1982-A would indicate that President Obama stated that Judge Sotomayor would start on the job with more experience on the bench than any of the current nine justices when they began. Resolution No. 1982-A would note that Judge Sotomayor graduated from Princeton University summa cum laude in 1976 and received her law degree from Yale Law School, where she was as an editor of the Yale Law Journal and managing editor of the Yale Studies in World Public Order.

Resolution No. 1982-A would indicate that Judge Sotomayor began her legal career in 1979 as an Assistant District Attorney at the Manhattan District Attorney's Office under prominent New York County District Attorney Robert Morgenthau and later entered private practice in 1984. Resolution No. 1982-A would also point out that in 1988, while in private practice, Judge Sotomayor was appointed by New York City Mayor Ed Koch as one of the founding members of the New York City Campaign Finance Board, where she served for four years.

Resolution No. 1982-A would indicate that President George Herbert Walker Bush appointed Judge Sotomayor in 1991 to the federal district court on the recommendation of Senator Daniel Patrick Moynihan (D-NY). Resolution No. 1982-A would note that in 1992, she became the youngest federal judge in the Southern District of New York and the first American of Puerto Rican descent. Resolution No. 1982-A would also indicate that Judge Sotomayor was appointed to the U.S. 2nd Circuit Court of Appeals, which covers New York, Connecticut and Vermont, by President Bill Clinton in 1997.

Resolution No. 1982-A would point out that Judge Sotomayor also served as an Adjunct Professor at New York University School of Law from 1998 – 2007 and has been a lecturer-in-law at Columbia Law School since 1999.

Resolution No. 1892-A would indicate that throughout her long and impressive career in public service that began three decades ago, Judge Sotomayor has exemplified the qualities and experiences of President Obama's ideal candidate – intelligence, respect for the Constitution, and empathy for the powerless – for Associate Justice of the Supreme Court.

Resolution No. 1892-A would note that Judge Sotomayor grew up in the Bronx, living in the Bronxdale Houses, a public housing project in the Soundview section, raised solely by her mother after her father died when she was nine years old, and graduated as valedictorian from Cardinal Spellman High School in 1972. Resolution No. 1892-A would also point out that Judge Sotomayor's unique background provides her with a deep understanding and sensitivity to the struggles and hardships endured by many Americans, allowing her to adjudicate with empathy and compassion for every resident.

Resolution No. 1892-A would indicate that throughout her accomplished tenure as a federal judge, Judge Sotomayor has ruled not as an ideologue, but as a centrist and has demonstrated that she has the appropriate temperament and consummate knowledge of the Constitution to sit on the Supreme Court of the United States. Resolution No. 1892-A would also point out that President Obama praised her as someone possessing “a rigorous intellect, a mastery of the law,” according to *The New York Times*.

Resolution No. 1892-A would note that Judge Sotomayor’s confirmation would bring much needed diversity to the Supreme Court. Resolution No. 1892-A would also note that the confirmation of Judge Sotomayor, whose parents were born in Puerto Rico, would be historic because she would be the first-ever Hispanic to serve on the Court, and she would become the third woman to serve.

Resolution No. 1892-A would indicate that President Obama seeks swift Senate confirmation of Judge Sonia Sotomayor before the Senate’s August recess and in time for the start of the Supreme Court’s fall term in October, and that timeline is achievable by historical standards.

Finally, Resolution No. 1892-A would state that the Council of the City of New York supports President Barack Obama’s nomination of Judge Sonia Sotomayor to the Supreme Court of the United States, congratulates Judge Sotomayor on her nomination, and urges swift Senate confirmation.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1982-A:)

Res. No. 1982-A

Resolution supporting President Barack Obama’s nomination of Judge Sonia Sotomayor to the Supreme Court of the United States, congratulating Judge Sotomayor on her nomination, and urging swift Senate confirmation.

By Council Members Mark-Viverito, Arroyo, Jackson, Koppell, Stewart, Eugene, Mendez, Dickens, Reyna, Recchia, Ferreras, James, Liu, Mealy, Seabrook, Weprin, Vacca, Garodnick, Gioia, White, Comrie, Gerson, Brewer, Dilan and Katz.

Whereas, Associate Supreme Court Justice David Souter will step down from the Supreme Court in June of 2009, and President Barack Obama announced at a May 1, 2009 White House Press Briefing that he will seek a successor who “understands that justice isn’t about some abstract legal theory or footnote in a casebook; it is also about how our laws affect the daily realities of people’s lives -- whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their own nation;” and

Whereas, On May 26, 2009, President Obama nominated Federal Appeals Court Judge Sonia Sotomayor to the Supreme Court to replace Justice Souter; and

Whereas, Senators Chuck Schumer (D-NY) and Kirsten Gillibrand (R-NY) wrote a letter to President Obama recommending Judge Sotomayor; and

Whereas, President Obama stated that Judge Sotomayor would start on the job with more experience on the bench than any of the current nine justices when they began; and

Whereas, Judge Sotomayor graduated from Princeton University summa cum laude in 1976 and received her law degree from Yale Law School, where she was as an editor of the Yale Law Journal and managing editor of the Yale Studies in World Public Order; and

Whereas, Judge Sotomayor began her legal career in 1979 as an Assistant District Attorney at the Manhattan District Attorney’s Office under prominent New York County District Attorney Robert Morgenthau and later entered private practice in 1984; and

Whereas, In 1988, while in private practice, Judge Sotomayor was appointed by New York City Mayor Ed Koch as one of the founding members of the New York City Campaign Finance Board, where she served for four years; and

Whereas, President George Herbert Walker Bush appointed Judge Sotomayor in 1991 to the federal district court on the recommendation of Senator Daniel Patrick Moynihan (D-NY); and

Whereas, In 1992, she became the youngest federal judge in the Southern District of New York and the first American of Puerto Rican descent; and

Whereas, Judge Sotomayor was appointed to the U.S. 2nd Circuit Court of Appeals, which covers New York, Connecticut and Vermont, by President Bill Clinton in 1997; and

Whereas, Judge Sotomayor also served as an Adjunct Professor at New York University School of Law from 1998 – 2007 and has been a lecturer-in-law at Columbia Law School since 1999; and

Whereas, Throughout her long and impressive career in public service that began three decades ago, Judge Sotomayor has exemplified the qualities and experiences of President Obama’s ideal candidate – intelligence, respect for the Constitution, and empathy for the powerless – for Associate Justice of the Supreme Court; and

Whereas, Judge Sotomayor grew up in the Bronx, living in the Bronxdale Houses, a public housing project in the Soundview section, raised solely by her

mother after her father died when she was nine years old, and graduated as valedictorian from Cardinal Spellman High School in 1972; and

Whereas, Judge Sotomayor’s unique background provides her with a deep understanding and sensitivity to the struggles and hardships endured by many Americans, allowing her to adjudicate with empathy and compassion for every resident; and

Whereas, Throughout her accomplished tenure as a federal judge, Judge Sotomayor has ruled not as an ideologue, but as a centrist and has demonstrated that she has the appropriate temperament and consummate knowledge of the Constitution to sit on the Supreme Court of the United States; and

Whereas, President Obama praised her as someone possessing “a rigorous intellect, a mastery of the law,” according to *The New York Times*; and

Whereas, Judge Sotomayor’s confirmation would bring much needed diversity to the Supreme Court; and

Whereas, The confirmation of Judge Sotomayor, whose parents were born in Puerto Rico, would be historic because she would be the first-ever Hispanic to serve on the Court, and she would become the third woman to serve; and

Whereas, President Obama seeks swift Senate confirmation of Judge Sonia Sotomayor before the Senate’s August recess and in time for the start of the Supreme Court’s fall term in October, and that timeline is achievable by historical standards; now, therefore, be it

Resolved, That the Council of the City of New York supports President Barack Obama’s nomination of Judge Sonia Sotomayor to the Supreme Court of the United States, congratulates Judge Sotomayor on her nomination, and urges swift Senate confirmation.

DOMENIC M. RECCHIA JR., Chairperson; LEROY G. COMRIE, ERIC N. GIOIA, DAVID I. WEPRIN, DANIEL R. GARODNICK, JAMES VACCA, THOMAS WHITE JR., Committee on Cultural Affairs, Libraries & International Intergroup Relations, June 9, 2009.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. Gotbaum) called for a voice vote. Hearing no objections, the Public Advocate (Ms. Gotbaum) declared **Res. No. 1982-A** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 2002

Resolution calling on the New York State Legislature to pass legislation such as S. 5605/A.8353-A, which would amend the social services law, in relation to financial contributions by recipients of temporary housing assistance.

By The Speaker (Council Member Quinn) and Council Member de Blasio, the Public Advocate (Ms. Gotbaum), and Council Members Jackson, James, Mark-Viverito, Mealy, Palma, Sanders, Seabrook, Weprin, Lappin, Brewer, White, Ferreras, Dickens and Garodnick.

Whereas, According to the Department of Homeless Services (DHS), as of April 30, 2009, there were 9,364 homeless families living in emergency housing; and

Whereas, According to DHS, as of April 30, 2009, on average homeless families spent over 278 days (over 9 months) in shelter prior to finding permanent housing; and

Whereas, According to the Preliminary Mayor’s Management Report for Fiscal Year (FY) 2009, the number of families with children entering shelter rose by 38 percent in the first four months of FY 2009 compared to the first four months of FY 2008, which “mirrors national trends caused by job loss, foreclosure and other economic conditions;” and

Whereas, According to 2007 data from United States Department of Housing and Urban Development, over 80 percent of New York State’s homeless families are in shelter in New York City; and

Whereas, The costs of housing in New York City are substantially higher than in the rest of New York State; and

Whereas, Pursuant to a 1997 provision of the New York State Social Services Law, homeless families are required to contribute to the costs of shelter; and

Whereas, The New York State Bureau of Audit and Quality Control (A&QC) performed an audit of homeless families in the shelter system with income in 2005 to determine whether income was appropriately budgeted; and

Whereas, The A&QC issued a final report on February 15, 2007, which found that the New York City Department of Social Services/Human Resources Administration (HRA) and DHS had not offset the cost of homeless shelter payments with client income, as required by the State; and

Whereas, The State recouped over \$2.4 million from HRA and DHS as a result of the audit; and

Whereas, As a result of the audit, on May 1, 2009, DHS began instituting a policy that requires homeless families in shelter with earned income to contribute to the cost of shelter; and

Whereas, Under the new policy, affected families will be required to pay up to fifty percent of their income to the shelter; and

Whereas, Under the new policy, if families do not make the required payments, they face ejection from shelter; and

Whereas, The New York State Office of Temporary and Disability Assistance (OTDA) suspended implementation of the policy temporarily on May 21, 2009, because the amount that some families were told to pay was miscalculated; and

Whereas, In order to exit shelter expeditiously and successfully, homeless families need to keep as much income in their pockets as possible, so that they can apply it to the costs of permanent housing; and

Whereas, The new policy will likely result in homeless families staying longer in shelter, because they will not be able to afford permanent housing; and

Whereas, If those families who do not pay are required to leave shelter, homeless families, including children, may be left with nowhere to go; and

Whereas, The policy has already been suspended based on poor implementation, which has caused unwarranted confusion to homeless families in shelter; and

Whereas, Legislation such as S.5605/A.8353-A would help homeless families leave the shelter system and find permanent, stable housing by amending the Social Services Law to stop the practice of charging rent to homeless families in shelter who have income; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation such as S.5605/A.8353-A, which would amend the Social Services Law, in relation to financial contributions by recipients of temporary housing assistance.

Referred to the Committee on General Welfare

State Legislation Res. No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Dilan, Diaz, Hassell-Thompson, Krueger, Perkins, Sampson, Savino, Serrano, Squadron, Stavisky, S.2709-D, and Assembly Members Bing, Kellner, Rosenthal, Gottfried, Cusick, Brook-Krasny, Benedetto, Lancman, Markey, Schimel, Clark, Cymbrowitz, Weprin, O'Donnell, Kavanagh, P. Rivera, et. al., A.862-C, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus rapid transit and bus mobility demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof".

By Council Members Baez, Jackson, and Seabrook.

Whereas, bills have been introduced in the New York State Legislature by Senators Dilan, Diaz, Hassell-Thompson, Krueger, Perkins, Sampson, Savino, Serrano, Squadron, Stavisky, S.2709-D, and Assembly Members Bing, Kellner, Rosenthal, Gottfried, Cusick, Brook-Krasny, Benedetto, Lancman, Markey, Schimel, Clark, Cymbrowitz, Weprin, O'Donnell, Kavanagh, P. Rivera, et. al., A.862-C, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus rapid transit and bus mobility demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation

State Legislation Res. No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Klein, Addabbo, Diaz, Hassell-Thompson, Huntley, Onorato, Savino, S.1861-B, and Assembly Member Benedetto, A.8804, "AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for commercial vehicles that park on residential streets overnight".

By Council Members Baez, Fidler, Gentile, Jackson, Koppell, Seabrook and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senators Klein, Addabbo, Diaz, Hassell-Thompson, Huntley, Onorato, Savino, S.1861-B, and Assembly Member Benedetto, A.8804, "AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for commercial vehicles that park on residential streets overnight"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bill.

Referred to the Committee on State and Federal Legislation

State Legislation Res. No. 8

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island".

By Council Members Baez, Oddo, Seabrook and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation

State Legislation Res. No. 9

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens".

By Council Members Baez, Ulrich and Seabrook.

Whereas, bills have been introduced in the New York State Legislature by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, “AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation

State Legislation Res. No. 10

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin, Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, “AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city”.

By Council Members Baez, Fidler, Gentile, Jackson, Seabrook, Reyna and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin, Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, “AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation

Int. No. 1015

By Council Members Garodnick, Brewer, Lappin, Gentile, James, Mealy, Nelson, Palma, Sanders, Seabrook, Mark-Viverito and Fidler (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the safety and security of construction sites at which permitted work has been suspended.

Be it enacted by the Council as follows:

Section 1. Section 28-105.9 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-105.9 Expiration. All permits issued by the commissioner shall expire by limitation and become invalid if the permitted work or use is not commenced within 12 months from the date of issuance of the permit or, if commenced, is suspended or abandoned for a period of 12 months thereafter. All permits for work in an area of special flood hazard pursuant to Appendix G of the New York city building code shall expire if the actual start of permanent construction has not occurred within 180 days from the date on which such permit is issued. The commissioner may, however, upon good cause shown, reinstate a work permit at any time within a period of two years from the date of issuance of the original

permit, provided that the work shall comply with all the requirements of this code and other applicable laws and rules in effect at the time application for reinstatement is made, and provided further that the applicant shall pay all reinstatement fees as required by section 28-112. The permit shall automatically expire upon the expiration of required insurance or if the applicant holds a license issued by the department upon the expiration or revocation of such license during the term of the permit.

Exception. The commissioner may establish a program to maintain the safety of construction sites where permitted work is temporarily suspended. The owner of such a construction site may apply to the commissioner for inclusion in such program upon such terms and conditions as the commissioner shall determine but which shall, at a minimum, include a requirement that the owner of such a construction site notify the commissioner when permitted work will be suspended and when it will be resumed, and a requirement that the owner submit to the commissioner for the commissioner’s approval a detailed plan for maintaining the safety of the construction site during the period when permitted work will be suspended. Such plan shall contain proposed measures for securing the site from access by unauthorized persons and monitoring such measures, schedules for inspecting the equipment remaining on such site and such other provisions as the commissioner shall require. Work permits issued at a construction site approved for such program that would otherwise expire because of the suspension of work at the site shall remain in effect until the end of the term for which they were issued and may be renewed for up to two additional terms so long as the site is in good standing under the program. The commissioner may remove a site from the program for failure to comply with the terms and conditions of the program. The permit shall expire by operation of law upon the removal of the site from the program.

§2. This local law shall take effect immediately and shall remain in effect until July 1, 2013 when it shall be deemed repealed.

Referred to the Committee on Housing and Buildings

Res. No. 2003

Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation creating an Interim Hotel Dwelling program.

By Council Members Brewer, Foster, James, Palma and Lappin.

Whereas, Some landlords have been converting permanent residential apartments to illegal hotel use, exacerbating the severe shortage of affordable rental housing in the City of New York; and

Whereas, This practice is putting pressure on an already tight rental market; and

Whereas, The loss of those affordable units to illegal hotel use often results in the displacement of low and middle-income New Yorkers, severely disrupting the life of the communities where those units are located; and

Whereas, According to the 2008 New York City Housing and Vacancy Survey (HVS), the citywide vacancy rate for rental apartments was only 2.88 percent; and

Whereas, Illegal hotel use may also jeopardize the health, safety and quiet enjoyment of the homes of regular tenants; and

Whereas, The City has seen recent losses in affordable housing due to withdrawals from the Mitchell-Lama and project-based Section 8 programs, and the loss of rent-regulated housing; and

Whereas, Funding for the construction of new affordable housing has not kept pace with New York City’s needs; and

Whereas, Affordable housing programs keep neighborhoods economically diverse and vibrant by allowing low to middle-income New Yorkers to remain life long residents of the City; and

Whereas, The City must ensure that the affordable housing stock is not further depleted by the illegal use of apartments as hotels; and

Whereas, Some of the City’s efforts to enforce existing laws regarding these “illegal hotels” have been hampered by a lack of clear and concise language in current statutes; and

Whereas, By creating an Interim Hotel Dwelling (IHD) program, legalization of some illegal hotels could begin; and

Whereas, Under such a program, some illegal hotels could register for IHD status, which would allow the business of the hotel to continue while providing time for the owner to take all necessary steps to legalize the illegal hotel; and

Whereas, Allowing some illegal hotels to gain IHD status and legalize will help stop illegal apartment conversions to hotel rooms, since the City would be able to

take stronger enforcement action against those illegal hotels which would not be capable of receiving IHD status, after the IHD registration period ends; and

Whereas, IHD registration should not be allowed for buildings with outstanding fines for violations of the Building Code, Fire Code or Housing Maintenance Code, which cannot be corrected; and

Whereas, IHD registration should commence for hotels who are able to submit documentation that they have taken steps to correct any outstanding violations; and

Whereas, At a time when the City is hemorrhaging affordable housing, New York State should establish an IHD program to help end this affordable housing crisis and ensure that the problem is not exacerbated by allowing affordable apartments to be used as hotels; and

Whereas, An IHD program created by the New York State Legislature would help the City begin effective enforcement against illegal hotels which do not have IHD status, and help end the illegal conversion of affordable rental housing to hotel use; 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 approve, legislation creating an Interim Hotel Dwelling program.

Referred to the Committee on Housing and Buildings

Res. No. 2004

Resolution supporting increased consumer protections in the purchase and sale of tickets to concerts, theater, sporting events and other forms of entertainment.

By Council Members Comrie, Brewer, Fidler, Foster, Jackson, James, Koppell, Liu, Palma, Sanders and White.

Whereas, As one of the cultural capitals of the world, New York City's entertainment venues have long been a draw for both visitors and locals alike; and

Whereas, As an unfortunate by-product of its success as an entertainment destination, there is a long history of individuals capitalizing on the city's popular events by purchasing tickets to these events and reselling them to individuals at higher prices; and

Whereas, Once known as scalping, ticket reselling is now a multi-billion dollar industry and is accepted by some portions of the entertainment industry and state and local governments; and

Whereas, In 2007, the New York State Legislature enacted a law that repealed all restrictions governing the pricing of resold tickets, essentially lifting the cap on the price for which a ticket could be resold and surrendering it to the demands of the market; and

Whereas, Some resellers use sophisticated computer programs that automatically purchase large quantities of tickets that are available on the Internet, which are then resold on the secondary market at a premium; and

Whereas, As a consequence of deregulated pricing on resold tickets, many moderate-to-low income consumers are unable to purchase tickets to a variety of performances and sporting events; and

Whereas, On June 1, 2009, the day that the 2007 repeal was due to sunset, the New York State Legislature passed a bill that extended the current ticket resale policy for another fifty weeks; and

Whereas, The new law does, however, include several important consumer protections, including a prohibition on ticket agents reselling tickets to a reseller that they own, a requirement that tickets disclose whether a seat has an obstructed view, and a mandated report on the effectiveness of anti-scalping legislation to be completed by February 2010; and

Whereas, In recognition of the issue, other pieces of legislation are currently pending in the New York State Legislature that would further strengthen consumer protections in the ticket resale industry, including A.3723-A (Zebrowski) and S.4032 (Johnson, C), both of which would, among other things, outlaw the use of technologies that are used to bypass security measures on ticket-selling websites in order to buy tickets in bulk for resale; and

Whereas, The need for consumer protections for purchasers of resold tickets has also caught the attention of legislators at the federal level, with U.S. Senator Charles Schumer (D-NY) having recently announced plans to introduce legislation that would require ticket resellers to obtain a federal registration number to be posted on all sales-related documents, impose a two-day waiting period before a ticket reseller could purchase tickets, and require that all physical and electronic tickets contain the date and time of purchase; and

Whereas, While entrepreneurship must always be fostered and encouraged, the Council believes that it should also be coupled with adequate and equitable protections for all consumers; now, therefore, be it

Resolved, That the Council of the City of New York supports enhanced consumer protections for the purchase and resale of tickets to concerts, theater, sporting events and other forms of entertainment.

Referred to the Committee on Consumer Affairs

Res. No. 2005

Resolution calling upon the New York State Thruway Authority, the Triborough Bridge and Tunnel Authority, and the Port Authority of New York and New Jersey to create a system that allows E-ZPass users to immediately transfer their E-ZPass tags to any vehicle.

By Council Members Dickens, Brewer, Fidler, Foster, Gentile, Jackson, James, Liu, Mealy, Palma, Sanders, Seabrook, Weprin and Mark-Viverito.

Whereas, The E-ZPass is an electronic toll collection ("ETC") system designed to reduce congestion at the toll plazas; and

Whereas, The New York E-ZPass is operated under the auspices of the Triborough Bridge and Tunnel Authority ("TBTA"), the New York State Thruway Authority ("NYSTA"), and the Port Authority of New York and New Jersey ("PANYNJ"); and

Whereas, The E-ZPass system has three components which include (1) a toll tag, which is placed inside the vehicle, (2) an overhead antenna, which reads the toll tag and collects the toll, and (3) video cameras to identify toll evaders; and

Whereas, Tolls are automatically deducted from the users' prepaid account each time they pass through an E-ZPass lane; and

Whereas, Up to four vehicles can be registered to an E-ZPass account, and a tag is issued to each vehicle; and

Whereas, Each E-ZPass tag is specifically programmed for a particular vehicle type, and if the tag does not match the vehicle in the account, this may result in a violation and possibly large fines assessed to the tag holder, especially if a lower-class (e.g., passenger car) tag is being used in a higher-class vehicle such as a bus or truck; and

Whereas, Customers can add or delete vehicles from their account at anytime by notifying an E-ZPass service center representative by phone or by updating their account online so that they stay in compliance with E-ZPass regulations; and

Whereas, It takes approximately 24 to 48 hours for the registration change to reflect on the account; and

Whereas, There is concern, however, that this time lapse may be problematic for E-ZPass users; and

Whereas, Customers could be denied use of their E-ZPass during this account registration delay and would have to pay cash until their account is updated; and

Whereas, In addition, users can only be reimbursed for cash toll payments when they provide a copy of their receipt; and

Whereas, The waiting period to update an account and the reimbursement policy is not provided on the E-ZPass website nor is it voluntarily given by customer service representatives unless the customer specifically asks a representative about such procedures; and

Whereas, This suggests that even though a customer follows the protocol of updating his or her account so that the tags and vehicles match, the customer may be subject to a violation for driving through an E-ZPass lane with an unregistered vehicle when, in fact, notice of the change was provided but the vehicle was not automatically added to the account; and

Whereas, This is of particular concern when a user rents a vehicle, or even leases or purchases another vehicle; and

Whereas, Users may end up spending unnecessary time disputing an unwarranted violation and may not be aware that they can be reimbursed for their cash payments while waiting for their account to be updated; and

Whereas, The process of updating an account is a huge inconvenience when E-ZPass users cannot immediately transfer their tag to another vehicle; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Thruway Authority, the Triborough Bridge and Tunnel Authority, and the Port Authority of New York and New Jersey to create a system that allows E-ZPass users to immediately transfer their E-ZPass tags to any vehicle.

Referred to the Committee on Transportation

Res. No. 2006

Resolution calling upon the President and the United States Congress to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from federally operated prison systems.

By Council Members Dickens, Foster, James, Mealy, Palma, Seabrook and White.

Whereas, The use of solitary confinement in United States' (US) prisons began in the early 19th century to provide prisoners an environment in which to repent, pray, and find time for introspection; and

Whereas, Today solitary confinement is used as a tool to punish inmates for infractions committed while serving sentences in federal prison; and

Whereas, Conservative estimates show that there are more than 25,000 inmates in US federal and state prisons serving their sentences in solitary confinement; and

Whereas, According to the US Census Bureau's data from 2000, there were 2,600 people imprisoned in federal prisons and detention centers located in New York City; and

Whereas, Solitary confinement typically constitutes segregating an inmate for 23 hours a day, allowing the inmate out only to shower or get outdoor exercise in a small caged space, and disallowing any contact with the outside world; and

Whereas, Studies have shown that solitary confinement can cause severe psychiatric distress to inmates as well as cause long-standing social disorders; and

Whereas, Inmates are more apt to commit suicide when they are in or have experienced prolonged periods of solitary confinement; and

Whereas, An increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as torture; and

Whereas, US Senator John McCain of Arizona, who spent five and a half years tortured as a prisoner of war stated "solitary confinement is an awful thing... it crushes your spirit and weakens your resistance more effectively than any other form of mistreatment;" and

Whereas, Almost 95 percent of the inmates in isolation in the US will be released back to society and many of them will receive little, if any, assistance with their transition; and

Whereas, It is imperative for federally operated prisons to offer mental support services and reentry services for those isolated inmates reentering society from solitary confinement in light of the difficulties they will face; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the President and the United States Congress to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from federally operated prison systems.

Referred to the Committee on Fire and Criminal Justice Services

Res. No. 2007

Resolution calling upon the New York State Legislature and the Governor to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from New York State operated prison systems.

By Council Members Dickens, Foster, James, Mealy, Palma, Seabrook and White.

Whereas, Solitary confinement is generally used as a tool to punish inmates who continually violate rules in state run correction facilities; and

Whereas, The criteria for the isolation of prisoners vary by state but typically include not only the commission of violent infractions, but also violation of prison rules or association with gang members; and

Whereas, Solitary confinement generally constitutes segregating an inmate for 23 hours a day, allowing the inmate out only to shower or get outdoor exercise in a small caged space, and disallowing any contact with the outside world; and

Whereas, Studies have shown that solitary confinement can cause severe psychiatric distress to an inmate as well as cause long-standing social disorders; and

Whereas, An increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as torture; and

Whereas, According to a recent study, about 44,000 state prisoners, or two-thirds of the entire state prison population, are from New York City; and

Whereas, Between 1998-2001, over half of New York State's correctional system suicides occurred in 23 hour lockdown, although inmates in these units comprised less than 10 percent of the general population; and

Whereas, Several states, including Oregon and Colorado, offer progressive programs, such as inmate therapy sessions and anger management classes, to prisoners scheduled to be released to society from solitary confinement; and

Whereas, It is paramount that New York State prisons offer similar services to help inmates who have been held in solitary confinement transition back into society, so that they may contribute to their community; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the Governor to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from New York State operated prison systems.

Referred to the Committee on Fire and Criminal Justice Services

Int. No. 1016

By Council Members Eugene, Gentile, James, Mealy, Nelson, Palma, Seabrook, Stewart, Weprin and Mitchell.

A Local Law to amend the administrative code of the city of New York, in relation to permissible parking at senior centers.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§19-162.3 *Permissible parking at senior centers.* (a) *For the purposes of this section "senior citizens center" shall mean a multi-purpose community facility with regular operating hours and staff that provide a variety of health, social, nutritional, and educational services and recreational activities for senior citizens.*

(b) *Notwithstanding any local law, regulation or rule to the contrary, but subject to the provisions of the vehicle and traffic law, the department shall designate the roadway adjacent to the front entrance of a senior citizens center as a senior center parking area, solely for the use of any passenger vehicle owned, registered or leased by a senior citizen who attends a senior citizen center between the hours of 10:00 a.m. and 3:00 p.m. on days when such senior citizen center is open for services and activities, provided that such vehicle displays an appropriate vehicle permit in accordance with the rules of the department.*

(c) *For a senior citizen center where the department determines that it is not feasible to designate a parking area adjacent to the front entrance, the department shall designate a senior center parking area for senior citizens who attend such senior citizen center's services at a distance no greater than one block from the senior citizen center's front entrance.*

(d) *A senior center may petition the department for a time extension, no greater than 2 hours for its senior center parking area at least two weeks before the date for which such extension is requested.*

(e) *The hearing officer shall dismiss any notice of violation issued to the owner of a passenger vehicle parked in a designated senior citizen center parking area upon receipt from the owner, in person or by mail, other suitable evidence showing compliance with the law, including evidence showing that the owner of such passenger vehicle was a senior citizen, evidence of attendance by such senior at a service or activity at a senior center.*

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

Referred to the Committee on Transportation

Int. No. 1017

By Council Members Felder, Gentile, Fidler, James, Mealy, Nelson, Palma, Seabrook, Stewart, Weprin, Gerson, Vacca, White, Liu and de Blasio.

A Local Law to amend the administrative code of the city of New York, in relation to notification of changes in parking restrictions.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.2 to read as follows:

§19-175.2 *Notification of changes in parking restrictions.* *No change in parking restrictions adopted by the department shall go into effect until one week after notice of such change has been posted by the department in the areas affected by such change and posted on the website containing parking restrictions as required by section 19-175.1 of the code. Such notice shall, at a minimum, state the proposed change in the parking restriction and state the date such change will go into effect. The provisions of this section shall apply to both temporary and permanent changes in parking restrictions.*

§2. This law shall take effect immediately upon its enactment.

Referred to the Committee on Transportation

Int. No. 1018

By Council Members Felder, James, Mealy, Nelson, Palma and Gerson.

A Local Law to amend the administrative code of the city of New York, relating to the removal of motor vehicles to satisfy parking violations.

Be it enacted by the Council as follows:

Section 1. Section 19-212 of the administrative code of the city of New York is amended to read as follows:

§19-212 Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner unless the total amount of such judgment or judgments, including interest, is greater than [three hundred fifty] *five hundred* dollars, *or such judgments exceed five parking violations*. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

§2. This local law shall take effect thirty days after it is enacted into law.

Referred to the Committee on Transportation

Res. No. 2008

Resolution urging the New York State Legislature to pass and the Governor to sign A.8407 and S.5597, which would make all buildings and structures located in the city of New York that are owned, leased or operated by the state of New York subject to New York City Building Code and the New York City Fire Code.

By Council Members Gennaro, Vacca, Vallone Jr., Brewer, Fidler, Gentile, Jackson, Liu, Mealy, Nelson and Sanders.

Whereas, The safety of residents, workers, and emergency personnel in and around construction sites is of utmost importance to both New York City and New York State; and

Whereas, The tragic death of two firefighters at the Deutsche Bank building on August 18, 2007 led the City of New York to comprehensively reevaluate safety procedures at construction, demolition, and asbestos abatement sites; and

Whereas, A package of twelve bills will make substantive changes to improve construction, demolition, and asbestos abatement safety practices in the City of New York; and

Whereas, A significant portion of buildings in New York City, however, are owned, leased, or operated by the State of New York, the Federal Government, and other governmental entities; and

Whereas, Currently, the New York City Department of Buildings (DOB) and the New York City Fire Department (FDNY) have limited enforcement powers over buildings and properties owned, leased, or operated by the state, depending on the enabling statute of the state entities or whether they have entered into a memorandum of understanding with the City; and

Whereas, DOB exercises its enforcement powers upon state entities mainly through the voluntary filing of construction and demolition projects by those entities; and

Whereas, FDNY exercises its enforcement powers mainly through courtesy inspections and liaison relationships; and

Whereas, The voluntary nature of State buildings' compliance with City building and fire codes may allow hazardous conditions to exist without City agencies' knowledge; and

Whereas, The City's inability to impose and enforce its code and the potential lack of pertinent information about the conditions within State buildings may hamper the ability of emergency service providers to appropriately respond to and handle an emergency, and may place emergency service personnel, the public and building occupants in danger; and

Whereas, A.8407, currently pending in the New York State Assembly, and companion bill S. 5597, currently pending in the New York State Senate, would make all buildings and structures located in the City of New York that are owned, leased or operated by the State of New York subject to New York City Building Code and the New York City Fire Code; and

Whereas, The New York State Legislature and the Governor of the State of New York will enhance the safety of the public and emergency personnel and allow first responders to operate more effectively by passing and signing this legislation; now, therefore, be it

Resolved, That the New York City Council urges the New York State Legislature to pass and the Governor to sign A.8407 and S.5597, which would make all buildings and structures located in the city of New York that are owned, leased or operated by the state of New York subject to New York City Building Code and the New York City Fire Code.

Referred to the Committee on Housing and Buildings

Res. No. 2009

Resolution designating the Newtown Pippin as the official apple of New York City.

By Council Members Gennaro, James, Lappin, Koppell, Gioia, Comrie and Katz.

Whereas, The Newtown Pippin is the only world-famous apple variety originating in the five boroughs, yet its association with the city is known to few New Yorkers; and

Whereas, The Newtown Pippin is a delicious fruit esteemed by gourmet chefs and food writers as the "Prince of Apples" and the "Founding Apple;" and

Whereas, The Newtown Pippin was the preferred apple of Thomas Jefferson and George Washington, and is still grown in their gardens at Monticello and Mount Vernon; and

Whereas, Newtown Pippins are grown on small farms throughout New York State and are sold through the Council on the Environment of New York City's Greenmarket program; and

Whereas, The right to grow and sell Newtown Pippins is open to all on an equal basis, without restriction or genetic patent; and

Whereas, The Newtown Pippin is a big, green apple, and therefore a fitting symbol of our city in the era of sustainable growth; and

Whereas, A return to a diet of whole, healthy foods is an urgent necessity; and

Whereas, Cities worldwide have enjoyed the benefits of growing food in community gardens and urban orchards, a movement which has been embraced by the White House under First Lady Michelle Obama; and

Whereas, This year, Green Apple Cleaners and Slow Food NYC are donating 50 Newtown Pippin saplings, with hundreds more to come in subsequent years, to New York City's premier public spaces and institutions, as well as to neighborhood schools and community gardens; and

Whereas, GreenThumb, MillionTreesNYC, and the Green Belt Native Plant Center are partnering to help ensure the well-being of these trees; and

Whereas, The New York Botanical Garden, the Brooklyn Botanical Garden, the Queens Botanical Garden, the Staten Island Botanical Garden, the King Manor Museum, the Museum of the City of New York, the American Museum of Natural History, the CUNY Institute on Sustainable Cities, the Columbia Earth Institute and the American Cancer Society are planting these donated Newtown Pippin saplings to help this local cultivar enjoy a central place in our civic culture; and

Whereas, Apple blossoms and fruits could be as much of a signature image for New York City tourism as cherry blossoms are for Washington, D.C.; and

Whereas, The Newtown Pippin was developed by Gershon Moore, whose farm is now the site of a New York City Department of Parks and Recreation playground and whose direct descendent was Clement Clark Moore, author of the classic "A Visit from St. Nicholas;" and

Whereas, The Newtown Pippin could be a resource for educators to teach history, natural science, nutrition, folk lore, biodiversity, and sustainable development; and

Whereas, Flowering trees are essential contributors to our ecosystem and provide calming pleasure to New Yorkers; and

Whereas, The Newtown Pippin is a key cultivar in the Slow Food USA "Ark of Taste," program, which protects agricultural biodiversity threatened by agribusiness monocultures; and

Whereas, The Newtown Pippin's increased fame would aid community activists, government agencies, elected officials, and nonprofit groups in their work to reclaim the Newtown Creek from centuries of neglect and assault by polluters; and

Whereas, Newtown High School, the First Presbyterian Church of Newtown, Newtown Road and other features of the New York City landscape keep this historic name in circulation; now, therefore, be it

Resolved, That the Council of the City of New York designates the Newtown Pippin as the official apple of New York City.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations

Int. No. 1019

By Council Members Lappin, Brewer, James, Seabrook, Stewart and Mitchell.

A Local Law to amend the administrative code of the city of New York, in relation to plastic garment bags used by dry cleaning establishments.

Be it enacted by the Council as follows:

Section 1. Title sixteen of the administrative code of the city of New York is amended by adding a new chapter four-c to read as follows:

CHAPTER 4-C –DRY CLEANING BAGS

§16-470 Definitions

§16-471 Use of Dry Cleaning Bags.

§16-472 Penalties.

§16-470 Definitions. When used in this chapter:

a. “Dry cleaning establishment” means any place of business located within the city of New York that either as its sole business or as part of its business accepts clothing or other materials from the public for cleaning by the use of solvents other than water.

b. “Consumer” means any person who brings or sends clothing to a dry cleaning establishment for the establishment to clean.

c. “Operator” means a person, firm or corporation that owns or is in control of, or has responsibility for, the daily operation of a dry cleaning establishment.

d. “Dry cleaning bag” shall have the same meaning as “film plastic” as such term is defined in subdivision c of section 16-452 of this code.

§16-471 Use of dry cleaning bags. Dry cleaning establishments may only use dry cleaning bags to return garments to a consumer which are made of recycled material.

§16-472 Penalties. Any person who violates the provisions of section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of five hundred dollars for the first violation, and one thousand dollars for a second or subsequent violation committed within any twelve-month period.

§2. This local law shall take effect six months after enactment.

Referred to the Committee on Sanitation and Solid Waste Management

Int. No. 1020

By Council Members Lappin, Fidler, Brewer, James, Liu, Nelson, Palma, Mendez and Greson.

A Local Law to amend the administrative code of the city of New York, in relation to timely consideration of Requests for Evaluation (RFEs) by the Landmarks Preservation Commission.

Be it enacted by the Council as follows:

Section 1. Section 25-303 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l. Every Request for Evaluation (RFE) proposing a property for landmark designation shall be submitted to the commission’s RFE committee within 120 days of receipt thereof, and all RFE committee recommendations, whether positive or negative, shall be reported promptly on the record to the full commission.

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use

Int. No. 1021

By Council Members Nelson, Fidler, James, Mealy and Gerson.

A Local Law to amend the administrative code of the city of New York in relation to the time at which discarded leaves may be placed out for collection from residential buildings.

Be it enacted by the Council as follows:

Section 1: Subdivision c of section 16-120 of the administrative code of the city of New York is amended to read as follows:

c. Incinerator, residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade

acceptable to the department of sanitation, department of health and mental hygiene, and the department of housing preservation and development. *Between the months of September and December, any person receiving Saturday leaf collection provided or approved by the department shall be permitted to place such leaves out for collection beginning at 3 p.m. on the Friday immediately preceding the Saturday on which such collection is scheduled to take place.* After the contents have been removed by the department of sanitation or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Sanitation and Solid Waste Management

Int. No. 1022

By Council Members Oddo, Fidler, James, Mitchell, Sears, Ignizio, Garodnick, Gentile, Jackson, Katz, Liu, Vallone Jr., Weprin, White and Ulrich.

A Local Law to provide for the establishment of a panel on regulatory review.

Be it enacted by the Council as follows:

Section 1. Establishment and Composition of a Panel on Regulatory Review. There shall be a temporary panel on regulatory review (“the Panel”). The Panel shall be comprised of the Director of the Mayor’s Office of Operations; the Director of the Mayor’s Office of Management and Budget; the Corporation Counsel; the Director of the Mayor’s Office of Special Enforcement; the Commissioner of the Department of Consumer Affairs; the Commissioner of the Department of Small Business Services; and three Council Members designated by the Speaker of the City Council. The Mayor shall appoint one additional member to serve as chair of the panel. Each member of the Panel may designate one or more staff members to represent that member on the Panel.

§ 2. Powers and Responsibilities of the Panel. a. The Panel shall study and evaluate the extent to which agency rules are currently successful in meeting regulatory objectives in a way that minimizes the costs and burdens borne by City agencies, local businesses, consumers, homeowners, and the public.

In order to identify those agency rules that should be given primary focus, the Panel shall work with City agencies, including those agencies that impact small businesses, and receive input from them, as well as from other branches of government, from members of the public, and from private and not-for-profit entities, such as small businesses, established and emerging industries, trade associations, community organizations, labor unions, and good government groups.

b. The Panel shall, where appropriate, develop recommendations to enhance the efficiency and effectiveness of the City’s regulatory system, including those to amend or modify Chapter 45 of the City Charter, known as the City Administrative Procedure Act.

When making such recommendations, the Panel shall consider and explore the following issues: public benefit; fiscal impact; customer service impact; and alternative legal or administrative mechanisms, such as the use of technology or more strategic inter-agency coordination.

c. The Panel may establish an advisory group or groups comprised of experts from within, and outside of, City government to provide appropriate subject matter guidance.

d. The Panel shall report its initial findings and recommendations to the Speaker of the City Council and the Mayor no later than December 31, 2009.

§ 3. Agency Assistance and Cooperation with the Panel. All City agencies shall designate a liaison to work with the Panel and provide it with appropriate information and other assistance, as may be requested, in a timely manner.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations

Res. No. 2010

Resolution calling upon the New York State Legislature to amend State Education Law to require local education agencies to provide military recruitment “opt-out” forms to all high school students beginning in the 9th grade along with their annual emergency contact forms.

By The Public Advocate (Ms. Gotbaum) and Council Members Jackson, Brewer, Fidler, James, Liu, Mark-Viverito, Mealy and Sanders.

Whereas, The 2001 No Child Left Behind Act (NCLB) requires local educational agencies that receive funding to provide the names, addresses and telephone listings of secondary school students if a request for such information is made by a military recruiter; and

Whereas, The NCLB provides for a consent procedure whereby a secondary school student or parent of the student may request that the student's information not be released without prior written parental consent; and

Whereas, Local educational agencies are required to inform parents of the option to make such a request; and

Whereas, Although this "opt-out" option is available, many parents and students claim to be unaware of the procedure or timelines necessary to file due to the manner in which the information is disseminated; and

Whereas, According to the New York State Education Law (SEL), the Chancellor of the New York City school system has the authority to promulgate clear educational objectives applicable to all schools and programs throughout the city school district; and

Whereas, Currently, in New York City, student information is provided to military recruiters centrally from the Department of Education; and

Whereas, The New York City Department of Education's Chancellor's regulations require that opt out letters be distributed in September to all students in the 11th and 12th grades and mailed to parents; and

Whereas, New students who enroll in the 11th and 12th grades after the letters are mailed to parents and distributed to students must be given the opt-out letter as part of the admission/orientation packet and must be asked to return the forms within two weeks of enrollment; and

Whereas, The contact information of students who have not opted out are to be shared with military recruiters during the first week of November; and

Whereas, The Chancellor's regulations state that opt-out letters may be distributed multiple times throughout the school year at the discretion of each school's principal; and

Whereas, Some advocates, parents and students have expressed concern about the short amount of time between when the forms are currently distributed and when the information is sent to the military; and

Whereas, In addition, many students do not relay information to their parents in a timely manner; and

Whereas, In order to provide parents and students more time to understand and respond, the Department of Education should send opt-out information home with the emergency contact forms which are distributed annually beginning in the 9th grade; and

Whereas, Providing student information to the military during a time of war is an important issue which needs to be handled in a conscientious manner; and

Whereas, Although federal law requires that schools provide this information, the New York City Department of Education should take every step possible to ensure students and their parents have adequate time to reflect upon this requirement and make an informed decision; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend State Education Law to require local education agencies to provide military recruitment "opt-out" forms to all high school students beginning in the 9th grade along with their annual emergency contact forms.

Referred to the Committee on Education

Res. No. 2011

Resolution calling upon public and private colleges and universities to require students to have health insurance coverage and offer low-cost plans to full-time and part-time students.

By Council Members Rivera, Stewart, Brewer, James, Koppell, Liu, Mealy, Sanders and Seabrook.

Whereas, In the United States, young adults represent one of the largest segments of our society without health insurance coverage, resulting in a staggering 13.7 million of the uninsured population; and

Whereas, Young adults face particular barriers in obtaining health insurance, including their status as students, limited employment opportunities, as well as strict age-specific eligibility requirements; and

Whereas, While most college students are covered as dependents on their parent's employer sponsored coverage, 1.7 million or one-fifth of college students, between the ages of 18 to 23, did not have health insurance in 2006; and

Whereas, Students that are enrolled part-time, non-white or from families with lower income backgrounds were even less likely to have health insurance coverage; and

Whereas, During the 2007-2008 academic year, 50 percent of colleges offered student insurance plans, with wide disparities among public and private four-year institutions and two-year community colleges; and

Whereas, College health insurance plan benefits vary widely and may include restrictions on certain types of care such as preventative services and prescription benefits; and

Whereas, Some plans have other limitations including eligibility thresholds for coverage and loopholes, such as requiring the maintenance of a minimum number of credits or the purchase of extended coverage during the summer or any period during which the student is on a leave of absence due to illness or injury; and

Whereas, High costs can be a prohibitive factor for student enrollment in health insurance programs, leaving some vulnerable to a potential large financial burden and possible negative credit in the event of a costly out-of-pocket health emergency; and

Whereas, The Government Accountability Office (GAO) estimates that in 2006, uninsured college students incurred between \$120 million to \$255 million in uncompensated care for non-injury related medical expenses; and

Whereas, Approximately 30 percent of colleges have taken steps to reduce the burden of the uninsured by requiring health insurance as a precondition to enrollment, yet far too many institutions have no such mandate, do not offer a school-sponsored health plan or in the event that a plan is offered, the cost of good insurance is not very affordable for many students; and

Whereas, Some states have taken action to ensure that college students have health insurance, with Massachusetts and New Jersey law imposing requirements that college students maintain insurance coverage; and

Whereas, In addition, some state educational systems have also acted, such as the University of California, which includes a system of ten campuses, laboratories and medical centers throughout California, and the Idaho State Board of Education, which governs the State's Higher Education network, by mandating a system-wide health insurance requirement for their students; and

Whereas, Recently, the American College Health Association (ACHA) updated its guidelines on student health insurance, declaring that colleges should require students to provide evidence of adequate health insurance coverage, as a condition of enrollment; and

Whereas, In spite of these standards, these guidelines only apply to the 900 higher education institutions that are members of ACHA, leaving more than 5,000 institutions unaffected by this policy; and

Whereas, In New York City, approximately 500,000 students are enrolled in more than 110 higher education institutions; and

Whereas, These students are vulnerable and face similar barriers in accessing care and obtaining health insurance coverage; and

Whereas, Essential to any student-wide health insurance mandate is access to affordable health insurance options and colleges must do more to ensure that the programs offered are reasonably priced and include necessary services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon public and private colleges and universities to require students to have health insurance coverage and offer low-cost plans to full-time and part-time students.

Referred to the Committee on Health

Int. No. 1023

By Council Members Stewart, James, Gerson, Seabrook, Mealy, Nelson, Palma, Sanders and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to displaying a passengers' bill of rights in commuter vans.

Be it enacted by the Council as follows:

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

b. Every owner of a taxicab [or], livery or commuter van shall post passengers' bill of rights in at least one conspicuous location in the rear passenger compartment of such taxicab [or], livery or commuter van in a form and location to be prescribed by commission rule.

§ 2. Subdivisions e and f of section 19-537 of title 19 of the administrative code of the city of New York are relettered as subdivisions f and g, respectively, and a new subdivision e is added to read as follows:

e. *The commuter van passengers' bill of rights shall state passengers' rights to:*

- (1) a vehicle that is in good condition and has passed all required inspections;
- (2) a properly licensed driver in good standing, with the commission-issued driver's license information on display;
- (3) a safe and courteous driver who obeys all traffic laws;
- (4) a knowledgeable driver who is familiar with city geography;

- (5) air conditioning or heat on request;
 (6) a quiet trip free of horn honking or radio or other music playing;
 (7) clean air, which is smoke and scent free;
 (8) working seatbelts;
 (9) a clean vehicle, both inside and outside;
 (10) be accompanied by a service animal;
 (11) a driver who does not use a cell phone (hand-held or hands free) while driving; and
 (12) decline to tip for poor service.
 §3. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation

Int. No. 1024

By Council Members Stewart and James.

A Local Law to amend the administrative code of the city of New York, in relation to granting voluntary leaves of absence in times of fiscal crisis.

Be it enacted by the Council as follows:

Section 1. Section 12-123 of the administrative code of the city of New York is hereby amended to read as follows:

§12-123 *Leaves of absence.* a. Authorizing leaves of absence with pay, for employees of the city to attend conventions, encampments, or parades. The mayor is hereby empowered to authorize the head of any agency, in the mayor's discretion, to grant to an employee in any such agency, including per diem employees, a leave of absence with pay for the purpose of attending a convention, encampment or parade of any organization composed of veterans of the wars in which the United States has participated, or a convention of any firefighter's association or other organization composed of active or exempt volunteer [firefighter] firefighters, if such employee is a member of such organization or association, and does actually attend such convention, encampment or parade.

b. *Voluntary leaves of absence without pay.* In lieu of layoffs, the mayor is hereby empowered after consultation with interested employee organizations and administrators of public services, to establish departmental policies and procedures for the administration of a voluntary furlough program by agencies. Under said program, agencies may permit any employee to apply for and receive a leave of absence, subject to the approval process determined by the mayor. The duration of such leave of absence shall be determined at least 30 days prior to the start of such leave, and confirmed in writing to the employee. Any employee who commences a voluntary leave of absence pursuant to this subdivision may request in writing changes to the duration of a granted leave of absence at any point, and such agency shall inform such employee of its decision in writing, regarding such request within five business days of receipt. During the period of such leave of absence, such employee shall receive no pay, but in accordance with the departmental policy and procedure approved by the mayor, such employee can receive any health benefits that he or she would have received had he or she been attending work. Such leave of absence shall not in any way affect the retirement rights of such employee as a member of a retirement system. Upon completion of such leave of absence, such employee may not be guaranteed a return to his or her original position, but shall be guaranteed the right to return to active service in his or her job title. Such leave of absence shall in no way affect the likelihood of such employee being terminated upon his or her return to work. This subdivision shall in no way diminish the rights of employees subject to collective bargaining.

§2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor

Int. No. 1025

By Council Members Vallone Jr., Brewer, Fidler, Foster, Jackson, James, Liu, Mealy, Sanders, Stewart, Weprin, White and Nelson.

A Local Law to amend the administrative code of the City of New York, in relation to requiring the Corporation Counsel to submit quarterly reports to the City Council detailing the number and disposition of civil actions filed against the New York City Police Department.

Be it enacted by the Council as follows:

Section 1. Section 109 of Title 7 of the Administrative Code of the City of New York is amended and new paragraphs b and c are added to read as follows:

§ 7-109 Corporation counsel; when the corporation counsel may appear for officer, subordinate, or employee of an agency; reports of the corporation counsel to the city council on civil actions filed against the police department.

a. The corporation counsel, in his or her discretion may appear, or direct any of his or her assistants to appear, in any action or proceeding, whether criminal or civil, which may be brought against any officer, subordinate or employee in the service of the city, or of any of the counties contained therein, by reason of any acts done or omitted by such officer, subordinate or employee, while in the performance of his or her duty, whenever such appearance is requested by the head of the agency in which such officer, subordinate or employee is employed or whenever the interests of the city require the appearance of the corporation counsel. The head of the agency in which such officer, subordinate or employee is employed shall submit all pertinent papers and other documents to the corporation counsel.

b. Beginning on the thirty first day of January in the year following the enactment of the local law that added this subdivision, the corporation counsel shall commence the submission of a quarterly report to the council of all civil actions filed against the police department and officers, subordinates, or employees of the department during the preceding quarter in which the corporation counsel or any of his or her assistants appeared or agreed to represent one or more parties. Such report shall include, but not be limited to, the number of actions pending, the number of claims in each action, the amount of time each action has been pending, the nature of each claim, the resolution of each claim, whether the resolution was achieved through settlement or trial, and the amount of any settlement. Actions pending resolution shall be noted in each report and their final resolutions noted in a subsequent report.

c. The report required by this section shall be submitted in accordance with the following schedule, except that if the due date specified below falls on a saturday, sunday or federal or city holiday, the report shall be submitted on or before the next day that is a business day: For the first calendar quarter (January 1 through March 31), on or before April 30; For the second calendar quarter (April 1 through June 30), on or before July 30; For the third calendar quarter (July 1 through September 30), on or before October 30; and for the fourth calendar quarter (October 1 through December 31), on or before January 30.

§ 2. This local law shall take effect upon enactment.

Referred to the Committee on Governmental Operations

Res. No. 2012

Resolution calling on the New York State Legislature to pass S.1733, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment and A.1542, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment.

By Council Member Vallone Jr.

Whereas, The New York State Legislature is considering S.1733, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment; and

Whereas, The New York State Legislature is also considering A.1542, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment; and

Whereas, S.1733 would prohibit the receipt of pension benefits when any elected official engages in criminal conduct in relation to that office while earning the pension; and

Whereas, A.1542 would establish a procedure whereby public misconduct by a public employee may disqualify him or her from all or part of their pension benefits; and

Whereas, New York State has no policy mandating the forfeiture of pension benefits by a public official who has been convicted of a crime; and

Whereas, Currently, a state or local government employee that meets age and length of service requirements for a pension in accordance with the State's Retirement and Social Security Law is entitled to collect pension benefits even if that employee has betrayed the public's trust and has been convicted of a crime related to the betrayal of that trust; and

Whereas, Pension forfeiture statutes can be created to withhold public tax dollars from public servants who break the public trust in a significant way and recognize a fiduciary duty owed to the citizens of the State; and

Whereas, Pennsylvania, Florida, Georgia, Illinois, and Massachusetts have all enacted pension forfeiture statutes which operate to sever a public employee's claim to a taxpayer-financed pension if such employees engages in criminal misconduct related to their official duties; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass S.1733, an act to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment and A.1542, an act to amend the retirement

and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of certain crimes related to public employment.

Referred to the Committee on Civil Service and Labor

Int. No. 1026

By Council Members Weprin, Arroyo, Fidler, Gentile, Jackson, James, Mark-Viverito, Mealy, Nelson, Palma, Seabrook and Gerson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to administration of the senior citizen rent increase exemption program.

Be it enacted by the Council as follows:

Section 1. Section 26-404 of the administrative code of the city of New York, as amended by local law number 76 for the year 2005, is amended to read as follows:

§26-404 City rent agency; division of housing and community renewal. The division of housing and community renewal shall have charge of and conduct through its own counsel any proceeding under this chapter of the code, except for the provisions of subdivision m of section 26-405 and section 26-406 of this chapter which shall be under the jurisdiction of the department [for the aging] of finance and such other agency as the mayor shall designate.

§2. Subparagraph (ii) of paragraph (2) of subdivision m of section 26-405 of such code, as amended by local law 95 for the year 2005, is amended to read as follows:

(ii) [The] the aggregate disposable income (as defined by regulation of the department [for the aging] of finance) of all members of the household residing in the housing accommodation whose head of household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of a head of the household receiving benefits under this subdivision whether received by the head of the household or any other member of the household[;].

§3. Subparagraph b of paragraph (3) of subdivision m of section 26-405 of such code, as amended by local law 76 for the year 2005, is amended to read as follows:

(b) Each order shall expire upon termination of occupancy of the housing accommodation by the tenant to whom it is issued. The landlord shall notify the department [for the aging] of finance, in the case of a household whose eligibility for such order is based on the fact that the head of such household is sixty-two years of age or older, or such agency as the mayor shall designate, in the case of a household whose eligibility for such order is based on the fact that the head of such household is a person with a disability, on a form to be prescribed by such department or agency, within thirty days of each such termination of occupancy.

§4. Paragraphs (5), (6) and (9) of subdivision m of section 26-405 of such code, paragraph (5) as separately amended by local laws number 75 and number 76 for the year 2005, and paragraphs (6) and (9) as amended by local law number 76 for the year 2005, are amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the [New York City] department [for the aging] of finance or such [other] agency as the mayor shall designate (which agency may also be the department of finance) in accordance with such [department] department's or agency's regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older is greater than five thousand dollars per year but does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars

beginning July first, two thousand nine, per year pursuant to subparagraph (ii) of paragraph two of subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirtieth, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except that where any other application has been received within ninety days of the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or six of subdivision (a) of this section, or subparagraph (a), (b), (c), or (l) of paragraph (1) of subdivision (g) of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

(6) A rent exemption order shall be valid for a period of two years and may be renewed for further two year periods upon application by the tenant; provided, that upon any such renewal application being made by the tenant, any rent exemption order then in effect with respect to such tenant shall be deemed renewed until such time as the department [for the aging] of finance or such other agency as the mayor shall designate shall have found such tenant to be either eligible or ineligible for a rent exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent exemption order, such tenant shall be liable to his or her landlord for the difference between the amounts he or she has paid under the provisions of the automatically renewed order and the amounts which he or she would have been required to pay in the absence of such order. Any rent exemption order issued pursuant to this subdivision shall include provisions giving notice as to the contents of this paragraph relating to automatic renewals of rent exemption orders. Any application or renewal application for a rent exemption order shall also constitute an application for a tax abatement under such section. The department [for the aging] of finance and such other agency as the mayor shall designate may, with respect to renewal applications by tenants who have been found eligible for rent exemption orders, prescribe a simplified form including a certification of the applicant's continued eligibility in lieu of a detailed statement of income and other qualifications.

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department [for the aging made on or after April first, nineteen hundred eighty-seven] of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after [the effective date of the local law that amended this section] October tenth, two thousand five. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent exemption order.

§5. The opening paragraph of subdivision c of section 26-406 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

For any individual housing accommodation, the tax abatement computed pursuant to subdivision b of this section shall be available with respect to a period commencing on the effective date of the initial rent exemption order, or January first, nineteen hundred seventy-two, whichever is later, and ending on the expiration date of such order or on the effective date of an order terminating the rent exemption. Notwithstanding any other provision of law, when a head of a household to whom a then current, valid tax abatement certificate has been issued under this chapter, chapter four or chapter seven of this title moves his or her principal residence to a subsequent dwelling unit subject to regulation under this chapter, the head of the household may apply to the department [for the aging] of finance or such other agency as the mayor shall designate for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent for the subsequent dwelling unit which is the least of the following:

§6. Subdivision d of section 26-406 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

d. Prior to the commencement of each fiscal year, the department [for the aging or such other agency as the mayor shall designate] *of finance shall determine the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons sixty-two years of age or older were in effect for all or any part of the preceding calendar year. Prior to the commencement of each fiscal year, such agency as the mayor shall designate shall determine and, if such agency is not the department of finance, shall notify the department of finance of the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons with disabilities were in effect for all or any part of the preceding calendar year. The commissioner of finance shall make the appropriate adjustment in the real estate tax payable in such fiscal year.*

§7. Subdivision a of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

a. Commencement of agency jurisdiction.

(1) (i) Notwithstanding any provisions of this chapter to the contrary, [on and after July first, nineteen hundred ninety-two, the department for the aging] *the department of finance shall grant rent increase exemption orders or tax exemption certificates to senior citizens pursuant to this section and applications for such orders and certificates and renewal applications shall be made to the department [for the aging] of finance.*

(ii) Notwithstanding any provisions of this chapter to the contrary, such agency as the mayor shall designate (*which agency may also be the department of finance*) shall grant rent increase exemption orders or tax abatement certificates to persons with disabilities pursuant to this section and applications for such orders and certificates and renewal applications shall be made to such agency.

(2) The department [for the aging] *of finance* and such other agency as the mayor shall designate shall have the power, in relation to any application for a rent increase exemption order or tax abatement certificate under such [department] *department's* or agency's jurisdiction, to determine the lawful stabilization rent, but shall not receive applications for adjustment of the initial legal regulated rent pursuant to section 26-513 of this chapter.

(3) The department of finance[, the department for the aging] and such other agency as the mayor shall designate may promulgate such rules and regulations as may be necessary to effectively carry out the provisions of this section.

§8. Subparagraph (ii) of paragraph (2) of subdivision b of section 26-509 of such code, as amended by local law number 95 for the year 2005, is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department [for the aging] *of finance*) of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of the head of the household receiving benefits under this section whether received by the head of the household or any other member of the household;

§9. Subparagraph (ii) of paragraph (3) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(ii) Each such order shall expire upon termination of occupancy of the housing accommodation by the tenant to whom it is issued. The landlord shall notify the department [for the aging] *of finance* in the case of a household whose eligibility for such order is based on the fact that the head of such household is sixty-two years of age or older, or such agency as the mayor shall designate in the case of a household whose eligibility for such order is based on the fact that the head of such household is a person with a disability, on a form to be prescribed by such department or agency, within thirty days of each such termination of occupancy.

§10. Paragraphs (5) and (6) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, are amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the department [for the aging] *of finance* in the case of a tenant who is sixty-two years of age or older or to such agency as the mayor shall designate in the case of a tenant who is a person with a disability, in accordance with such [department] *department's* or agency's applicable regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application by the department [for the aging] *of finance* or such agency as the mayor shall designate, except that where there is any other increase in the legal regulated rent within ninety days of the

issuance of the order increasing the tenant's maximum rent which a tenant is not exempted from paying, the rent exemption order shall without further order of the department [for the aging] *of finance* or such agency as the mayor shall designate take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such order.

(6) A rent exemption order shall be valid for the period of the lease or renewal thereof upon application by the tenant; provided, that upon any such renewal application being made by the tenant, any rent exemption order then in effect with respect to such tenant shall be deemed renewed until such time as the department [for the aging] *of finance* or such agency as the mayor shall designate shall have found such tenant to be either eligible or ineligible for a rent exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent exemption order, such tenant shall be liable to the owner for the difference between the amounts the tenant has paid under the provisions of the automatically renewed order and the amounts which the tenant would have been required to pay in the absence of such order. Any rent exemption order issued pursuant to this subdivision shall include provisions giving notice as to the contents of this paragraph relating to automatic renewals of rent exemption orders and shall include provisions giving notice that the tenant must enter into either a one or two year renewal lease in order to be eligible for a rent exemption. The notice that each tenant receives from the owner relating to the right to a renewal lease shall contain similar information. Any application or renewal application for a rent exemption order shall also constitute an application for a tax abatement under such section. The department [for the aging] *of finance* and such other agency as the mayor shall designate may, with respect to renewal applications by the tenants who have been found eligible for rent exemption orders, prescribe a simplified form including a certification of the applicant's continued eligibility in lieu of a detailed statement of income and other qualifications.

§11. The opening paragraph of paragraph (7) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

Notwithstanding any other provisions of law, when a head of a household to whom a then current, valid rent exemption order has been issued under this chapter, chapter three or chapter seven of this title moves his or her principal residence to a subsequent dwelling unit subject to regulation under this chapter, the head of the household may apply to the department [for the aging] *of finance* or such other agency as the mayor shall designate for a rent exemption order relating to the subsequent dwelling unit, and such order may provide that the head of the household shall be exempt from paying that portion of the legal regulated rent for the subsequent dwelling unit which is the least of the following:

§12. Paragraph (9) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department [for the aging made on or after April first, nineteen hundred eighty-seven] *of finance made on or after the effective date of the local law that added this clause*, or any amendment to the regulations of such *other* agency as the mayor shall designate made on or after [the effective date of the local law that amended this section] *October tenth, two thousand five*. For purposes of this paragraph, "adjusted rent" shall mean legal regulated rent less the amount set forth in a rent exemption order.

§13. Paragraph (4) of subdivision c of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(4) Prior to the commencement of each fiscal year, the department [for the aging shall notify the department] *of finance [of] shall determine* the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons sixty-two years of age or older were in effect for all or any part of the preceding calendar year. Prior to the

commencement of each fiscal year, such agency as the mayor shall designate shall determine and, if such agency is not the department of finance, shall notify the department of finance of the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons with disabilities were in effect for all or any part of the preceding calendar year. The commissioner of finance shall make the appropriate adjustment in the real estate tax payable in such fiscal year.

§14. Any agency or officer to whom are assigned by this local law any powers or duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in law, rule, regulation, contract, grant, or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent with provisions of this local law, apply to the agency or officer to which such powers and duties are assigned by this local law. Any rule in force upon the effective date of this local law and promulgated by an agency or officer whose power to promulgate such rule is assigned by this local law to another agency or officer, shall continue in force as the rule of the agency or officer to whom such power is assigned, unless and until such rule is superseded, amended, or repealed.

§15. No civil, criminal, or administrative action or proceeding pending at the time when this local law shall take effect, brought by or against the city or any agency or officer of the city, shall be affected or abated by the enactment of this local law or by anything contained herein; but any or all such actions and proceedings previously involving the department for the aging may be assigned to the department of finance, at the department of finance's request. Provided, further, that in that event the same may be prosecuted or defended by the commissioner of finance.

§16. No existing right or remedy of the city of any character shall be lost or impaired or affected by reason of the enactment of this local law.

§17. This local law shall take effect 60 days after it is enacted into law, provided that for an additional period of 60 days following such effective date the department of finance may by written agreement between the agencies delegate to the department for the aging responsibilities necessary for the efficient administration of the senior citizen rent increase exemption program.

Referred to the Committee on Finance

Int. No. 1027

By Council Members Weprin, Jackson, James, Nelson and Seabrook (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to elevator inspection fees.

Be it enacted by the Council as follows:

Section 1. The equipment inspection fee of table 28-112.7.2 of section 28-112.7.2 of the administrative code of the city of New York, as added by local law 33 of 2007, is amended to read as follows:

Table 28-112.7.2

Inspection Type	Initial Fee	Renewal Fee	Comments
Equipment inspection fee:			
□ High-pressure boiler periodically inspected as provided by section 28-116.4.	\$65 for each inspection, for each boiler.		
□ Reinspection fee following a violation.	As provided by rule.		
□ Filing fee for report of periodic inspection of elevator and other devices.	\$30 for each device.		
□ Equipment inspection fee:			
Each elevator or other device regulated by this code.	[\$65] \$100 for each inspection, for each device.		

§2. This local law shall take effect July 1, 2009.

Referred to the Committee on Finance

Res. No. 2013

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010.

By Council Members Weprin, Jackson, Recchia.

Whereas, Section 1519-a of the New York City Charter, as amended by Local Law No. 66 of 2008, requires the Banking Commission to recommend to the City Council, not later than the twenty-fifth day of May in each year, a proposed discount percentage for early payment of real estate taxes to be effective for the ensuing fiscal year; and

Whereas, On May 22, 2009, the Banking Commission submitted to the City Council its recommendation that the discount percentage for early payment of real estate taxes prior to the dates on which such taxes become due and payable be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010; now, therefore, be it

Resolved, That the Council establishes that the discount percentage for early payment of real estate taxes be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010.

Referred to the Committee on Finance

Res. No. 2014

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Member Weprin.

Whereas, Pursuant to Section 11-224.1 the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the City's best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

Whereas, The Banking Commission recommended to the City Council, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2010; now, therefore, be it

Resolved, That the Council establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

Referred to the Committee on Finance

Res. No. 2015

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Member Weprin.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as added by Local Law No. 62 of 2005, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2010; now, therefore, be it

Resolved, That the Council establishes that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Referred to the Committee on Finance

Res. No. 2016

Resolution to establish that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

By Council Members Weprin and Gerson.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the Prime Rate, to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2010 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission further recommends to the City Council, that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2010 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not

more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council determines that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2010 for non-payment of water rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and, be it further

Resolved, That the Council establishes that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Referred to the Committee on Finance

Res. No. 2017

Resolution finding that the enactment of Int. No. 940 does not have a significant adverse impact on the environment and is consistent with The State Environmental Quality Review Act.

By Council Members White and Weprin.

Whereas, The enactment of Int. No. 940, A Local Law to amend the administrative code of the city of New York, in relation to the boundaries of the Chinatown/Lower East Side empire zone, is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Council and the Office of the Mayor, as co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, have considered the relevant environmental issues attendant to such enactment; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the Council and the Office of the Mayor have determined that a Negative Declaration should be issued; and

Whereas, The Council and the Office of the Mayor have examined and considered the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York have been met; and
- (3) consistent with environmental, social, economic and other essential considerations, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Economic Development; for text of Attachment to Res No. 2017, please see the Report of the Committee on Economic Development for Res No. 2017).

Int. No. 1028

By Council Members Yassky, James, Nelson, Mitchell and Gerson.

A Local Law to amend the administrative code of the city of New York in relation to reducing department of sanitation street cleaning days.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 16 of the administrative code of the city of New York is amended by adding a new section 16-112.1 to read as follows:

§16-112.1 Reductions in street cleaning. a. For purposes of this section, a "qualifying section" shall mean a section of a community district, subdivided pursuant to section 16-111 of this chapter, which achieves a cleanliness acceptability rating under the mayor's office of operations scorecard program that meets or exceeds a ninety percent score for twenty-four consecutive months.

b. For qualifying sections receiving more than one day of departmental street cleaning each week, upon submission to the department of a resolution by the community board in which the qualifying section is located, the department shall conduct one less day of street cleaning per week for such qualifying section.

d. The department shall restore full street cleaning service for any section of a community district for which departmental street cleaning was reduced pursuant to subdivisions b and c of this section that receives a score, based on the mayor's office of operations scorecard program, below ninety percent for three consecutive months, or if the average score for such section during any twenty-four month period falls below ninety percent.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Sanitation and Solid Waste Management

L.U. No. 1111

By Council Member Weprin:

Westbeth Corporation Housing Development fund Company Inc. 463 West Street, Manhattan, Council District No. 3.

Referred to the Committee on Finance

L.U. No. 1112

By Council Member Katz:

Application no. 20095326 SCK, a proposed site for 680 seat primary school known as P.S. 331 K, to be located at 7002-40 Fourth Ave., 364-86 Ovington Ave. (Block 5891, Lot 48 p/o), Council District No. 43, Borough of Brooklyn.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 1113

By Council Member Katz:

Application no. 20095229 SCK, a proposed site for a new, approximately 300 seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Council District No. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 1114

By Council Member Katz:

Application no. N 0 090306 ZRM by the Battery Park City Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article VII, Chapter 4 (Special Battery Park City District) relating to paragraph e of Section 84-144 (Location of Curb Cuts) on the east side of battery place between Second Place and Third Place.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1115

By Council Member Katz:

Application no. N 090302 ZRX by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article VI, Chapter

2 (Special Regulations Applying in the Waterfront Area); Article VIII, Chapter 7 establishing the Special Harlem River Waterfront District; and Article XII, Chapter 3 (Special Mixed Use District) specifying a special Mixed Use District (MX-13) and amending related sections of the Zoning Resolution.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1116

By Council Member Katz:

Application no. C 090166 MMX by the Department of City Planning, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment of the City Map, involving the establishment of a waterfront Park in area bounded by Major Deegan Boulevard, the Harlem River, and the extensions of East 144th Street and East 146th Street and any acquisition or disposition of real property.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1117

By Council Member Katz:

Application no. C 090302 ZRX by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article VIII, Chapter 7 establishing the Special Harlem River Waterfront District; and Article XII, Chapter 3 (Special Mixed Use District) specifying a special Mixed Use District (MX-13) and amending related sections of the Zoning Resolution.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1118

By Council Member Katz:

Application no. 20095459 HKQ (N 090369 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 411, LP-2316) by the Landmarks Preservation Commission of Jamaica High School located at 167-01 Gothic Drive, Council District no. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 1119

By Council Member Katz:

Application no. 20095460 HKR (N 090370 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 411, LP-2211) by the Landmarks Preservation Commission of the Rutan-Journey House located at 7647 Amboy Road, Council District no. 51.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 1120

By Council Member Katz:

Application no. 20095461 HKX (N 090371 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 411,

LP-2311) by the Landmarks Preservation Commission of the New York Botanical Garden Museum, Fountain of Life and Tulip Tree Allee, Watson drive and Garden Way, Council District no 11.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 1121

By Council Member Katz:

Application no. 20095653 HHR pursuant to §7385 (6) of the Enabling Act, concerning the lease agreement of property on the campus of Sea View Hospital Rehabilitation Center and Home, Council District no 50.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 1122

By Council Member Katz:

Application no. 20095348 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for 18 Bedford Ave. LLC, d/b/a.18 Bedford Ave. Café , to establish, maintain and operate an unenclosed sidewalk café located at 18 Bedford Ave (Block 2645, Lot 35, 36), Borough of Brooklyn, Council District no.33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1123

By Council Member Katz:

Application no. 20095371 SCK, a proposed site for a new 900 seat primary school facility serving CSD 13 and 15, to be located at Old P.S. 133, (Block 940, Lot 1, 16 and 65), Council District No. 33, Borough of Brooklyn.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use

L.U. No. 1124

By Council Member Katz:

Application no. C 090313 ZMK submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17d, 23a, 23c and 23d.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 1125

By Council Member Katz:

Application no. 20095554 HKX (N 090392 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.412, LP-2322) by the Landmarks Preservation Commission of the New York Public Library, Woodstock Branch (Block 2657, Lot 30) Council District no 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 1126

By Council Member Katz:

Application no. 20095555 HKX (N 090393 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.412, LP-2323) by the Landmarks Preservation Commission of the New York Public Library, Hunts Point Branch (Block 2722, Lot 63), Council District no 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Due To The Exigencies Of The Budget Adoption, Meetings of the Finance and State and Federal Legislation Committees and the Stated Meeting Of The Council Are Recessed Subject To Call. We Will Keep You Advised Accordingly.

Thursday, June 11, 2009

Committee on **WOMEN'S ISSUES** jointly with the Subcommittee on **PUBLIC HOUSING** **11:00 A.M. Oversight** – Access to Public Housing for Victims of Domestic Violence
Committee Room – City Hall Darlene Mealy, Chairperson
..... Rosie Mendez, Chairperson

Committee on **TRANSPORTATION** **11:00 A.M. Proposed Int 886-A** - By Council Members Vacca, Felder, Gentile, Avella, Mark-Viverito, Nelson, Palma, Seabrook, Stewart, James, White Jr. and Gerson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring photographs to be included with certain notices of violation for parking violations.
Int 901 - By Council Members Liu, Brewer, Gerson, James, Koppell and Weprin - **A Local Law** to amend the administrative code of the city of New York, in relation to reserving parking spaces in public parking facilities for car sharing programs.
Int 980 - By Council Members Lappin, Avella, Barron, Brewer, Fidler, Gennaro, James, Koppell, Sears and White Jr. - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of transportation to create a plan for parking motorcycles.
Int 1017 - By Council Member Felder - **A LOCAL LAW** - To amend the administrative code of the city of New York, in relation to notification of changes in parking restrictions.
Council Chambers – City Hall John C. Liu, Chairperson

Committee on **HEALTH** jointly with the Committee on **GOVERNMENTAL OPERATIONS** and Committee on **PUBLIC SAFETY** **2:00 P.M. Oversight** - New York City's Response to H1N1 and Assessing Influenza Preparedness
Council Chambers – City Hall Joel Rivera, Chairperson
..... Helen Sears, Chairperson
..... Peter F. Vallone Jr., Chairperson

Monday, June 15, 2009

★ Addition

Committee on **CONSUMER AFFAIRS** jointly with the
 Committee on **TRANSPORTATION**.....**10:00 A.M.**
Proposed Int 780-A - By Council Members Koppell, Brewer, Comrie, James and Yassky - **A LOCAL LAW** - To amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots.
Proposed Int 871-A - By Council Members Yassky, Brewer, Comrie, Gonzalez, James, Koppell, Palma, Mendez, Gerson, Felder, White Jr., Vallone Jr., Foster, Mark-Viverito, Garodnick, Weprin, Seabrook, Gennaro, Nelson, Fidler, Gioia, de Blasio, Reyna, Gentile, Jackson, Barron, Crowley, Sanders Jr., Sears, and the Public Advocate (Ms. Gotbaum) - **A LOCAL LAW** - To amend the administrative code of the city of New York, in relation to bicycle access in commercial buildings.
 Council Chambers – City HallLeroy Comrie, Chairperson
 John C. Liu, Chairperson

★ Addition

Committee on **LOWER MANHATTAN REDEVELOPMENT**..... **1:00 P.M.**
Oversight - Update on Rebuilding of the World Trade Center Site
 Council Chambers – City Hall.....Alan Gerson, Chairperson

Tuesday, June 16, 2009

★ Deferred

Committee on **CONTRACTS**.....**10:00 A.M.**
 Agenda to be announced
 Committee Room – City Hall Letitia James, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT****10:00 A.M.**
Int 600 - By Council Members Felder, Brewer, Fidler, Gerson, James, Nelson, Stewart, Baez, Recchia Jr., Sanders Jr., Vacca, Yassky, Comrie, Dickens, Gentile, Vann, Weprin, Mark-Viverito and Avella - **A Local Law** to amend the administrative code of the city of New York, in relation to solid waste collections.
 Council Chambers – City Hall Simcha Felder, Chairperson

★ Deferred

Committee on **TECHNOLOGY IN GOVERNMENT**.....**10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

Committee on **HIGHER EDUCATION** jointly with the
 Committee on **CIVIL RIGHTS**..... **1:00 P.M.**
Oversight - CUNY’s “Decade of Science” initiative and efforts to promote diversity among students and faculty in science disciplines
 Council Chambers – City Hall Charles Barron, Chairperson
 Larry Seabrook, Chairperson

Wednesday, June 17, 2009

Committee on **AGING** jointly with the
 Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES**.....**10:00 A.M.**
Oversight – Examining the Alternatives to Nursing Home Care for Seniors and the Disabled
Proposed Res 1783-A - By Council Members Nelson, Avella, Comrie, Felder, Fidler, Foster, Gerson, Jackson, James, Koppell, Mealy, Seabrook, White Jr., Brewer, Barron, Gentile, Stewart, Liu, Gonzalez and Yassky - **Resolution** calling upon the United States Congress to pass and the President to sign H.R. 1670/S.683, legislation known as “The Community Choice Act,” which would reduce reliance by senior citizens and persons with disabilities on nursing home care by increasing their access to community-based services.
 Council Chambers – City Hall Maria del Carmen Arroyo, Chairperson
 G. Oliver Koppell, Chairperson

★ Deferred

Committee on **COMMUNITY DEVELOPMENT**.....**1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

Committee on **VETERANS**..... **1:00 P.M.**
Oversight - Services for Veterans at CUNY
 Council Chambers – City Hall James Sanders, Chairperson

★ Deferred

Committee on **PUBLIC SAFETY** **1:00 P.M.**
 Agenda to be announced
 Council Chambers – City Hall Peter Vallone, Chairperson

Thursday, June 18, 2009

★ Note Location Change

Committee on **EDUCATION****10:00 A.M.**
Oversight - New High School Graduation Requirements
Res 1281 - By Council Members Jackson, Mark-Viverito, Foster, Gonzalez, Arroyo, Palma, James, Comrie, Dickens, Mendez, Stewart, Vann, White Jr., Recchia Jr., Rivera, Barron, Gentile, Seabrook, Yassky, Mealy, Liu, Weprin, Baez, Vacca, Avella, Martinez, Eugene, Sears, Nelson and Gennaro - **Resolution** calling upon the New York City Department of Education to incorporate the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha as observed school holidays in the school calendar for the city school district of the city of New York; and calling upon the State legislature to pass, and the Governor to sign into law, A.6589/S.3142, an Act to amend the education law, in relation to requiring that Eid Ul-Fitr and Eid Ul-Adha be school holidays in the city school district of the city of New York.
 ★ Committee Room – City..... Robert Jackson, Chairperson

★ Deferred

Committee on **ENVIRONMENTAL PROTECTION**.....**1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor..... James F. Gennaro, Chairperson

★ Deferred

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** **1:00 P.M.**
 Agenda to be announced
 Council Chambers – City Hall Domenic M. Recchia Jr., Chairperson

★ Addition

Committee on **CONSUMER AFFAIRS** **3:00 P.M.**
Oversight - Update on the Foreclosure Crisis in New York City- Report from Southeast Queens.
Location:
 The Little Theater – York College
 9420 Guy R. Brewer Blvd., Jamaica, NY 11433Leroy Comrie, Chairperson

Friday, June 19, 2009

★ Addition

Committee on **ENVIRONMENTAL PROTECTION**.....**10:00 A.M.**
Proposed Int 476-A - By Council Members Mark-Viverito, Recchia Jr., Avella, Brewer, Fidler, Gentile, James, Liu, Martinez, Nelson, Seabrook, Weprin, White Jr., Garodnick, Lappin and Yassky - **A Local Law** to amend the administrative code of the city of New York, in relation to benchmarking the energy and water efficiency of buildings.
Proposed Int 564-A - By Council Members Garodnick, Brewer, Fidler, Gonzalez, James, Koppell, Martinez, Sanders Jr., Seabrook, Weprin, White Jr., Gerson, Lappin. and Yassky - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a New York city energy code.
Int 967 - By Council Members Gennaro, Brewer, Comrie, Dickens, Fidler, Garodnick, Gioia, James, Koppell, Lappin, Martinez, Mitchell, Palma, Recchia Jr., Reyna, Rivera, Stewart Weprin, Nelson, Liu and Yassky - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring energy audits, retro-commissioning and retrofits of building systems.
Int 973 - By Council Members Recchia, Jr., Comrie, Dickens, Fidler, Garodnick, Gioia, James, Lappin, Martinez, Mitchell, Nelson, Reyna, Rivera, Stewart, Liu and Yassky - **A Local Law** to amend the administrative code of the city of New York, in relation to upgrading lighting systems in existing buildings greater than 50,000 gross square feet.
 Council Chambers – City HallJames Gennaro, Chairperson

Monday, June 22, 2009

Committee on IMMIGRATION jointly with the Committee on HEALTH and Committee on PUBLIC SAFETY and Committee on WOMEN'S ISSUES..... 1:00 P.M. Oversight - How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women? Council Chambers – City Hall Kendall Stewart, Chairperson Joel Rivera, Chairperson Peter Vallone, Chairperson Darlene Mealy, Chairperson

Note Time and Location Change

Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES..... 2:00 P.M. Oversight - Mental Health Clinic Reimbursement Restructuring Committee Room – City G. Oliver Koppell, Chairperson

Tuesday, June 23, 2009

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall Committee Room – City Hall Tony Avella, Chairperson

Committee on CONSUMER AFFAIRS.....10:00 A.M. Int 995 - By Council Member Garodnick, the Speaker (Council Member Quinn) and Council Members Comrie, Jackson, Brewer, Dickens, Fidler, James, Liu, Mealy, Nelson, Reyna, Sanders Jr. and Stewart - A Local Law to amend the administrative code of the city of New York, in relation to disclosure of tenant screening reports. Council Chambers – City Hall Leroy Comrie, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall Committee Room – City Hall Jessica Lappin, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS.....1:00 P.M. See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall Committee Room – City Hall Daniel Garodnick, Chairperson

Committee on SMALL BUSINESS..... 1:00 P.M. Oversight – Using Workforce Development as a Tool to Diversify the Economy Hearing Room – 250 Broadway, 14th Floor David Yassky, Chairperson

Note Time and Location Change

Committee on TRANSPORTATION..... 1:00 P.M. Agenda to be announced Council Chambers – City Hall John C. Liu, Chairperson

Addition

Committee on COMMUNITY DEVELOPMENT..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

Wednesday, June 24, 2009

Committee on EDUCATION10:00 A.M. Agenda to be announced Council Chambers – City Robert Jackson, Chairperson

Committee on PARKS AND RECREATION.....10:00 A.M. Oversight - Update on Community Gardens

Preconsidered Int - By (The Speaker) Council Member Quinn and Council Members Arroyo, Barron, Comrie, Crowley, de Blasio, Dickens, Gentile, Gerson, Martinez, Mitchell, Recchia, Jr., Rivera, Sanders, Jr., Sears, Ulrich, and Weprin - A Local Law - In relation to the naming of 41 thoroughfares and public places, Police Officer Deon Taylor Way, Borough of the Bronx, Sgt. Kimel L. Watt Way, Borough of Brooklyn, Run DMC Way, Borough of Queens, Nancy Cataldi Way, Borough of Queens, Frederick T. Haller, Jr. Way, Borough of Queens, Frank J. Verderame Way, Borough of Brooklyn, Sugar Ray Robinson Way, Borough of Manhattan, James Weldon Johnson Plaza, Borough of Manhattan, Robert M. Buonvino Place, Borough of Brooklyn, Frank Durkan Way, Borough of Manhattan, Dr. Thomas Tam Way, Borough of Manhattan, Professor Juan Bosch Way, Borough of Manhattan, Mr. Joe Marotta Way, Borough of Staten Island, John A. Nappi Flag Way, Borough of Staten Island, Sgt. Kenneth C. Amatrudo Way, Borough of Staten Island, James "Skippy" Prior Way, Borough of Staten Island, Jimmy O' Hanlon Way, Borough of Staten Island, NYPD Sgt. Ned Thompson Way, Borough of Staten Island, Lisa Moudatsos Way, Borough of Staten Island, Pfc. Ronald Jones Way, Borough of Staten Island, Police Officer Gerard L. Carter Avenue, Borough of Staten Island, Monsignor John T. Servodidio Way, Borough of Staten Island, Arielle Newman Run, Borough of Staten Island, Firefighter Bobby Beddia Way, Borough of Manhattan, Robert "Mr. Lou" Williams Way, Borough of Brooklyn, Thomas L. Guess Place, Borough of the Bronx, Hector Lavoe Boulevard, Borough of the Bronx, Henry McKenzie Place, Borough of the Bronx, Donnette and Sean Sanz Place, Borough of the Bronx, Vincent Jackson Way, Borough of the Bronx, Rev. James B. Staggers Place, Borough of the Bronx, PFC Le Ron A. Wilson, Borough of Queens, Corporal Jonathan Rivadeneira Corner, Borough of Queens, Judge Ralph Sherman Way, Borough of Queens, Major Jeffery Ray Calero Way, Borough of Queens and renaming six thoroughfares in the Borough of Queens, 163rd Road, 163rd Drive, 164th Avenue, 164th Road, 164th Drive, 165th Avenue and to amend the official map of the city of New York accordingly and the repeal of sections 36 and 38 of local law number 64 for the year 2008 and local law number 54 for the year 2008.

Res 1890 - By Council Members Foster, Barron, Jackson and James - Resolution calling on the Department of City Planning, pursuant to New York City Charter section 197-c, to commence the process to change the official New York City Map to designate Parks Department GreenThumb Community Gardens as City Parks. Committee Room – City Hall Helen Foster, Chairperson

Committee on TECHNOLOGY IN GOVERNMENT 10:00 A.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

Committee on HOUSING AND BUILDINGS..... 1:00 P.M. Agenda to be announced Council Chambers – City Hall Erik Martin-Dilan, Chairperson

Committee on GENERAL WELFARE 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Bill de Blasio, Chairperson

Committee on ECONOMIC DEVELOPMENT..... 1:00 P.M. Agenda to be announced Committee Room – City Hall Thomas White, Chairperson

Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th Floor James F. Gennaro, Chairperson

Thursday, June 25, 2009

Addition

Committee on CONTRACTS.....10:00 A.M. Res 1977 - By Council Members Comrie, Seabrook, Dickens, Fidler, Gonzalez, Mealy, Reyna and Sanders Jr. - Resolution calling upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid. Hearing Room – 250 Broadway, 14th Floor Letitia James, Chairperson

Committee on LAND USE.....10:00 A.M. All items reported out of the subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall Melinda R. Katz, Chairperson

Committee on **PUBLIC SAFETY**.....**10:00 A.M.**

Agenda to be announced

Council Chambers – City..... Peter Vallone, Chairperson

★ Deferred

Committee on **HEALTH**..... **1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14th Floor Joel Rivera, Chairperson

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – City Hall Miguel Martinez, Chairperson

Monday, June 29, 2009

Committee on **CONSUMER AFFAIRS**..... **10:00 A.M.**
 Agenda to be announced
 Council Chambers – City Hall Leroy Comrie, Chairperson

Committee on **SMALL BUSINESS**..... **1:00 P.M.**
 Agenda to be announced
 Council Chambers – City HallDavid Yassky, Chairperson

Tuesday, June 30, 2009

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Quinn), the Public Advocate (Ms. Gotbaum) declared the Meeting in recess.

THE COUNCIL

*Minutes of the
 RECESSED MEETING*

of

Wednesday, June 10, 2009

held on

Monday, June 15, 2009, 1:25 p.m.

The Public Advocate (Ms. Gotbaum)

Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Michael Nelson
Tony Avella	Alan J. Gerson	James S. Oddo
Maria Baez	Eric N. Gioia	Annabel Palma
Charles Barron	Sara M. Gonzalez	Domenic M. Recchia, Jr.
Gale A. Brewer	Vincent M. Ignizio	Diana Reyna
Leroy G. Comrie, Jr.	Robert Jackson	Joel Rivera
Elizabeth S. Crowley	Letitia James	Larry B. Seabrook
Bill DeBlasio	Melinda R. Katz	Helen Sears
Inez E. Dickens	G. Oliver Koppell	Kendall B. Stewart
Erik Martin Dilan	Jessica S. Lappin	Eric A. Ulrich
Mathieu Eugene	John C. Liu	James Vacca
Simcha Felder	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Julissa Ferreras	Darlene Mealy	Albert Vann*
Lewis A. Fidler	Rosie Mendez*	David I. Weprin
Helen D. Foster	Kenneth C. Mitchell	David Yassky
Daniel R. Garodnick		
James F. Gennaro		

Excused on June 15, 2009: Council Members Martinez, Sanders, and White.

The presence of a quorum was announced by the City Clerk and Clerk of the Council (Mr. McSweeney).

*There were 48 Council Members present at this Recessed Meeting held on June 15, 2009 (but see Editor's Note No. 2 below**)*

During this Recessed Meeting held on June 15, 2009, Council Members Mendez and Vann chose to cast affirmative votes for the items coupled on the Land Use Call-up and General Order Calendars of the Stated Council Meeting of June 10, 2009 with the following exceptions: Council Member Mendez cast a negative vote against LU No. 1073 & Res No. 2018, LU No. 1074 & Res No. 2019, and LU No. 1075 & Res No. 2020 (please see Editor's Note No. 1 below*).

** Editor's Note No. 1 - re: revised Attendance and Voting for the Stated Meeting held on June 10, 2009: The Stated Council Meeting of June 10, 2009 opened on June 10, 2009, continued on June 15, 2009 and June 19, 2009, and was adjourned after brief proceedings held on June 30, 2009 (shortly before the start of the regularly scheduled Stated Council Meeting of June 30, 2009). Though not present on June 10, 2009, Council Members Mendez and Vann were present at this Recessed Meeting held on June 15, 2009 and are, thereby, considered present for attendance and voting purposes for the Stated Council Meeting of June 10, 2009. Council Members Mendez and Vann chose to cast affirmative votes on June 15, 2009 for the items coupled on the Land Use Call-up and General Order Calendars of the Stated Council Meeting held on June 10, 2009 with the following exceptions: Council Member Mendez cast a negative vote against LU No. 1073 & Res No. 2018, LU No. 1074 & Res No. 2019, and LU No. 1075 & Res No. 2020 (please see the LU Call-up and General Order vote printed in the Minutes of the Stated Council Meeting of June 10, 2009).*

** Editor's Note No. 2 - re: revised Attendance and Voting for the Recessed Meeting of June 10, 2009 held on June 15, 2009: The Stated Council Meeting of June 10, 2009 opened on June 10, 2009, continued on June 15, 2009 and June 19, 2009, and was adjourned after brief proceedings held on June 30, 2009 (shortly before the start of the regularly scheduled Stated Council Meeting of June 30, 2009). Though not present on June 15, 2009, Council Members Martinez, Sanders, and White were present at the Recessed Meeting held on June 19, 2009 and are, thereby, considered present for attendance and voting purposes for the Recessed Meeting of June 10, 2009 held on June 15, 2009. Council Members Martinez, Sanders, and White chose to cast affirmative votes on June 19, 2009 for the items coupled on the Supplemental General Order Calendar of the Recessed Meeting held on June 15, 2009 (please see the Supplemental General Order vote printed in these Minutes of the Recessed Meeting of June 10, 2009 held on June 15, 2009).

SUPPLEMENTAL MESSAGES & PAPERS FROM THE MAYOR

M-1461

Communication from the Mayor - "AN ACT to amend the tax law and the administrative code of the city of New York, in relation to increasing certain sales and compensating use taxes in cities having a population of one million or more persons" A.8866.

(The following is the text from the Bluebacks submitted and signed by the Mayor:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. 8866), entitled:

"AN ACT to amend the tax law and the administrative code of the city of New York, in relation to increasing certain sales and compensating use taxes in cities having a population of one million or more persons."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

[X] The local government does not have the power to enact such legislation by local law.

[] Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

[X] The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

[] The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____ (Chief Executive Officer)

MICHAEL R. BLOOMBERG (Print or Type Name Below Signature)

Mayor

(Title of Chief Executive Officer)

Date: June 15, 2009

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____ 2009, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____ Clerk

[SEAL OF LOCAL GOVERNMENT]

MICHAEL McSWEENEY (Print or Type Name Below Signature)

Date: _____, 20 _____

(The following is the text of the State Assembly bill:)

STATE OF NEW YORK

8866

2009-2010 Regular Sessions

IN ASSEMBLY

June 11, 2009

Introduced by M. of A. FARRELL, SILVER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the administrative code of the city of New York, in relation to increasing certain sales and compensating use taxes in cities having a population of one million or more persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Clause 1 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 3 of part SS-1 of
3 chapter 57 of the laws of 2008, is amended to read as follows:
4 (1) ~~For the period beginning August first, two thousand eight,~~ any
5 such city having a population of one million or more is hereby author-
6 ized and empowered to adopt and amend local laws, ordinances or resolu-
7 tions imposing such taxes in any such city, at the rate of four and
8 one-half percent;
9 § 2. Paragraph 4 of subdivision (a) of section 1210 of the tax law, as
10 amended by section 5 of part SS-1 of chapter 57 of the laws of 2008, is
11 amended to read as follows:
12 (4) Notwithstanding any other provision of law to the contrary, any
13 local law enacted by any city of one million or more that imposes the
14 taxes authorized by this subdivision (i) may omit the exemption provided
15 in subparagraph (ii) of paragraph three of subdivision (c) of section
16 eleven hundred five of this chapter for receipts from laundering, dry-
17 cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining;
18 (ii) may impose the tax described in paragraph six of subdivision (c) of
19 section eleven hundred five of this chapter at a rate in addition to the
20 rate prescribed by this section not to exceed two percent in multiples
21 of one-half of one percent; (iii) shall provide that the tax described
22 in paragraph six of subdivision (c) of section eleven hundred five of
23 this chapter does not apply to facilities owned and operated by the city
24 or an agency or instrumentality of the city or a public corporation the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD14332-01-9

A. 8866

2

1 majority of whose members are appointed by the chief executive officer
2 of the city or the legislative body of the city or both of them; (iv)
3 shall not include any tax on receipts from, or the use of, the services
4 described in paragraph seven of subdivision (c) of section eleven
5 hundred five of this chapter; (v) shall provide that, for purposes of
6 the tax described in subdivision (e) of section eleven hundred five of
7 this chapter, "permanent resident" means any occupant of any room or
8 rooms in a hotel for at least one hundred eighty consecutive days with
9 regard to the period of such occupancy; (vi) may omit the exemption
10 provided in paragraph one of subdivision (f) of section eleven hundred
11 five of this chapter for charges to a patron for admission to, or use
12 of, facilities for sporting activities in which the patron is to be a
13 participant, such as bowling alleys and swimming pools; (vii) ~~shall~~
14 ~~may~~ provide the clothing and footwear exemption in paragraph thirty
15 of subdivision (a) of section eleven hundred fifteen of this chapter
16 ~~[but must exempt clothing and footwear and any item used or consumed to~~
17 ~~make or repair exempt clothing and which becomes a physical component~~
18 ~~part of that exempt clothing], and, notwithstanding any provision of~~
19 ~~subdivision (d) of this section to the contrary, any local law providing~~
20 ~~for such exemption or repealing such exemption, may go into effect on~~
21 ~~any one of the following dates: March first, June first, September first~~
22 ~~or December first; (viii) shall omit the exemption provided in paragraph~~
23 ~~forty-one of subdivision (a) of section eleven hundred fifteen of this~~
24 ~~chapter; (ix) shall omit the exemption provided in subdivision (c) of~~
25 ~~section eleven hundred fifteen of this chapter insofar as it applies to~~
26 ~~fuel, gas, electricity, refrigeration and steam, and gas, electric,~~
27 ~~refrigeration and steam service of whatever nature for use or consump-~~
28 ~~tion directly and exclusively in the production of gas, electricity,~~
29 ~~refrigeration or steam; ~~and~~ (x) shall omit, unless such city elects~~
30 ~~otherwise, the provision for refund or credit contained in clause six of~~
31 ~~subdivision (a) of section eleven hundred nineteen of this chapter; and~~
32 ~~(xi) shall provide that section eleven hundred five-C of this chapter~~
33 ~~does not apply to such taxes, and shall tax receipts from every sale,~~
34 ~~other than sales for resale, of gas service or electric service of what-~~
35 ~~ever nature, including the transportation, transmission or distribution~~
36 ~~of gas or electricity, even if sold separately, at the rate set forth in~~
37 ~~clause one of subparagraph (i) of the opening paragraph of this section.~~
38 § 3. Paragraph 4 of subdivision (a) of section 1210 of the tax law, as
39 amended by section 35 of part S-1 of chapter 57 of the laws of 2009, is
40 amended to read as follows:
41 (4) Notwithstanding any other provision of law to the contrary, any
42 local law enacted by any city of one million or more that imposes the
43 taxes authorized by this subdivision (i) may omit the exemption provided
44 in subparagraph (ii) of paragraph three of subdivision (c) of section
45 eleven hundred five of this chapter for receipts from laundering, dry-
46 cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining;
47 (ii) may impose the tax described in paragraph six of subdivision (c) of
48 section eleven hundred five of this chapter at a rate in addition to the
49 rate prescribed by this section not to exceed two percent in multiples
50 of one-half of one percent; (iii) shall provide that the tax described
51 in paragraph six of subdivision (c) of section eleven hundred five of
52 this chapter does not apply to facilities owned and operated by the city
53 or an agency or instrumentality of the city or a public corporation the
54 majority of whose members are appointed by the chief executive officer
55 of the city or the legislative body of the city or both of them; (iv)
56 shall not include any tax on receipts from, or the use of, the services

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1 described in paragraph seven of subdivision (c) of section eleven
2 hundred five of this chapter; (v) shall provide that, for purposes of
3 the tax described in subdivision (e) of section eleven hundred five of
4 this chapter, "permanent resident" means any occupant of any room or
5 rooms in a hotel for at least one hundred eighty consecutive days with
6 regard to the period of such occupancy; (vi) may omit the exemption
7 provided in paragraph one of subdivision (f) of section eleven hundred
8 five of this chapter for charges to a patron for admission to, or use
9 of, facilities for sporting activities in which the patron is to be a
10 participant, such as bowling alleys and swimming pools; (vii) ~~shall~~
11 ~~may~~ provide the clothing and footwear exemption in paragraph thirty
12 of subdivision (a) of section eleven hundred fifteen of this chapter
13 ~~[but must exempt clothing and footwear and any item used or consumed to~~
14 ~~make or repair exempt clothing and which becomes a physical component~~
15 ~~part of that exempt clothing], and, notwithstanding any provision of~~
16 ~~subdivision (d) of this section to the contrary, any local law providing~~
17 ~~for such exemption or repealing such exemption, may go into effect on~~
18 ~~any one of the following dates: March first, June first, September first~~
19 ~~or December first; (viii) shall omit the exemption provided in paragraph~~
20 ~~forty-one of subdivision (a) of section eleven hundred fifteen of this~~
21 ~~chapter; (ix) shall omit the exemption provided in subdivision (c) of~~
22 ~~section eleven hundred fifteen of this chapter insofar as it applies to~~
23 ~~fuel, gas, electricity, refrigeration and steam, and gas, electric,~~
24 ~~refrigeration and steam service of whatever nature for use or consump-~~
25 ~~tion directly and exclusively in the production of gas, electricity,~~
26 ~~refrigeration or steam; ~~and~~ (x) shall omit, unless such city elects~~
27 ~~otherwise, the provision for refund or credit contained in clause six of~~
28 ~~subdivision (a) or in subdivision (d) of section eleven hundred nineteen~~
29 ~~of this chapter; and (xi) shall provide that section eleven hundred~~
30 ~~five-C of this chapter does not apply to such taxes, and shall tax~~
31 ~~receipts from every sale, other than sales for resale, of gas service or~~
32 ~~electric service of whatever nature, including the transportation,~~
33 ~~transmission or distribution of gas or electricity, even if sold separ-~~
34 ~~ately, at the rate set forth in clause one of subparagraph (i) of the~~
35 ~~opening paragraph of this section.~~
36 § 4. Paragraphs 2 and 3 of subdivision (a) of section 1212-A of the
37 tax law, paragraph 2 as amended by chapter 190 of the laws of 1990 and
38 paragraph 3 as amended by chapter 525 of the laws of 2008, are amended
39 to read as follows:

1 (2) a tax, at the same uniform rate, but at a rate not to exceed four
2 and one-half per centum, in multiples of one-half of one per centum, on
3 the receipts from every sale of the following services: beauty, barber-
4 ing, hair restoring, manicuring, pedicuring, electrolysis, massage
5 services and similar services, and every sale of services by weight
6 control salons, health salons, gymnasiums, turkish and sauna bath and
7 similar establishments and every charge for the use of such facilities,
8 whether or not any tangible personal property is transferred in conjunc-
9 tion therewith; but excluding services rendered by a physician, osteo-
10 path, dentist, nurse, physiotherapist, chiropractor, podiatrist, optome-
11 trist, ophthalmic dispenser or a person performing similar services
12 licensed under title VIII of the education law, as amended, and exclud-
13 ing such services when performed on pets and other animals.
14 (3) ~~For a period beginning no earlier than January first, nineteen~~
15 ~~hundred ninety and ending December thirty-first, two thousand eleven,~~
16 a tax, at the same uniform rate, but at a rate not to exceed four and
17 one-half per centum, in multiples of one-half of one per centum, on the

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4

1 receipts from every sale of any or all of the following services in
2 whole or in part: credit rating, credit reporting, credit adjustment
3 and collection services, including, but not limited to, those services
4 provided by mercantile and consumer credit rating or reporting bureaus
5 or agencies and credit adjustment or collection bureaus or agencies,
6 whether rendered in written or oral form or in any other manner, except
7 to the extent otherwise taxable under article twenty-eight of this chap-
8 ter; notwithstanding the foregoing, collection services shall not
9 include those services performed by a law office or a law and collection
10 office, the maintenance or conduct of which constitutes the practice of
11 law, if the services are performed by an attorney at law who has been
12 duly licensed and admitted to practice law in this state. The local law
13 imposing the taxes authorized by this paragraph may provide for exclu-
14 sions and exemptions in addition to those provided for in such para-
15 graph. Provided, however, that the tax hereby authorized shall not be
16 imposed after November thirtieth, two thousand eleven.

17 § 5. Subdivisions (a) and (b) of section 11-2001 of the administrative
18 code of the city of New York, as added by section 13 of part SS-1 of
19 chapter 57 of the laws of 2008, are amended to read as follows:

20 (a) ~~On and after August first, two thousand eight, there~~ are
21 hereby imposed and there shall be paid all of the sales and compensating
22 use taxes described in article twenty-eight of the tax law as authorized
23 by subdivision (a) of section twelve hundred ten of the tax law, at the
24 rate of four and one-half percent, provided that the taxes described in
25 paragraph six of subdivision (c) of section eleven hundred five of the
26 tax law shall be imposed and paid at the rate of six percent.

27 (b) Notwithstanding any contrary provision of this section or other
28 law, this section:

29 (1) does not impose tax on (i) receipts from the sale of the services
30 of laundering, dry-cleaning, tailoring, weaving, pressing, shoe repair-
31 ing and shoe shining described in subparagraph (ii) of paragraph three
32 of subdivision (c) of section eleven hundred five of the tax law; (ii)
33 receipts from the sale of services described in paragraph six of subdivi-
34 sion (c) of section eleven hundred five of the tax law at facilities
35 owned and operated by the city or an agency or instrumentality of the
36 city or a public corporation the majority of whose members are appointed
37 by the mayor or the city council or both of them;

38 (2) for purposes of the tax described in subdivision (e) of section
39 eleven hundred five of the tax law, defines "permanent resident" to mean
40 any occupant of any room or rooms in a hotel for at least one hundred
41 eighty consecutive days with regard to the period of such occupancy;

42 (3) does not omit from the tax described in paragraph one of subdivi-
43 sion (f) of section eleven hundred five of the tax law charges to a
44 patron for admission to, or use of, facilities for sporting activities
45 in which such patron is to be a participant, such as bowling alleys and
46 swimming pools;

47 (4) ~~does not provide~~ provides the clothing and footwear exemption in
48 paragraph thirty of subdivision (a) of section eleven hundred fifteen of
49 the tax law ~~[but does exempt clothing and footwear and any item used or~~
50 ~~consumed to make or repair exempt clothing and which becomes a physical~~
51 ~~component part of that exempt clothing];~~

52 (5) omits the exemption provided in paragraph forty-one of subdivision
53 (a) of section eleven hundred fifteen of the tax law;

54 (6) omits the exemption provided in subdivision (c) of section eleven
55 hundred fifteen of the tax law insofar as it applies to fuel, gas, elec-
56 tricity, refrigeration and steam, and gas, electric, refrigeration and

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1 steam service of whatever nature for use or consumption directly and
 2 exclusively in the production of gas, electricity, refrigeration or
 3 steam; ~~(and)~~

4 (7) omits the provision for refund or credit contained in clause six
 5 of subdivision (a) of section eleven hundred nineteen of the tax law;
 6 and

7 (8) makes inapplicable section eleven hundred five-C of the tax law,
 8 and imposes tax on receipts from every sale, other than sales for
 9 resale, of gas service or electric service of whatever nature, including
 10 the transportation, transmission or distribution of gas or electricity,
 11 even if sold separately, at the rate set forth in subdivision (a) of
 12 this section.

13 § 6. Subdivision (a) of section 11-2002 of the administrative code of
 14 the city of New York, as amended by chapter 525 of the laws of 2008, is
 15 amended to read as follows:

16 (a) ~~[For the period commencing August first, two thousand eight, and~~
 17 ~~ending December thirty-first, two thousand eleven, these] There are~~
 18 hereby imposed and there shall be paid sales taxes at the rate of four
 19 and one-half percent on receipts from every sale of the services of
 20 beauty, barbering, hair restoring, manicuring, pedicuring, electrolysis,
 21 massage services and similar services, and every sale of services by
 22 weight control salons, health salons, gymnasiums, turkish and sauna bath
 23 and similar establishments and every charge for the use of such facili-
 24 ties, whether or not any tangible personal property is transferred in
 25 conjunction therewith; but excluding services rendered by a physician,
 26 osteopath, dentist, nurse, physiotherapist, chiropractor, podiatrist,
 27 optometrist, ophthalmic dispenser or a person performing similar
 28 services licensed under title eight of the education law, as amended,
 29 and excluding such services when performed on pets and other animals, as
 30 authorized by subdivision (a) of section twelve hundred twelve-A of the
 31 tax law. ~~Provided, however, that the tax hereby imposed shall not be~~
 32 ~~imposed after November thirtieth, two thousand eleven.~~

33 § 7. The opening paragraph of subdivision (a) of section 11-2040 of
 34 the administrative code of the city of New York, as amended by chapter
 35 525 of the laws of 2008, is amended to read as follows:

36 ~~[On and after September first, nineteen hundred seventy-five, these]~~
 37 There is hereby imposed within the city and there shall be paid a tax at
 38 the rate of four and one-half percent upon the receipts from every sale,
 39 except for resale, of the following services, provided, however, that
 40 the tax hereby imposed shall not be imposed after ~~(December thirty-~~
 41 ~~fourth) November thirtieth, two thousand eleven, on receipts from sales~~
 42 of the services specified in paragraph one of this subdivision:

43 § 8. This act shall take effect on the first day of the month next
 44 commencing after it shall have become a law and shall apply to sales
 45 made, uses occurring and services rendered on or after that date in
 46 accordance with applicable transitional provisions in sections 1106 and
 47 1217 of the tax law; provided, however, that section three of this act
 48 shall take effect on the same date and in the same manner as section 35
 49 of part S-1 of chapter 57 of the laws of 2009, as amended, takes effect.

<http://nyslrs.state.ny.us/NYSLBDC1/bstfme.cgi>

6/15/2009

(The following is the text of the State Sponsor's Memorandum in Support:)

RETRIEVE BILL

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NEW YORK STATE ASSEMBLY
 MEMORANDUM IN SUPPORT OF LEGISLATION
 submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A8866

SPONSOR: Farrell (MS)

TITLE OF BILL: An act to amend the tax law and the administrative
 code of the city of New York, in relation to increasing certain sales
 and compensating use taxes in cities having a population of one million
 or more persons

SUMMARY OF PROVISIONS: Sections one and four of this bill amend
 Sections 1210 and 1212-A of the Tax Law, respectively, to authorize
 cities with a population of one million or more to increase from four
 percent to four and one-half percent the rate of certain sales and
 compensating use taxes imposed by such cities. Sections five, seven and
 eight of the bill amend the New York City Administrative Code ("Code")
 to implement such increase in New York City.

Section two of this bill amends Section 1210 of the Tax Law to authorize
 cities having a population of one million or more to provide the
 exemption from City sales and compensating use tax on clothing and foot-
 wear that cost less than one hundred ten dollars. Section two also
 amends Section 1210 to impose the City sales tax on the transmission and
 distribution of electric and natural gas service, even when the elec-
 tricity or natural gas service is purchased separately from the trans-
 mission and distribution service. Section three of this bill makes the
 same amendments to the version of Section 1210 of the Tax Law that will
 take effect on September 1, 2009. Section six amends the New York City
 Administrative Code to provide the exemption from City sales and compens-
 ating use tax on clothing and footwear that cost less than one hundred
 ten dollars.

Section nine of this bill provides that the bill will take effect on the
 first day of the month succeeding the month in which it was enacted.

REASONS FOR SUPPORT: A one-half percent increase in the City sales
 and use tax rate will increase City tax revenues by over \$500 million
 annually and will support necessary City services for those who live and
 work in New York City. Approximately 18% of the City's sales tax reven-
 ues are paid by tourists. Of the portion paid by City residents, approx-
 imately 40% is paid for by the 21% of City households with annual
 incomes greater than \$80,000. The repeal of the City clothing exemption
 for purchases costing \$110 and above will increase City tax revenues by
 approximately about \$120 million annually, also supporting City
 services. The City will maintain the exemption for clothing and footwear
 purchases costing under \$110, paralleling the NYS sales tax exemption on
 clothing, which will help families with costs for necessary clothing and
 footwear purchases. The repeal of the City sales tax exemption on the
 electric and natural gas transmission and distribution service for
 unbundled energy bills is estimated to increase City tax revenues by
 about \$80 million annually. This change repeals a loophole that enabled

<http://nyslrs.state.ny.us/NYSLBDC1/bstfme.cgi>

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RETRIEVE BILL

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some energy purchasers to avoid the transmission and distribution sales
 tax that the vast majority of energy consumers pay each month. Repealing
 this exemption ensures parity for all ratepayers and energy providers in
 the marketplace. These revenue actions will enable to City to balance
 its FY 2010 budget. If these revenues are not realized, the City will be
 forced to curtail essential services and lay off both professional and
 support staff throughout the City.

Accordingly, the Mayor urges the earliest possible favorable consider-
 ation of this proposal by the Legislature. Respectfully submitted,

<http://nyslrs.state.ny.us/NYSLBDC1/bstfme.cgi>

6/15/2009

**(Editor's Note: Page 3 of the Sponsor's Memorandum in Support for
 A.8866 is a blank page and is not reproduced here)**

Referred to the Committee on State and Federal Legislation.

SUPPLEMENTAL REPORTS OF THE STANDING COMMITTEES**Reports of the Committee on State and Federal Legislation**

Report for State Legislation Res. No. 8

**Report of the Committee on State and Federal Legislation in favor of approving
 a State Legislation Resolution requesting the New York State Legislature to
 pass bills introduced by Senator Lanza, S.4468-A, and Assembly Member
 Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey
 its interest in certain real property acquired July 1, 2008 by in rem tax
 foreclosure in the borough of Staten Island, to Greentree Homeowners
 Association, notwithstanding expiration of the two year period within
 which application may be made to the city to release its interest in property
 thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough
 of Staten Island".**

The Committee on State and Federal Legislation, to which was referred on June
 10, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

*The following report refers to pending State legislation which requires a Home
 Rule Message for passage in Albany. This Committee is to decide whether to
 recommend that the Council adopt the respective State Legislation Resolution (SLR)*

mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND:

The New York City Charter requires that sale of city-owned property be at public auction or by sealed bids, except as otherwise provided by law. Therefore, state legislative authorization is necessary to permit reconveyance of city-owned property to the former owner.

ANALYSIS:

This legislation authorizes the city of New York to reconvey the real property designated as Block No.1560, Lot No. 33 on the tax map of Staten Island to the former owner Greentree Homeowner Association. Such reconveyance may be made upon approval of the In Rem Foreclosure Release Board subject to the grantee meeting certain conditions precedent.

The City of New York acquired title to these premises based on non-payment of taxes. Reportedly, the non-payment of taxes was due to the inadvertent failure of the former owner of such property, to pay taxes thereon.

(The following is from the text of the Fiscal Impact Statement for SLR No. 8:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
Revenues (+)	unknown	unknown	unknown
Expenditures (-)	\$0	\$0	\$0
Net	unknown	unknown	unknown

IMPACT ON REVENUES: This bill would result in positive revenue for the city, due to the collection of outstanding tax obligations owed to the city by the former owners of the property. Before the re-conveyance of property, all back taxes, interest, penalties and re-conveyance costs must be paid by the individuals receiving the property. The fiscal impact of these obligations is not known until the individuals reach a re-payment agreement with the Department of Finance.

IMPACT ON EXPENDITURES: There is no impact on expense.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: The New York City Council Finance Division
Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Nadine Felton, Assistant Director
Ksenia Koban, Legislative Financial Analyst
The New York City Council Finance Division.

FIS HISTORY: This bill has been introduced in the legislature.

DATE SUBMITTED TO COUNCIL: JUNE 15TH, 2009

(For text of the related printed State bills and the State Sponsor's Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly in Albany)

Accordingly, Your Committee recommends its adoption.

(The following is the text of State Legislation Res. No. 8:)

State Legislation Res. No. 8

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island".

By Council Members Baez, Oddo, Seabrook and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Lanza, S.4468-A, and Assembly Member Cusick, A.8007-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired July 1, 2008 by in rem tax foreclosure in the borough of Staten Island, to Greentree Homeowners Association, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1560, Lot No. 33, on the tax map for the borough of Staten Island"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 State Legislation Res. No. 9

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens".

The Committee on State and Federal Legislation, to which was referred on June 10, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND:

The New York City Charter requires that sale of city-owned property be at public auction or by sealed bids, except as otherwise provided by law. Therefore, state legislative authorization is necessary to permit reconveyance of city-owned property to the former owner.

ANALYSIS:

This legislation authorizes the city of New York to reconvey the real property designated as Block No.11364, Lot No. 30 on the tax map of Queens to the former owners Thomas and Lucille Hussey. Such reconveyance may be made upon approval of the In Rem Foreclosure Release Board subject to the grantee meeting certain conditions precedent.

The City of New York acquired title to these premises based on non-payment of taxes. Reportedly, the non-payment of taxes was due to the inadvertent failure of the former owner of such property, to pay taxes thereon.

(The following is from the text of the Fiscal Impact Statement for SLR No. 9:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
Revenues (+)	unknown	unknown	unknown
Expenditures (-)	\$0	\$0	\$0
Net	unknown	unknown	unknown

IMPACT ON REVENUES: This bill would result in positive revenue for the city, due to the collection of outstanding tax obligations owed to the city by the former owners of the property. Before the re-conveyance of property, all back taxes, interest, penalties and re-conveyance costs must be paid by the individuals receiving the property. The fiscal impact of these obligations is not known until the individuals reach a re-payment agreement with the Department of Finance.

IMPACT ON EXPENDITURES: There is no impact on expense.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION: The New York City Council Finance Division
Department of Housing Preservation and Development

ESTIMATE PREPARED BY: Nadine Felton, Assistant Director
Ksenia Koban, Legislative Financial Analyst
The New York City Council Finance Division.

FIS HISTORY: This bill has been introduced in the legislature.

DATE SUBMITTED TO COUNCIL: JUNE 15TH, 2009

(For text of the related printed State bills and the State Sponsor's Memorandum -in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly in Albany)

Accordingly, Your Committee recommends its adoption.

(The following is the text of State Legislation Res. No. 9:)

State Legislation Res. No. 9

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens".

By Council Members Baez, Ulrich and Seabrook.

Whereas, bills have been introduced in the New York State Legislature by Senator Addabbo, S.5443-A, and Assembly Member Pheffer, A.5651-A, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 State Legislation Res. No. 10

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin, Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, "AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city".

The Committee on State and Federal Legislation, to which was referred on June 10, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

Nine world class research institutions, 26 medical centers, 175 hospitals, and an unparalleled talent pool, New York City has a natural advantage in the bioscience industry: Yet it lags behind other cities, such as Boston and San Diego, in the commercialization of new technologies.

The New York City Biotechnology credit is modeled after, and designed to work with, New York State's Qualified Emerging Technologies Facilities, Operations and Training Credit. Firms would be provided with a refundable credit, for three types of expenses: qualifying expenses related to acquiring research and development property, certain expenses related to training employees, and other research and development expenses. The credit is limited to small firms engaged in research and development that meet New York State standards as qualified emerging technology companies. Such qualified emerging technology companies would be eligible for the credit for up to 3 years. The credit would help a young firm equip a lab, train technicians, and fund access to high tech equipment that they do not own.

The credit would differ from New York State's in that it would be focused on growing firms. The allowable expenses and the credit based on those expenses would be the same as for the New York State credit for firms that increase their employment by at least 5 percent, compared to a base year. Those that do not grow would still be eligible for the credit, but at half the rate. Growing firms would have their credit capped at a maximum of \$250,000 per year and those that do not make the 5 percent threshold would have a maximum credit of 125,000.

Under this legislation, the total credits for a given year are capped at \$3 million. If credits in a given year exceed the cap they would be allocated on a prorated basis by the New York City Department of Finance. The credit would be for three consecutive years starting in January 2010 and ending in December 2012.

The credit is part of a policy to create an industry with sufficient size and density that it becomes a good place to make a career in biotech and to locate the kind of ancillary services that the industry needs. This credit works in conjunction with the development of laboratory space at the East River Science Park and in BioBAT at the Brooklyn Army Terminal. These spaces, along with existing facilities, would provide approximately 2 million square feet of laboratory space in the City.

Firms that are located in academic incubators and relocate outside the incubator would be eligible for an additional year of the credit.

PROPOSED LEGISLATION

This bill would amend Section 1201-a of the tax law by adding a new subdivision (d). In Section 1 of the bill, paragraph 1 of new subdivision (d) would allow New York City to create, by local law, a credit against the City's general corporation, unincorporated business and banking taxes, substantially identical to New York State's Qualified Emerging Technologies Facilities, Operations and Training Credit, as provided in subdivision 12-g of Section 210 of the tax law. New York City's credit, termed the "Biotechnology Credit" would be limited to companies in biotechnology as defined in Section 3102-e(b)(5) of the public authorities law.

While this credit is substantially identical to the New York State's Qualified Emerging Technologies, Facilities, Operations and Training State credit, this credit differs from the State's credit in several ways.

Paragraph 2 establishes a two-tiered credit. In the first tier, eligible firms would receive 100% of the credit available, up to \$250,000 per calendar year. Firms would be eligible for this tier of the credit if firms increase their employment level by 5% more than their employment level in their base year. Firms that are newly established, newly relocated, or did not have any employees in the year prior to which the credit is claimed are not subject to the base year employment increase, are eligible this tier of the credit. In the second tier, firms who increase their employment level by less than 5% of their base year employment, the maximum amount of the credit would be 50% of the maximum amount of the credit, not to exceed \$125,000. Firms in academic incubators are not eligible for the 50 percent credit. Base year employment is defined as the average number of individuals employed full-time by the taxpayer in the city in the year preceding the first calendar year in which the credit is claimed.

Paragraph 3 provides that the maximum amount of tax credits in any year is \$3 million, to be allocated among tax payers on a pro rata basis by the New York City Department of Finance.

Paragraph 4 provides that the New York City Department of Finance shall establish rules related to the application process and due dates.

Paragraph 5 provides that such a local law may provide a credit for up to three consecutive years, but may not apply to taxable years starting before January 1, 2010 or after January 1, 2013.

Section 2 of the bill provides that the act would take effect immediately.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 10:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	(\$2,000,000)	(\$2,800,000)	(\$2,000,000)
Expenditures (-)	\$0	\$0	\$0
Net	(\$2,000,000)	(\$2,800,000)	(\$2,000,000)

IMPACT ON REVENUES: There would be a reduction in revenue of \$2,000,000 in Fiscal 2011 resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of 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: Raymond Majewski, Deputy Director/Chief Economist

City Council Finance Division

HISTORY: This is a new bill.

Date Submitted to Council: JUNE 15, 2009.

(For text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly in Albany)

Accordingly, Your Committee recommends its adoption.

(The following is the text of State Legislation Res. No. 10:)

State Legislation Res. No. 10

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin,

Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, “AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city”.

By Council Members Baez, Fidler, Gentile, Jackson, Seabrook, Reyna and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senators Duane, Dilan, Montgomery, Onorato, Schneiderman and Stavisky, S.4845-B, and Assembly Members Weprin, Bing, Castro, Christensen, Kellner, Maisel, Rosenthal, Titone, Wright, et al., A.8131, “AN ACT to amend the tax law, in relation to authorizing any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax and banking corporation tax of such city”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 11

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5529, and Assembly Members Farrell, Cook, Wright, Bing, Kellner, Powell, Espailat, et al., A.8616, “AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements of the city of New York; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

This bill includes several elements that will be instrumental in ensuring that the City of New York has efficient and cost-effective access to the capital markets, which have been experiencing unprecedented turmoil over the past year. First, in 1978, the

Legislature enacted various provisions of the Local Finance Law (“LFL”) and the New York State Financial Emergency Act for the City of New York (“FEA”) to respond to the financial emergency existing in the City and to improve marketability of City obligations by authorizing their sale on terms consistent with current market

practices. Certain of these provisions contained sunset provisions, and in 1982, the Legislature extended certain sunset provisions and introduced other changes necessary for the continued successful marketing of City obligations, some of which were applicable to other municipal issuers as well. Since 1986, the Legislature has extended these sunset provisions annually.

This network of legislation has enabled the City to continue to sell its obligations in the public credit markets during these difficult times. Indeed, the size of the City's capital program and the current market environment, in which competitive sales of debt have, on occasion, failed to attract any bidders, makes the ability to sell debt through negotiated sales crucial to the City. If the City is to continue to undertake necessary capital projects, it is essential that it retain its ability to utilize modern financing techniques. The extension of these sunset provisions therefore is essential to the City's fiscal health, especially in light of the current economic downturn.

Second, by extending through July 15, 2010 the authorization of the City to enter into interest rate exchange agreements or "swaps", whether or not relating to variable-rate bonds, the Legislature would be confirming the utility of these agreements that it recognized when it created this swap authorization in Chapter 93 of the Laws of 2002.

Third, with respect to interest on variable rate bonds used in a refunding, by extending through July 15, 2010 the amendment made to section 90.10(b)(2)(a) of the LFL, the City would continue to be able to demonstrate present value savings by permitting the rate on variable rate bonds to be the fixed rate payable in a related interest rate exchange agreement or as found by the Finance Board. Furthermore, this would extend the City's ability to refund variable rate bonds with other variable rate bonds without reference to the present value savings test. The extension of these provisions and the enhanced flexibility in entering into exchange agreements are essential if the City is to efficiently access the public credit markets.

PROPOSED LEGISLATION

Section one of this bill would amend S 54.10(a) of the LFL to extend until 2010 the provisions of such section authorizing the City to sell its obligations through negotiated agreement, to provide for compensation for services rendered in connection with the private sale of obligations by selling such obligations at a discount, to provide for redemption of its obligations prior to maturity at prices and pursuant to terms determined by the City, and to include the costs of a negotiated underwriting and other costs of issuance of its obligations in the cost of the object or purpose being financed by such obligations.

Section two would amend LFL S 57.00(a) to extend until 2010 the City's authority to sell bonds at private sale.

Section three would amend LFL S 90.00(g)(3) to extend until 2010 the City's authorization to exchange refunding bonds for outstanding bonds under certain circumstances.

Section four would amend LFL S 107.00(d)(8) to extend until 2010 the inapplicability of the down payment provisions of that section to certain bonds and notes of the City.

Section five of the bill would amend LFL S 54.90 (a) to extend through July 15, 2010 the authorization for the City to issue bonds or notes with variable rates of interest

Section six of the bill would amend LFL S 54.90(d)(1) to extend through July 15, 2010 the authorization for the City to enter into interest rate exchange agreements (commonly referred to as "swaps") or other similar agreements.

Section seven would amend S 10-a(1) of the FEA to extend until 2010 the authority of the City to include the pledge and agreement of the State in agreements with holders or guarantors of City obligations.

Section eight would amend S 5 of Ch. 142 of the laws of 2004 to extend until 2010 the amendment to section 90.10(b)(2)(a) of the LFL providing that for purposes of calculating present value savings in a refund transaction, the interest payments on variable rate bonds may be the fixed rate payable by the City in a related interest rate exchange agreement, if any, or as found by the Finance Board of the City of New York ("Finance Board"); and in the case of refunding of variable rate bonds with variable rate bonds, if determined by the Finance Board, present value savings would not need to be demonstrated.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 11:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0

Net	\$0	\$0	\$0
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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 expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Office of Management and Budget
New York City Council Finance Division

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 11, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 12

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4940, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Bing, Powell, et al., A.8614, "AN ACT to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority".

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

According to the Sponsor’s Memo in Support, these amendments to the Transitional Finance Authority Act ("TFA Act") would significantly reduce City debt service costs at a time when the City is facing budget gaps ranging from \$4.4 billion to \$7 billion over the next three fiscal years. It will also contribute to the City's ability to continue to finance necessary capital improvements while maintaining crucial public services during these times of economic distress in the national and local economy.

During these times of economic crisis, the City needs to be able to utilize its highest-rated, most cost-effective borrowing vehicle, the Transitional Finance Authority.

Throughout its existence, the TFA has proven its value in helping to reduce City debt service costs and permitting access to a broad base of investors for access to capital to finance the City's infrastructure needs. However, for the last two years the City has been unable to utilize TFA bonds for general capital purposes because it has reached its statutory bonding limit. Limiting the TFA's ability to issue bonds artificially inflates the City's overall cost of borrowing, restricts its flexibility in debt structuring opportunities, and constrains its ability to take advantage of tax-exempt borrowing. As a result, the City's debt will cost more, making less money available to meet critical budgetary and infrastructure requirements.

If this bill is enacted, the City would be able to finance half of its capital program with TFA bonds and the remaining half with general obligation bonds. The recent TFA bond refinancing indicated that TFA debt service on newly issued debt would be up to 65 basis points cheaper than City general obligation bonds. Due to this differential in interest rates between the general obligation bonds and TFA's bonds, coupled with the increasing market saturation facing the City in the continued issuance of its general obligation debt to finance its capital program, the City estimates that it would save \$20 million in fiscal year 2010 if the statutory limit on TFA bonds were revised as provided in this bill.

PROPOSED LEGISLATION

The proposed bill will allow the City more efficient and cost effective access to financial markets. Specifically the bill would:

- (1) place outstanding TFA debt (beyond the amount authorized by Public Authorities Law S2799(gg)) under the existing New York City General Obligation (GO) cap in the Local Finance Law and make the existing statutory cap on TFA borrowing for general capital purposes applicable to outstanding debt of the TFA rather than all debt issued by the TFA; and
- (2) continue to exempt Recovery Bonds and Building Aid Bonds from the TFA's general debt limit and continue to provide that the amount of variable rate bonds outstanding for general capital purposes be limited to the current twenty percent of the TFA's general debt limit, with provisions for customary exclusions.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 12:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$13,000,000)*	(\$25,000,000)	(\$13,000,000)
Net	(\$13,000,000)*	(\$25,000,000)	(\$13,000,000)

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

IMPACT ON EXPENDITURES: As a result of the enactment of this legislation, debt service expenditures will be reduced by \$13,000,000 in Fiscal 2010.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 12, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 13

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5519, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Powell, Bing, et al., A.8615, “AN ACT to amend the administrative code of the city of New York, in relation to the unincorporated business tax”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

Although the Unincorporated Business Tax (UBT) provides rough parity by taxing entities regardless of business form, it is particularly burdensome on small businesses. Many of these small businesses are sole proprietorships run by individuals who are New York City residents, and are thus also subject to the New York City Personal Income Tax on the same income. A 2007 state law limited the tax and this legislation would end or further reduce the tax for small businesses - and save each of them up to \$3,400. More than 80% of the firms benefiting from the bill are individual proprietors, many of them freelancers or other entrepreneurs starting their own businesses. Supporting their work can bolster the City's economy and help pull it through the current painful recession.

Currently, 32,500 firms in New York City pay the UBT. This bill would provide tax relief to half that population by effectively exempting nearly 11,000 firms with taxable incomes of \$100,000 or less from the UBT and providing partial tax relief to an additional 6,000 with taxable incomes between \$100,000 and \$150,000.

The bill also simplifies UBT filing requirements, and provides relief from the obligation to file UBT returns and to pay estimated taxes for those taxpayers whose gross income is sufficiently low that they are certain to have no tax liability.

This law would be effective for taxes filed in calendar year 2009.

PROPOSED LEGISLATION

The proposal is a small-business tax-relief measure designed to encourage the expansion of entrepreneurial enterprises during the current economic downturn.

This bill would amend subdivision (b) of section 11-503 of the New York City Administrative Code by adding a new paragraph 3-a to provide that beginning with taxable years commencing in 2009. Under this amended subdivision, unincorporated business taxes that are \$3,400 or less, a credit will be allowed to offset the entire amount of the tax. If the unincorporated business tax exceeds \$3,400, but is less than \$5,400, the credit allowed shall be determined by multiplying such tax by \$5400 minus the amount of such tax, divided by \$2,000. Unincorporated business taxes that exceed \$5,400 will not be eligible for the credit.

Bill sections three and four amend Sections 11-511 and 11-514 of the Administrative Code to simplify UBT filing requirements and modify requirements related to paying estimated unincorporated business taxes.

FISCAL IMPLICATIONS:

The total annual fiscal impact to New York City would be approximately \$25 million. There would be no state fiscal impact. See Council Finance Division fiscal impact statement for more details.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 13:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	(\$25,000,000)	(\$25,000,000)	(\$25,000,000)
Expenditures (-)	\$0	\$0	\$0
Net	(\$25,000,000)	(\$25,000,000)	(\$25,000,000)

IMPACT ON REVENUES: The revenue impact would be a loss of \$25 million in Fiscal 2010, and \$25 million in Fiscal 2011 as a result of the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of 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: Paul Sturm, Supervising Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist.
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 13, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 14

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4941, and Assembly Members Farrell, Cook, Wright, Bing, Powell, Espallat, Kellner, et al., A.8617, “AN ACT to amend the New York state financial emergency act for the city of New York and the New York city charter, in relation to bond anticipation notes ”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

According to the Sponsor’s Memo in Support, when the New York State Financial Emergency Act for the City of New York (the "FEA") was enacted 30 years ago, it limited the final maturity of bond anticipation notes issued by the City to six months following the date of issuance. That limitation was incorporated into the New York City Charter by the Charter revision of 2005. Both provisions are unnecessary in 2009 when City borrowing is expressly limited under applicable law to projects that are properly included in the City's capital budget.

During the current global financial, liquidity and credit crisis, the City needs all the financing alternatives provided for under the Local Finance Law in order to be able to effectively access capital markets to fund necessary infrastructure improvements, such as bridges, roads and schools. The FEA's limitation of the term of bond anticipation notes to six months, with renewal permitted only for another six months, imposes constraints that would render such notes extremely difficult to sell in the current market. The constraints on the final maturity of an issue of bond anticipation notes set forth in the State Finance Law apply to bonds of the State and would, if this bill is enacted, apply also to the City. Those constraints, together with the other limitations on borrowing set forth in the Local Finance Law, the FEA and the City Charter, provide appropriate protection against potential abuse and needed financing flexibility for the City currently enjoyed by the State.

PROPOSED LEGISLATION

This bill would amend subdivision c of section 9-b of the New York State Financial Emergency Act for the City of New York, section 2 of chapter 868 of the Laws of 1975, and paragraph (3) of subdivision h of section 266 of the New York City Charter to require that bond anticipation notes issued by the City of New York mature no later than one year after their date of issuance; and permit such notes to be renewed for a period not to exceed two years from the date of original issue, or such longer period as may be permitted for bond anticipation notes of the State.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 14:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0

Expenditures (-)	(\$13,000,000)*	(\$26,000,000)	(\$13,000,000)
Net	(\$13,000,000)*	(\$26,000,000)	(\$13,000,000)

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

IMPACT ON EXPENDITURES: *As a result of the enactment of this legislation, debt service expenditures will be reduced by \$13,000,000 in Fiscal 2010.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 14, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 15

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8868, “AN ACT to amend the general city law and the administrative code of the city of New York, in relation to eligibility of beneficiaries of the industrial and commercial abatement program for special rebates and discounts provided pursuant to the energy cost savings program and the lower Manhattan energy program”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

For the last twenty-two years, the Energy Cost Savings Program (ECSP) has allowed applicants to qualify for benefits on the basis of eligibility for the Industrial and Commercial Incentive Program (ICIP). Similarly, the Lower Manhattan Energy Program (LMEP) has allowed applicants to qualify for benefits on the basis of eligibility for ICIP since its enactment in 1995. ICIP sunset on June 30, 2008 and was replaced by the similar ICAP on July 1, 2008. This bill would amend provisions of ECSP and LMEP to allow qualification for benefits on the basis of eligibility for ICAP. This bill would provide that applicants that have qualified for ECSP or LMEP on the basis of ICIP eligibility before the ICIP sunset would continue to be eligible for energy benefits.

ECSP provides benefits, in the form of “special rebates” and “discounts”, to firms moving to designated areas of the City or making prescribed levels of investment to expand or upgrade their premises within designated areas of the City. LMEP provides similar benefits to owners of buildings in the Lower Manhattan area and requires that the benefits be passed through to qualified tenants. At the core of both programs is a requirement that the local utility provide eligible beneficiaries with a special rebate against their energy bills. (The utility is given a credit against its utility tax liability equal to the amount of special rebates granted.) Both programs are designed to stem the loss of industrial and commercial jobs to other regions outside the City, which can offer lower energy costs. These programs also promote the renovation and modernization of older commercial and industrial space, thereby providing an incentive for businesses to relocate to, or to renovate, and/or expand within New York City.

Currently, through ECSP and LMEP, New York City provides energy benefits to over 1,000 businesses that employ over 50,000 individuals within the City’s five boroughs. The two programs currently save businesses approximately \$46 million annually in energy costs.

PROPOSED LEGISLATION

This bill would amend provisions of the General City Law and the Administrative Code of the City of New York, to modify the City’s Energy Cost Savings Program (“ECSP”) and Lower Manhattan Energy Program (“LMEP”) to establish eligibility for the Industrial and Commercial Abatement Program (ICAP) as a basis for eligibility for ECSP and LMEP. ECSP and LMEP allowed applicants to qualify for benefits on the basis of eligibility for ICP since its enactment in 1995. ICIP sunset on July 30, 2008, and was replaced by a similar ICAP on July 1, 2008. This bill would amend provisions of ECSP and LMEP to allow qualifications for benefits on the basis of eligibility for ICAP. This bill would provide that applicants who have qualified for ECSP or LMEP on the basis of ICIP eligibility before the ICIP sunset date would continue to be eligible for energy benefits.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation would take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2008.

(The following is from the text of the Fiscal Impact Statement for SLR No. 15:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
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. The cost of these tax expenditures is assumed in the Office of Management and Budget financial plans. Currently, through ECSP and LMEP, New York City provides energy benefits to more than 1,000 businesses that employ over 50,000 individuals in the City. The two programs save businesses about \$46 million annually in energy costs.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Budget and Management

ESTIMATE PREPARED BY: Nadine Felton, Assistant Director, Revenue
 Raymond Majewski, Deputy Director/Chief Economist
 City Council Finance Division

HISTORY: This is a new bill.

Date Submitted to Council: JUNE 15, 2009

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 15, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 16

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8889, “AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan and the World Trade Center area; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness of provisions thereof”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The Commercial Rent Tax applies to tenants who occupies or uses premises for carrying on any trade, business, profession, or commercial activity is required to file a Commercial Rent Tax return and 1) the premises are located in the borough of Manhattan, south of the center line of 96th Street; 2) The annual or annualized gross rent paid for such location is at least \$250,000; and (NOTE: Tenants with annual taxable rents between \$250,000 and \$300,000 are eligible for a sliding-scale credit that partially offsets tax liability.) ; and 3) the tenant does not meet any exemption criteria, such as short rental periods, residential subtenants, use for theatrical productions, and not-for-profit status.

A "tenant" is defined as one who pays rent as a lessee, sub-lessee, licensee, or concessionaire. A shareholder in a cooperative corporation is also considered a tenant because he or she owns shares in the corporation that owns the property.

The following taxpayers must also pay Commercial Rent Tax if they meet the criteria listed above:

- Those who occupy space in buildings owned by spouses or parents;
- Those who occupy space in buildings they, themselves, own, individually, or jointly with another person other than a spouse or registered domestic partner;
- Those who occupy space in buildings owned by corporations where they are an officer or holder of all or part of the corporation stock;
- A corporation, occupying space in a building that is owned by a subsidiary corporation or by a parent corporation; and
- A corporation, occupying a space in building owned by an officer or stockholder of the corporation.

The statutory tax rate is 6 percent of the base rent paid by tenants of the premises that are used to conduct any business, profession, or commercial activity.

- Effective June 1, 1996, a 25% base rent reduction reduced the effective rate to 4.5%.
- Effective September 1, 1998, a 35% base rent reduction further reduced the effective tax rate to 3.9%.
- In addition, a tax credit is allowed for taxpayers whose annualized base rent is between \$250,000 and \$300,000

A five year exemption for new and renewed leases with a term of at least 5 years for leases of property for retails that are located in the World Trade Center are exempt from the Commercial Tax.

PROPOSED LEGISLATION

Currently, properties located in the World Trade Center with new and renewed leases with a term of at least 5 years for leases of property for retails are exempt from the Commercial Tax. This exemption applies to leases that begin on July 1, 2005 through June 30, 2009. This legislation extends the exemption from commercial rent and occupancy tax to leases, as applicable to “special reduction”, “space leases” ; and premises located in “eligible areas,” in effect until 2013, and 2015, respectively.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act would take effect immediately; provided that if this act would take effect after June 30, 2009, it would be deemed to have been in full force and effect on and after June 30, 2009.

(The following is from the text of the Fiscal Impact Statement for SLR No. 16:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
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. The extension of these tax expenditures is assumed in the Office of Management and Budget financial plans.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
 New York City Office of Budget and Management

ESTIMATE PREPARED BY: Nadine Felton, Assistant Director, Revenue
 Raymond Majewski, Deputy Director/Chief Economist
 City Council Finance Division

HISTORY: This is a new bill.

Date Submitted to Council: JUNE 15, 2009

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 16, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 17

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Hyer-Spencer, Silver, Farrell, Gibson, et al., A.8895, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2010”.

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND:

State law requires New York City to apportion property taxes based upon rates calculated by the State Board of Real Property Services (“SBRPS”) in order to distribute the tax levy among the four classes of real property. Those classes are: (1) class one, consisting of one to three family homes; (2) class two, consisting of other residential properties such as apartment buildings, coops and condos; (3) class three, consisting of utility property; and (4) class four which is all other real property.

Paragraph (c) of subdivision one of section 1803-a of the Real Property Tax Law provides that notwithstanding the results of these calculations, the annual increase in the base proportion of any class is not to exceed five percent over the prior year’s adjusted base proportions.

PROPOSED LEGISLATION:

Specifically, this legislation would amend subdivision 1 of Section 1803-a of the Real Property Tax Law by adding a new paragraph (u), which would limit the Fiscal Year 2010 increase in the base proportion of any class to 0% over the prior year’s adjusted base proportions.

In the event the Department of Finance (“DOF”) has sent out real property tax bills for Fiscal Year 2010 before this legislation shall have become law, this legislation would allow City to revise the Fiscal 2010 current base proportions and adjusted base proportions, reset the Fiscal 2010 real property tax rates, and send out amended Fiscal 2010 real property tax bills.

According to the Council’s Memorandum in Support, the SBRPS has determined that the uncapped shares for class one and class two have increased by nearly 24% and more than 3%, respectively, from Fiscal 2009. If this legislation does not take effect, the Fiscal 2010 tax rate for class one and class two will increase by nearly 7% and 5%, respectively, from the Fiscal 2009 tax rate and would cause significant increases in the tax bill for residential homeowners and renters.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 17:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
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 expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York State Board of Real Property Services (SBRPS)
 New York City Department of Finance
 New York City Council Finance Division

ESTIMATE PREPARED BY: Nadine Felton, Assistant Director, Revenue
 City Council Finance Division

DATE SUBMITTED TO COUNCIL: June 15, 2009

FIS HISTORY: This is a new bill.

FIS SUMMARY: Under current law the annual increase in the current base proportions for each of the four classes of property is limited to five percent over the prior year’s adjusted base proportions. For Fiscal 2009, the City Council and the Mayor, together with the State Legislature, limited the increase to zero percent. The State Board of Real Property Services (SBRPS) has calculated the class equalization rates used in determining the current base proportions or class shares of the real estate levy for Fiscal 2010. This year the uncapped share for class one (residential one-, two-, and three-unit family homes) has increased by nearly 24 percent and the uncapped share of class two (multi-family residences of four or more units, including residential apartment buildings, cooperative and condominium units) by more than 3 percent. The share of class three (utility properties) decreased by 26 percent, continuing a pattern of decreasing class shares since Fiscal 2002. The uncapped portion borne by class four (commercial and industrial properties) continued the pattern since Fiscal 1994 of decreasing over its share from the prior year, by 7.1 percent this year.

This year, the Council and the Mayor determined that maintaining the five percent cap on increases in class shares would present a hardship for class one and class two homeowners and renters. Based on the final assessment roll, released by the Department of Finance on May 29, 2009, if the cap on class shares were not

reduced to zero percent, effectively using last year's class shares (adjusted base proportions) as this year's current base proportions, the Fiscal 2010 tax rate for class one would increase by nearly 7 percent from the Fiscal 2009 tax rate, instead of only by 1.8 percent, and by nearly 5 percent for class two instead of 1.4 percent.

There is no impact on revenues since the real estate tax levy remains the same (approximately \$17,588.4 million), whether the increase in class shares is capped at five percent or zero percent. However, a cap of lower than five percent causes a shift in a small portion of the levy of classes one and two onto classes three and four. At the zero percent cap on class share increases, \$351 million (about two percent of the total levy) of the levies of classes one and two will be allocated to the levies of the other two tax classes. Even with this shift, the tax rate for class four will decrease from the Fiscal 2009 rate.

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 17, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum—in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for State Legislation Res. No. 18

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Farrell and Silver, A.8867, "AN ACT to amend the administrative code of the city of New York, the business corporation law and the not-for-profit corporation law, in relation to bringing certain city tax laws into closer conformity with certain state tax laws; and to repeal certain provisions of the administrative code of the city of New York relating thereto".

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed State Legislation Resolution, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective State Legislation Resolution (SLR) mentioned below. By adopting this SLR, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

INTRODUCTION

A8867 will bring major components of New York City's three business taxes, the general corporation tax (GCT), the banking corporation tax (BCT) and the unincorporated business tax (UBT) into closer conformity with New York State taxes.

For business taxes, conformities can reduce tax compliance and preparation costs and may ease tax planning.⁷ It also offers tax administrative advantages as it

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⁷ Mark A. Muntean, "California's Nonconforming Conformity Legislation", State Tax Notes 259 (Jan. 23, 2006), quoted in http://taxprof.typepad.com/taxprof_blog/2006/01/muntean_on_cal.html

would allow greater cooperation between the City's Department of Finance and the New York State Department of Taxation and Finance.⁸

One of the provisions, single sales factor allocation, can be an economic development tool, as it lowers the cost of adding to a firm's capital or employment in the City. Under current law, increasing employment or capital in the City can increase a firm's business taxes because it can increase the proportions of a firm's profits that are taxed by the City. This would not happen under single sales. By one estimate implementing single sales could increase employment in the City by as much as 27,000 over a 10 year period.⁹

Sections One to Five: Single Sales Factor

Sections one to five amend the Administrative code to phase in single sales factor allocation over a 10 year period. When a firm operates both within and outside New York City it is necessary to determine what portion of that firm's net income was earned within the City and thus taxable by the City. Currently this is done by calculating three factors, the percentage of a firm's sales, employment and capital that are in the City. The average of these three factors represents the percentage of the firm's income earned in the City, and its taxes are based on this amount. This bill replaces the three factor method with a single factor: the percentage of sales within the City. This is the method currently used by New York State.

Sections 1 and 2 amend section 11-604 of the Administrative Code to provide for a single sales factor for the General Corporation Tax to be phased in over a period of ten years.

Sections 3 and 4 similarly amend section 11-508 of the Administrative Code to provide for a single sales factor for the Unincorporated Business Tax.

Section 5 similarly amends section 11-642 of the Administrative Code to provide for a single sales factor for the Banking Corporation Tax insofar as it relates to banking corporations that substantially provide management administrative or distributive services to investment companies.

Sections Six to Nine: Combine Reporting

When two companies are related to one another through common ownership and do business with one another there is an issue about whether the entities should file tax returns separately or whether they should combine their returns, effectively filing as a single company. If both companies are in New York City this probably would not matter too much, but if one part is outside of the City it is possible to structure their relationship to shift taxable income out of the City.¹⁰

Sections 6 through 9 amend sections 11-601, 11-603 and 11-605 of the Administrative Code relating to the filing of combined General Corporation Tax returns by affiliated corporations. The amendments are designed, in part, to make the filing of a combined return mandatory where there are substantial intercorporate transactions among the related corporations, regardless of the transfer prices charged in those intercorporate transactions. The amendments also require a "captive" regulated investment company or a "captive" real estate investment trust to be included in a combined return with a related New York City taxpayer where a greater-than-50 percent ownership test is met.

Sections Ten to Fifteen: Captive REITs and RICs

Real Estate Investment Trusts (REITs) and Registered Investment Companies (RICs) are corporations similar to mutual funds, that are essentially exempt from corporate taxation provided they pass through at least 90 percent of their taxable income to their owners in the form of dividends. The idea is that the owners will pay tax on the dividends. However, if a New York City business tax payer owns more than half of a REIT or RIC, it qualifies as a captive REIT or RIC. Being a subsidiary, this income may escape City taxation because of exclusions provided for dividends of subsidiaries.

Sections 10 through 15 amend sections 11-640, 11-641 and 11-646 of the Administrative Code to require a "captive" regulated investment company or a "captive" real estate investment trust to be included in a combined banking corporation tax return with a related New York City taxpayer where the greater-than-50 percent ownership test is satisfied. This effectively brings income from these sources into the New York City business taxes.

Section Sixteen: General Corporation Tax Capital Base Cap.

The general corporation tax requires taxpayers to calculate their liabilities by four methods and to pay whichever one is highest. One of these methods is based on

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⁸ Michael Hyman Acting Commissioner Department of Finance, "Testimony before the Finance Committee on the Fiscal 2010 Executive Budget" June 1, 2009.

⁹ Christine C. Quinn "New York Needs Corporate Tax Reform" Wall Street Journal, Nov. 1 2008.

¹⁰ See "Combine Reporting of State Corporate Income Taxes: A Primer", Institute on Taxation and Economic Policy, Policy Brief #24, 2008.

the firm's capital. Firms' with substantial capital but little net income are likely to pay on this basis. Currently there is a maximum liability of \$350,000 for any firm calculating their tax on this basis.

Section 16 amends section 11-604 of the Administrative Code to increase the maximum amount that can be owed under the alternative general corporation tax measured by business and investment capital from \$350,000 to \$1 million.

Section Seventeen: General Corporation Minimum Tax

Another one of the four methods of calculating GCT liabilities is a minimum tax, currently \$300. This provision will change this, effectively lowering it for corporations whose New York City receipts are under \$500,000 and increasing it for firms with receipts above this level.

Section 17 amends section 11-604 of the Administrative Code to change the fixed dollar minimum for tax years beginning after 2008 from a single amount of \$300 applicable to all corporate taxpayers to a sliding scale ranging from \$25 to \$5,000 based on the taxpayer's annual receipts allocated to New York City.

Section Eighteen: Banking Corporation Tax Alternate Minimum Tax.

The banking corporation tax has an alternate minimum tax, based upon taxable assets allocated in New York City. This would continue through tax year 2010, and a minor adjustment in the rate will be made for domestic banks starting in tax year 2011. In addition this provision addresses the fact that foreign banks operating in New York City are currently treated differently from US banks. Starting in tax year 2011 they will be treated the same as domestic banks.

Section 18 amends section 11-643.5(b) of the Administrative Code for tax years beginning after 2010 so that one of the alternative taxes under the Bank Tax's alternative minimum tax will be based on taxable assets allocated to the city even if the bank is organized under the laws of a country other than the United States. Under this amendment, most banks will be subject to a tax of one-tenth of a mill for every dollar of taxable assets allocated to New York City, as banks organized in the United States are currently. However, certain banks with a net worth ratio of under five percent will be taxed on their allocated assets at a lower rate, and a bank will not be subject to the allocated asset tax for any part of a period in which that bank has outstanding net worth certificates issued under a certain provision of the Federal National Housing Act.

Sections Nineteen and Twenty: Banking Corporation Tax Net Operating Losses

A net operating loss is when allowable deductions exceed gross income.¹¹

Sections 19 and 20 amend section 11-641 of the Administrative Code to allow banks to have a net operating loss (NOL) deduction for losses incurred in tax years after 2008. The deduction will only be allowed for NOLs carried forward to future tax years. No NOLs may be carried back to past years.

Sections Twenty-One through Twenty-Three: Economic Nexus for Credit Card Companies.

Starting January 1, 2008 New York State extended its corporate tax to credit card companies that issue cards to customers in the State but do not have a physical presence in the State. Currently New York City will only tax these firms if they have a brick and mortar presence in the City.

Sections 21 through 23 amend section 11-639, 11-642 and 11-646 of the Banking Corporation Tax to tax credit card companies with customers having a mailing address in New York City regardless of whether the credit card company has a physical location in the City. This change will become effective beginning January 1, 2011.

Sections Twenty-Four to Thirty-Two: Grandfathered General Corporation Tax Payers

Under current law certain corporations that would otherwise pay the banking corporation tax have been allowed to continue to pay the general corporation tax. This provision would change that.

Sections 24 through 32 amend section 11-640 of the administrative code to conform to the New York State Tax Law's treatment of when corporations are subject to the General Corporation Tax (GCT) and when they are treated as banks subject to the Bank Tax. Under these amendments, if a corporation meets certain conditions set forth in new subdivision (m), it will be subject to the Bank Tax even if it had previously elected to be subject to the GCT, or had been grandfathered as subject to GCT, under the Gramm Leach Bliley transitional provisions.

Sections Thirty-Three and Thirty Four: Market Based Sourcing for Broker Dealers.

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¹¹ IRS Code Sec. 172(c).

This is a companion to the single sales factor provisions in sections 1 to 5.

Sections 33 and 34 amend section 11-604 of the Administrative Code to change the sourcing of certain General Corporation Tax receipts from the services of registered brokers and dealers of securities and commodities to require sourcing by means of the customer's mailing address.

Section Thirty-Five: Utility Tax Statute of Limitations for Refunds.

Section 35 amends section 11-1108 of the administrative code to provide for a statute of limitations on Utility Tax refund claims of three years from the time the return is filed or two years from the time the tax is paid. This is the same limitations period for refunds as that for refunds of GCT, UBT and Bank Tax.

Section Thirty-Six: Financial Institution Data Matching

The bill includes mandatory tax matching. Financial institutions will be required to help New York City identify accounts held by tax debtors with warranted debt.

Section 36 adds a new section 1-130 to the Administrative Code to enact as a tax compliance and enforcement initiative, a new financial institution data matching program similar to the program applicable to State taxes, which was enacted by chapter 57 of the Laws of 2008. This program will provide a system for identifying and seizing the non-exempt assets of tax debtors in financial institutions.

Section Thirty-Seven: Voluntary Disclosure and Compliance.

The bill would adopt New York State's voluntary compliance and disclosure rules. This is a program that encourages delinquent taxpayers to come forward, offering them certain benefits. New York City currently has a less comprehensive program.

Section 37 adds Section 11-131 to the Administrative Code to establish a comprehensive voluntary disclosure and compliance program.

Section Thirty-Eight: Electronic Filing

Electronic filing may be required for tax preparers who prepare more than 100 returns, and for individuals who use software to prepare their own taxes. This applies to taxes administered by the City's Department of Finance, among them the City's business and real property transfer tax. It does not apply to the sales or personal income taxes.

Section 38 of the bill adds a new section 11-132 to the Administrative Code to authorize the New York City Commissioner of Finance to require by rule that with respect to taxes administered by the Commissioner of Finance, a tax preparer who filed more than one hundred returns or other tax documents in a single calendar year and again files more than one hundred returns or other tax documents in a succeeding year using tax software, must file electronically for the subsequent year and any succeeding year thereafter. This section will also require that a taxpayer who does not use a preparer but uses tax software to prepare returns or other tax documents that the Commissioner of Finance has authorized to be filed electronically, then, for that calendar year and for each subsequent calendar year thereafter, all tax documents prepared by the taxpayer using tax software must be filed electronically. The Commissioner of Finance will be authorized to impose monetary penalties for the failure to file or pay electronically when such filing or payment is required by rule.

Sections Thirty-Nine to Seventy-Two: Interest Rates on Underpayments and Overpayments.

The interest rates for over and under payments for the income and excise taxes administered by the City are set by the Commissioner of the Department of Finance (DOF). Taxes administered by the City include the business taxes, the real property transfer, hotel and a number of smaller taxes. The City does not administer the sales or personal income taxes and this legislation does not apply to the real property tax.

Sections 39 through 72 of this bill amend each chapter of the Administrative Code pertaining to an income or excise tax administered by the City of New York that includes a provision authorizing the Commissioner of Finance to set by publication of notice the interest rates on underpayments, and in some chapters on overpayments of these City taxes. Sections 39 through 72 of this bill amend these Code sections to increase the rate of interest imposed by the City on underpayments of income and excise taxes from the federal short-term rate plus five percent to the federal short-term rate plus seven percent. In addition, these sections increase the default rate for underpayments, should the Commissioner of Finance not set the rate by publication of notice, from six percent to seven and one-half percent.

Sections Seventy-Three to Seventy- Seven: Corporate Dissolution.

Companies will not be allowed to dissolve until they have paid New York City tax obligations.

Sections 73 and 75 of the bill amend §§ 1004 of the Business Corporation Law (“BCL”) and the Not-for-Profit Corporation Law (“NPCL”), respectively, to provide that the Department of State shall not file a certificate of dissolution for a corporation that has done business in the City of New York and incurred tax liability to the City under chapters six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-one, twenty-four, twenty-five or twenty-seven of title 11 of the Administrative Code without attaching a consent from the New York City Commissioner of Finance (the “Commissioner”).

Sections 74 and 76 of the bill amend §§ 1007 of the BCL and NPCL, respectively, to add tax claims and other claims of the New York City Department of Finance to those of the State and federal government, which are not required to be filed by a date specified in a notice published and mailed by a dissolving corporation in order to be preserved. Sections 75 and 77 further provide that, as with claims of the State and federal governments, the City’s claims are not barred if not so filed and that distribution of the assets of a dissolving corporation, or any part thereof, may be deferred until determination of outstanding claims of the City’s Department of Finance.

Section 77 adds a new § 11-133 to the City’s Administrative Code to provide that the Commissioner shall issue a consent to dissolution of a corporation under the BCL or NPCL only if the Commissioner has determined that all fees, taxes, penalties and interest imposed on the corporation under chapters six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-one, twenty-four, twenty-five and twenty-seven of title 11 of the Administrative Code have been paid in full or paid pursuant to an offer of compromise under §1504 of the City’s Charter. Notwithstanding this requirement, the Commissioner may issue a consent to dissolution of a corporation if the corporation executes a written agreement with the Commissioner to pay all such fees, taxes, penalties and interest.

Sections Seventy-Eighty to Eighty-Six: Underpayment Due to Fraud.

Currently, underpayment of business taxes entails a penalty of up to 50 percent of the underpayment. The penalty will be raised to up to 200 percent of underpayment, on business taxes, real property transfer tax (RPTT), and some minor taxes.

Sections 78 to 86 amend certain UBT, GCT, Bank Tax and Utility Tax penalty provisions to conform to newly revised state corporate Franchise Tax penalty provisions. Specifically, the section will conform section 11-525 (applicable to the UBT), 11-676 (applicable to the GCT and Bank Tax), and 11-1114 of the Administrative Code (applicable to the Utility Tax) to the newly revised section 1085 of the Tax Law, which increases the penalty for deficiencies due to fraud and adds a new false and fraudulent penalty.

Sections Eighty-Seven to Ninety-Three: Hotel Tax Conformity and Record Keeping.

Hotel tax electronic records must be made available to DOF. A fine of \$1,000 to \$5,000 will be imposed for failure to do so.

Sections 87 through 93 amend sections 11-2503 and 11-2515 of the Administrative Code to conform the Hotel Tax to certain recently enacted Sales Tax amendments in sections 1135 and 1145 of the Tax Law including records access requirements and additional penalty provisions. The Sales Tax is the New York State counterpart to the Hotel Tax.

Sections Ninty-Four to One-Hundred-Seven: Criminal Provisions.

The main part of this is to increase the fine for committing felony tax fraud. Fines for individuals will be raised to a maximum of the greater of 200 percent of the underpayment or \$50,000. The fine for corporations will be raised to a maximum of 200 percent of the underpayment or \$250,000.

Sections 94 through 107 revise various city criminal tax provisions in Chapter 40 of the administrative code to conform to recently revised criminal provisions set forth in article 37 of the Tax Law. Specifically, these sections revise sections 11-4001 through 11-4009 as well as sections 11-4012 and 11-4016 of the administrative code to generally conform to the recently revised and reenacted sections 1800 through 1807 and 1814, 1817 and 1832 of the Tax Law. These changes will remove a number of crimes applicable to specific taxes such as the GCT and UBT and replace them with a set of new provisions that will define and punish crimes applicable to all city taxes, but will retain certain tax-specific crimes for taxes such as the Cigarette Tax and the Hotel Tax.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for SLR No. 18:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 13
Revenues (+)	\$184,000,000	\$157,000,000	\$165,000,000
Expenditures (-)	\$0	\$0	\$0
Net	\$184,000,000	\$157,000,000	\$165,000,000

IMPACT ON REVENUES: As a result of enactment of this legislation, the full fiscal impact will be \$165,000,000 in Fiscal 2013.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget
New York City Department of Finance

ESTIMATE PREPARED BY: Paul Sturm, Supervising Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of SLR No. 18, please see the Supplemental Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 have been **preconsidered** by the Committee on State and Federal Legislation and have been favorably reported for adoption.

Report for M-1461

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor regarding “AN ACT to amend the tax law and the administrative code of the city of New York, in relation to

increasing certain sales and compensating use taxes in cities having a population of one million or more persons". A.8866

The Committee on State and Federal Legislation, to which was referred on June 15, 2009 the annexed Home Rule related communication, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective Communication from the Mayor (M-1461) mentioned below. By adopting this Communication from the Mayor, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter

BACKGROUND

According to the Memorandum in Support (MIS) a one-half percent increase in the City sales and use tax rate will increase City tax revenues by over \$500 million annually and will support necessary City services for those who live and work in New York City. Approximately 18% of the City's sales tax revenues are paid by tourists. Of the portion paid by City residents, approximately 40% is paid for by the 21% of City households with annual incomes greater than \$80,000. The repeal of the City clothing exemption for purchases costing \$110 and above will increase City tax revenues by approximately about \$120 million annually, also supporting City services. The City will maintain the exemption for clothing and footwear purchases costing under \$110, paralleling the NYS sales tax exemption on clothing, which will help families with costs for necessary clothing and footwear purchases. The repeal of the City sales tax exemption on the electric and natural gas transmission and distribution service for unbundled energy bills is estimated to increase City tax revenues by about \$80 million annually. This change repeals a loophole that enabled some energy purchasers to avoid the transmission and distribution sales tax that the vast majority of energy consumers pay each month. Repealing this exemption ensures parity for all ratepayers and energy providers in the marketplace. These revenue actions will enable to City to balance its FY 2010 budget. If these revenues are not realized, the City will be forced to curtail essential services and lay off both professional and support staff throughout the City.

PROPOSED LEGISLATION

Increasing the Sales Tax Rate from 4% to 4.5%

Section one amends section 1210 of the Tax Law to authorize cities of one million or more to impose sales and use taxes at a rate of 4.5 percent. Section five amends section 11-2001 of the New York City Administrative Code to reflect this rate increase.

There also certain services subject to sales tax in the City, which the law addresses separately from the general sales and use tax rate. Section four amends section 1212-A of the Tax Law such that the sales tax rate on certain beauty and fitness services and on certain credit rating or reporting services may be imposed at a rate not to exceed 4.5 percent. There is a November 30, 2011 sunset on the rate permitted for certain credit rating or reporting services. Sections seven and eight amend sections 11-2002 and 11-2040 of the New York City Administrative Code, respectively, to reflect the tax rate increase on certain beauty and fitness services and on certain credit rating or reporting services, respectively, with November 30, 2011 sunsets on both.

Modifying the Sales Tax Exemption for Clothing and Footwear

Since September 1, 2007 the City has exempted all clothing and footwear from City sales tax. This act includes amendments to partially repeal the City sales tax exemption on clothing and footwear. It eliminates the exemption for items costing \$110. But, it retains the exemption for items costing less than \$110, so as to be less regressive; it continues to avoid taxing essential apparel. Effectively, the act makes the City's clothing and footwear exemption conform to the State's, as provided in the Tax Law, rather than having its own (broader) exemption in the New York City Administrative Code. The act also includes a provision in the Tax Law for local law to repeal or enact the Tax Law exemption.

Section two of this act amends section 1210 of the Tax Law such that cities of one million or more have authorization to provide, as the State does, an exemption from sales and use tax for items of clothing and footwear costing less than \$110, with an additional provision allowing local law to provide for this exemption or its repeal, effective either March, June, September or December first. Section 3 does the same, but to the Tax Law that will take effect September 1, 2009. Section 6 amends section 11-2001 of the New York City Administrative Code such that it provides the Tax Law exemption for clothing and footwear under \$110.

Repealing the Sales Tax Exemption for Delivery of ESCO Electricity or Natural Gas

Since September 1, 2003 the delivery of electricity or natural gas purchased from an Energy Service Company (ESCO) has been entirely sales tax free, from both State and local sales tax. This act repeals this exemption.

An ESCO is an alternative, third-party provider of the energy that a utility delivers. As has been the case since shortly after the State deregulated its electricity and natural gas markets in 1996, a utility customer can choose to buy their electricity or natural gas from an ESCO directly rather than from the utility, effectively "unbundling" purchase of the commodity from its delivery. Essentially, a customer is choosing to pay the commodity provider directly instead of paying the utility for energy that it is reselling. Although the utility remains the service provider (of delivery), it is cut out as the commodity middleman. Nearly six years old, the exemption on the delivery of ESCO energy is and has been an incentive for ESCOs to enter the marketplace and increase competition at the retail level. Between ConEd and National Grid, there are now 60 ESCOs from which City customers can choose. A small apartment that gets both electricity and natural gas from an ESCO now saves about \$30 in sales tax per year; a larger house about \$130 per year. However, less than a fifth of City households have chosen ESCOs. The incentive to switch is greater for commercial customers, who pay State, MCTD and local sales tax on their energy, whereas residential customers in the City pay only local sales tax.

The main benefits of choosing an ESCO are that the delivery of energy sees no sales tax, and the energy from a third party may be less expensive and possibly green. But less than a third of the ESCOs have a green electricity option, and green energy generally costs more. As can be seen in the following tables, this tax exemption is most beneficial to large commercial accounts, and uptake is generally far lower for smaller and residential accounts. Considering this, the exemption has become more of a loophole for large or energy-intensive businesses.

Typical Impact on Customers of Closing the Energy Loophole				
	Residential		Commercial	
	Small (\$/yr)	Large (\$/yr)	Small (\$/yr)	Large (\$/yr)
Electricity*				
ConEd	17	72	988	90,538
Gas**				
ConEd	13	55	104	31,912
National Grid	6	26	197	21,808

Source: Council Finance, NY PSC Energy Migration Reports for Aug. 08 and Jan. 09, NY PSC Typical Customer Bill Information for Jul. 08 and Jan. 09.

Eliminating the exemption would have the greatest effect on commercial accounts and on the ESCOs themselves.

Fraction of Accounts that Now Use ESCOs			
	Residential	Commercial	
		Small	Large
Electricity*			
ConEd	17.9%	20.8%	83.8%
Natural Gas**			
ConEd	13.3%	20.9%	46.70%
National Grid	13.2%	77.7%	6.0%

Source: NY Public Service Commission Energy Migration Reports Jan. 09

Council Finance's conservative estimate of the fiscal impact of eliminating this tax exemption from the City's 4 percent sales tax is \$83 million in FY 2010. About 19% of the increase will fall on households, 44% on small commercial accounts, and 37% on large commercial accounts.

Section two of this act amends section 1210 of the Tax Law such that cities of one million or more have authorization to tax receipts from every sale, other than sales for resale, of electricity or natural gas service, including transmission of electricity or natural gas purchased separately from the (utility's) transmission service. Section 3 does the same, but to the Tax Law that will take effect September 1, 2009. Section 6 amends section 11-2001 of the New York City Administrative Code such that it is consistent with the amendments to the Tax Law.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

for the Lower Ma_____

* ConEd provides electricity to all five City boroughs and Westchester County (10% of residents served)

** ConEd provides gas to the Bronx, Manhattan, part of Queens, and Westchester County (21% of customers served); National Grid's City service (formerly KeySpan) provides gas to Brooklyn, Staten Island and part of Queens

EFFECTIVE DATE:

The legislation would take effect on the on the first day of the month subsequent to passage, and shall apply to sales made uses occurring and services rendered on or after that date in accordance with applicable transitional provisions in section 1105 and 1217 of the Tax Law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 818-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$720,000,000	\$744,000,000	\$744,000,000
Expenditures (-)	\$0	\$0	\$0
Net	\$720,000,000	\$744,000,000	\$744,000,000

IMPACT ON REVENUES: The impact on revenues resulting from the enactment of this legislation will be \$720,000,000 in Fiscal 2010, rising to \$744,000,000 in Fiscal 2011 when the legislation is fully implemented.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Office of Management and Budget
New York City Council Finance Division

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This is a new bill.

Date Submitted to Council: **JUNE 15, 2009**

Accordingly, Your Committee recommends its adoption.

(For text of M-1461, please see the Messages and Papers from the Mayor section printed in these Minutes; for further information on the printed State bill and Sponsor's Memorandum-in-Support please refer to the New York State Legislature in Albany)

MARIA BAEZ, Chairperson; JOEL RIVERA, ERIK MARTIN DILAN, LEWIS A. FIDLER, LARRY B. SEABROOK, DANIEL R. GARODNICK, MELISSA MARK-VIVERITO, Committee on State and Federal Legislation, June 15, 2009.

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 SUPPLEMENTAL GENERAL ORDERS FOR THE DAY
(Items coupled on Supplemental General Order Calendar)

- (23) M-1461 - Increasing certain sales and compensating use taxes in cities having a population of one million or more persons" **A.8866.**
- (24) SLR 8 - S.4468-A, A.8007-A, in rem Greentree Homeowners

- (25) SLR 9 - Association. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage) S.5443-A, A.5651-A, in rem Thomas and Lucille Hussey. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (26) SLR 10 - S.4845-B, A.8131, biotechnology credit against the general corporation tax. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (27) SLR 11 - S.5529, A.8616, sale of bonds and notes of the city of New York, the refunding of bonds. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (28) SLR 12 - S.4940, A.8614, bonds issued by the New York city transitional finance authority. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (29) SLR 13 - S.5519, A.8615, unincorporated business tax. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (30) SLR 14 - S.4941, A.8617, bond anticipation notes. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (31) SLR 15 - A.8868, eligibility of beneficiaries of the industrial and commercial abatement program. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (32) SLR 16 - A.8889, temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (33) SLR 17 - A.8895, determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2010. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)
- (34) SLR 18 - A.8867, bringing certain city tax laws into closer conformity with certain state tax laws. (Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)

The Public Advocate (Ms. Gotbaum) 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, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez**, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders**, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White**, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **51**.**

The revised Supplemental General Order vote recorded for this Recessed Meeting was 51-0-0 as shown above** (superseding the original 48-0-0 General Order vote recorded on June 15, 2009) with the exception of the votes for the following legislative items:

The following was the revised 40-10-1** vote recorded for M-1461 (superseding the original vote 37-10-1 vote recorded on June 15, 2009):

Affirmative – Arroyo, Baez, Brewer, Comrie, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gonzalez, Jackson, James, Koppell, Lappin, Liu, Mark-Viverito, Martinez**, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Sanders**, Seabrook, Sears, Stewart, Vann, Weprin, White**, Yassky, Rivera, and the Speaker (Council Member Quinn) – **40**.**

Negative - Avella, Barron, Crowley, Gioia, Ignizio, Katz, Mitchell, Ulrich, Vacca, and Oddo - **10.**

Abstention - Vallone, Jr. – **1.**

***Please see the Editor's Note re: Attendance and Voting for this Recessed Meeting of June 10, 2009 held on June 15, 2009 printed after the Roll Call for Attendance in these Minutes.*

SUPPLEMENTAL INTRODUCTION AND READING OF BILLS

State Legislation Res. No. 11

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5529, and Assembly Members Farrell, Cook, Wright, Bing, Kellner, Powell, Espaillat, et al., A.8616, "AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements of the city of New York; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof".

By Council Members Baez, Fidler, and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Senator Kruger, S.5529, and Assembly Members Farrell, Cook, Wright, Bing, Kellner, Powell, Espaillat, et al., A.8616, "AN ACT to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the refunding of bonds, the down payment for projects financed by bonds, variable rate debt, and interest rate exchange agreements of the city of New York; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 12

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4940, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Bing, Powell, et al., A.8614, "AN ACT to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority".

By Council Members Baez, Fidler and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Kruger, S.4940, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Bing, Powell, et al., A.8614, "AN ACT to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 13

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.5519, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Powell, Bing, et al., A.8615, "AN ACT to amend the administrative code of the city of New York, in relation to the unincorporated business tax".

By Council Members Baez, Fidler, Reyna and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Kruger, S.5519, and Assembly Members Farrell, Cook, Kellner, Espaillat, Wright, Powell, Bing, et al., A.8615, "AN ACT to amend the administrative code of the city of New York, in relation to the unincorporated business tax"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 14

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kruger, S.4941, and Assembly Members Farrell, Cook, Wright, Bing, Powell, Espaillat, Kellner, et al., A.8617, "AN ACT to amend the New York state financial emergency act for the city of New York and the New York city charter, in relation to bond anticipation notes".

By Council Members Baez, Fidler and Weprin.

Whereas, bills have been introduced in the New York State Legislature by Senator Kruger, S.4941, and Assembly Members Farrell, Cook, Wright, Bing, Powell, Espaillat, Kellner, et al., A.8617, "AN ACT to amend the New York state financial emergency act for the city of New York and the New York city charter, in relation to bond anticipation notes"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 15

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8868, "AN ACT to amend the general city law and the administrative code of the city of New York, in relation to eligibility of beneficiaries of the industrial and commercial abatement program for special rebates and discounts provided pursuant to the energy cost savings program and the lower Manhattan energy program".

By Council Members Baez, Fidler and Reyna.

Whereas, a bill has been introduced in the New York State Legislature by Assembly Members Silver and Glick, A.8868, “AN ACT to amend the general city law and the administrative code of the city of New York, in relation to eligibility of beneficiaries of the industrial and commercial abatement program for special rebates and discounts provided pursuant to the energy cost savings program and the lower Manhattan energy program”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bill.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 16

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Silver and Glick, A.8889, “AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan and the World Trade Center area; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness of provisions thereof”.

By Council Members Baez and Reyna.

Whereas, a bill has been introduced in the New York State Legislature by Assembly Members Silver and Glick, A.8889, “AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan and the World Trade Center area; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness of provisions thereof”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bill.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 17

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Hyer-Spencer, Silver, Farrell, Gibson, et al., A.8895, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2010”.

By Council Members Baez and Fidler.

Whereas, a bill has been introduced in the New York State Legislature by Assembly Members Hyer-Spencer, Silver, Farrell, Gibson, et al., A.8895, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2010”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bill.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 18

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Farrell and Silver, A.8867, “AN ACT to amend the administrative code of the city of New York, the business corporation law and the not-for-profit corporation law, in relation to bringing certain city tax laws into closer conformity with certain state tax laws; and to repeal certain provisions of the administrative code of the city of New York relating thereto”.

By Council Members Baez and Fidler.

Whereas, a bill has been introduced in the New York State Legislature by Assembly Members Farrell and Silver, A.8867, “AN ACT to amend the administrative code of the city of New York, the business corporation law and the not-for-profit corporation law, in relation to bringing certain city tax laws into closer conformity with certain state tax laws; and to repeal certain provisions of the administrative code of the city of New York relating thereto”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bill.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

Whereupon on motion of the Speaker (Council Member Quinn), the Public Advocate (Ms. Gotbaum) declared this Meeting in recess.

The presence of a quorum was announced by the City Clerk and Clerk of the Council (Mr. McSweeney).

There were 51 Council Members present at this Recessed Meeting held on June 19, 2009.

The Public Advocate (Ms. Gotbaum) was not present at this Recessed Meeting. The Majority Leader (Council Member Rivera) assumed the chair as the President Pro Tempore and Acting Presiding Officer.

During this Recessed Meeting held on June 19, 2009, Council Members Martinez, Sanders, and White chose to cast affirmative votes for the items coupled on the Supplemental General Order Calendar of the Recessed Meeting of June 10, 2009 held on June 15, 2009 (please see Editor's Note below**).

**** Editor's Note - re: revised Attendance and Voting for the Recessed Meeting of June 10, 2009 held on June 15, 2009:** *The Stated Council Meeting of June 10, 2009 opened on June 10, 2009, continued on June 15, 2009 and June 19, 2009, and was adjourned after brief proceedings held on June 30, 2009 (shortly before the start of the regularly scheduled Stated Council Meeting of June 30, 2009). Though not present on June 15, 2009, Council Members Martinez, Sanders, and White were present at this Recessed Meeting held on June 19, 2009 and are, thereby, considered present for attendance and voting purposes for the Recessed Meeting of June 10, 2009 held on June 15, 2009. Council Members Martinez, Sanders, and White chose to cast affirmative votes on June 19, 2009 for the items coupled on the Supplemental General Order Calendar of the Recessed Meeting held on June 15, 2009 (please see the Supplemental General Order vote printed in these Minutes of the Recessed Meeting of June 10, 2009 held on June 15, 2009).*

THE COUNCIL

*Minutes of the
RECESSED MEETING
of
Wednesday, June 10, 2009
held on
Friday, June 19, 2009, 5:45 p.m.*

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Tony Avella	Alan J. Gerson	Annabel Palma
Maria Baez	Eric N. Gioia	Domenic M. Recchia, Jr.
Charles Barron	Sara M. Gonzalez	Diana Reyna
Gale A. Brewer	Vincent M. Ignizio	Joel Rivera
Leroy G. Comrie, Jr.	Robert Jackson	James Sanders, Jr.**
Elizabeth S. Crowley	Letitia James	Larry B. Seabrook
Bill DeBlasio	Melinda R. Katz	Helen Sears
Inez E. Dickens	G. Oliver Koppell	Kendall B. Stewart
Erik Martin Dilan	Jessica S. Lappin	Eric A. Ulrich
Mathieu Eugene	John C. Liu	James Vacca
Simcha Felder	Melissa Mark-Viverito	Peter F. Vallone, Jr.
Julissa Ferreras	Miguel Martinez**	Albert Vann
Lewis A. Fidler	Darlene Mealy	David I. Weprin
Helen D. Foster	Rosie Mendez	Thomas White, Jr.**
Daniel R. Garodnick	Kenneth C. Mitchell	David Yassky
James F. Gennaro	Michael Nelson	

SUPPLEMENTAL MESSAGES & PAPERS FROM THE MAYOR

M-1462

Communication from the Mayor - Submitting amended certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2010 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

June 19, 2009

Honorable Members of the Council

Honorable William C. Thompson, Jr., Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President
Honorable Marty Markowitz, Brooklyn Borough President
Honorable Scott M. Stringer, Manhattan Borough President
Honorable Helen M. Marshall, Queens Borough President
Honorable James P. Molinaro, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

This certificate amends my previous certificate submitted to you, dated May 1, 2009. I hereby certify that, as of this date, in my opinion, the City of New York (the "City") and the New York City Municipal Water Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2010 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2010	\$8,802	Million
2011	8,142	Million
2012	7,281	Million
2013	6,449	Million

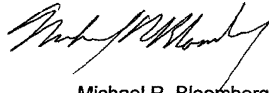
Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2010 – 2013:

2010	\$2,302	Million
2011	2,014	Million
2012	1,878	Million
2013	1,661	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2010, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2010	\$7,976	Million
2011	4,052	Million
2012	3,705	Million
2013	5,183	Million

Sincerely,



Michael R. Bloomberg
Mayor

2

Received, Ordered, Printed and Filed

**SUPPLEMENTAL COMMUNICATION FROM
CITY, COUNTY & BOROUGH OFFICES**

Preconsidered M-1463

Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in Fiscal Year 2009 to implement changes to the City’s expense budget. (MN-5)

June 18 2009

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2009 to implement changes in the City’s expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City’s Executive Financial Plan modification as well as changes recognized as part of the fiscal year 2010 Adoption process.

Included in this modification is an advance deposit of \$225.0 million to the Retiree Health Benefits Trust Fund and an increase of \$278.9 million to the Budget Stabilization Account to prepay debt service.

Appendix A details the State, Federal and other funds impacted by these changes.

Your approval of modification MN-5 is respectfully requested.

Yours truly,

Mark Page

(For MN-5 and Appendix A numbers, please see the attachment to Res No. 2041 printed after the Report of the Committee on Finance for M-1463 & Res No. 2041 in these Minutes)

Referred to the Committee on Finance

Preconsidered M-1464

Communication from the Office of Management & Budget – Pursuant to Section 107(e) of the New York City Charter, appropriate new revenues of \$438.8 million in Fiscal Year 2009. (MN-6)

June 18, 2009

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new revenues of \$438.8 million in fiscal year 2009.

The \$438.8 million of new revenues and the reduction of the general reserve of \$314.3 million will be used to prepay \$753.0 million of expenses in fiscal year 2010. This includes prepayments of \$264.4 million to the Library Systems, \$293.6 million to the MTA, \$110 million to DASNY, and \$85 million to HHC.

Your approval of modification MN-6 is respectfully requested.

Yours truly,

Mark Page

(For MN-6 numbers, please see the attachment to Res No. 2042 printed after the Report of the Committee on Finance for M-1464 & Res No. 2042 in these Minutes)

Referred to the Committee on Finance

SUPPLEMENTAL REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 992-A

Report of the Committee on Civil Service and Labor 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 residency requirements for city employees.

The Committee on Civil Service and Labor, to which was referred on May 20, 2009 (Minutes, page 2009) the annexed amended proposed local law, respectfully

REPORTS:

INTRODUCTION

On June 18, 2009, the Committee on Civil Service and Labor, chaired by Council Member Miguel Martinez, will hold a hearing on Proposed Int. No. 992-A,

a local law to amend the Administrative Code of the City of New York (“Administrative Code”), in relation to the residency requirement for City employees. The Committee previously held a hearing on Int. 992 on May 21, 2009.

BACKGROUND

Currently, Section 12-120(a) of the Administrative Code requires a person who enters City service on or after September 1, 1986 to be a resident of the City on the date that he or she enters City service or establish City residence within ninety days of employment and maintain City residence as a condition of employment. The failure of such persons to establish or maintain City residence constitutes grounds for dismissal, though the employee shall be given notice of and opportunity to contest.¹² Section 12-120(b) currently provides that certain union employees who have completed two years of City employment under conditions described in such subdivision shall be deemed to be in compliance with this section’s residency requirements if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam Counties.

PROPOSED INT. NO. 992-A

Bill section 1 of Proposed Int. No. 992-A would amend subdivision b of section 12-120 of the Administrative Code to allow employees who have completed two years of City service to be deemed in compliance with the residency requirements if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam County. Bill section 1 of Proposed Int. No. 992-A would also amend subdivision b of section 12-120 to allow the Mayor to require deputy mayors, heads of mayoral agencies, as defined in section 385 of the New York City Charter, deputy commissioners, assistant commissioners and general counsels of such agencies to have completed more than two years of City service to be in compliance with the residency requirements of this section.

Additionally, bill section 1 of Proposed Int. No. 992-A would amend subdivision b of section 12-120 to allow the Speaker of the City Council to require the Council’s chief of staff, deputy chiefs of staff, general counsel and division directors to have completed more than two years of City service to be in compliance with the residency requirements of this section. Under bill section 1 of Proposed Int. No. 992-A, subdivision b of section 12-120 would also allow the comptroller to require the chief of staff, deputy comptrollers, assistant comptrollers and general counsel to have completed more than two years of City service to be in compliance with the residency requirements of this section, and would allow the borough presidents to require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of City service to be in compliance with the residency requirements of this section. Similarly, under bill section 1 of Proposed Int. No. 992-A, subdivision b of section 12-120 would allow the public advocate to require the chief of staff, deputy advocates and general counsel to have completed more than two years of City service to be in compliance with the residency requirements of this section.

This bill would eliminate non-residency eligibility requirements relating to certain titles, collective bargaining agreements and consent determinations and certain date restrictions established by Local Law 10 for the Year 2009.

Bill section 2 of Proposed Int. No. 992-A would provide that the amendments in this local law would not be construed to affect administrative or judicial actions taken to enforce the residency requirements in effect prior to the effective date of bill, nor to supersede, alter or affect any provision of the public officers law requiring that a person appointed to a position in City service be a resident. Additionally, Section 2 of Proposed Int. No. 992-A would provide that the amendments in this bill would not be construed to require the termination of any certification issued by the Commissioner of Citywide Administrative Services pursuant to Section 12-121(a) of the Administrative Code, as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

Section 3 of Proposed Int. No. 992-A would provide that this local law would take effect immediately.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 992-A:)

Int. No. 992-A

By Council Members de Blasio, Sears, Vallone, Jr., Jackson, Avella, Yassky, Fidler, Gonzalez, James, Koppell, Liu, Mealy, Nelson, Recchia, Reyna, Seabrook, Stewart, Weprin, Katz, Sanders, Gerson, Vacca, Gennaro and Mitchell.

A Local Law to amend the administrative code of the city of New York in relation to residency requirements for city employees

Be it enacted by the Council as follows:

for the Lower Ma_____

¹² In 2004, the New York Court of Appeals upheld the City’s residency law. *Felix v. New York City Department of Citywide Administrative Services*, 3 N.Y.3d 498 (2004).

Section 1. Section 12-120 of the administrative code of the city of New York, as added by local law number 40 for the year 1986, and as amended by local law number 10 for the year 2009, is amended to read as follows:

§12-120 Residency requirements. a. Except as otherwise provided in section 12-121, any person who enters city service on or after September first nineteen hundred eighty-six (i) shall be a resident of the city on the date that he or she enters city service or shall establish city residence within ninety days after such date and (ii) shall thereafter maintain city residence as a condition of employment. Failure to establish or maintain city residence as required by this section shall constitute a forfeiture of employment; provided, however, that prior to dismissal for failure to establish or maintain city residence an employee shall be given notice of and the opportunity to contest the charge that his or her residence is outside the city.

b. Notwithstanding subdivision a of this section, employees who have completed two years of city *service* [employment and are either (i) in titles certified to a collective bargaining representative that has entered into an agreement with the city dated September 29, 2006 on or before the effective date of this local law to modify the residency requirements contained herein or (ii) represented by or affiliated with said representative and hold titles covered by Section 220 of the New York State Labor Law which subsequently enter into collective bargaining agreements or consent determinations to modify the residency requirements,] shall be deemed to be in compliance with the residency requirements of this section if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam county; *provided, however, that*

(i) *the mayor may require deputy mayors, heads of mayoral agencies as defined in section 385 of the charter, deputy commissioners, assistant commissioners and general counsels of such agencies to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(ii) *the speaker of the council may require the council’s chief of staff, deputy chiefs of staff, general counsel and division directors to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(iii) *the comptroller may require the chief of staff, deputy comptrollers, assistant comptrollers and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(iv) *the borough presidents may require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of city service to be in compliance with the residency requirements of this section, and*

(v) *the public advocate may require the chief of staff, deputy advocates and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

§2. The amendments to the administrative code enacted by this local law shall not be construed to affect administrative or judicial actions taken to enforce the residency requirements in effect prior to the effective date of this local law, or to supersede, alter or affect any provision of the public officers law requiring that a person appointed to a position in city service be a resident. In addition, such amendments shall not be construed to require the termination of any certification issued by the commissioner of citywide administrative services pursuant to subdivision a of section 12-121 of such code, as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

§3. This local law shall take effect immediately.

MIGUEL MARTINEZ, Chairperson; LARRY B. SEABROOK, MELISSA MARK-VIVERITO, Committee on Civil Service and Labor, June 18, 2009.

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).

Supplemental Reports of the Committee on Finance

Report for Int. No. 1009

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to fees for certain applications, appeals, filings and reviews processed and determined by the board of standards and appeals, and to repeal certain provisions of such code relating thereto.

The Committee on Finance, to which was referred on May 20, 2009 (Minutes, page 2043) the annexed proposed local law, respectfully

REPORTS:

BACKGROUND:

The Board of Standards and Appeals (“the Board”) regulates land use in the city, and grants relief from the zoning code by granting variances from the zoning code, special permits, or variance or permit extensions.

This bill would increase the dollar amount of all fees via a percentage increase. According to bill’s Memorandum In Support, submitted by the Administration, the necessity for an increase in zoning fees reflects the increased cost of the Board’s operation in relation to its application processing function, due to inflation and other factors. The fee increases will represent a negligible amount of the total cost of a typical development project before the Board for discretionary relief. The fee increases are also proposed to provide consistency with other land use agencies and to improve comparability and fairness in the fee structure

Fees for variances, special permits, and extension have not been increased since 2004. The most recent increase in the Board’s application fees in 2004 resulted in increases of 25%, though fees for applications involving one and two family homes have not been increased since 1991.

INT. 1009

This bill would repeal section 25-202 of the Administrative Code, which sets forth a fee schedule for various types of applications for discretionary relief under the jurisdiction of the Board of Standards and Appeals, such as variances, special permits, appeals, and amendments to prior grants. The bill would add a new section 25-202 setting forth a new fee schedule.

Generally, the bill would increase the dollar amount or percentage amount of each fee by approximately 50%, though the fees for more complex applications would be increased by approximately 100% and the fees for less complex applications would be increased by only about 25%. The bill would also revise the fee structure to establish categories that better reflect the types of applications received and eliminate redundant and confusing categories. In addition, the fee exemption for non-profit applicants would be removed, except for applications for minor amendments.

The increases provided in this legislation would apply to all classes of property. Also, not for profit organizations are currently exempt from fees for certain applications, appeals, filings and reviews processed and determined by the board of standards and appeals. Under this legislation, not for profit organizations would be subjected to the fees imposed by the Board of Standards and Appeals, except in the case of minor amendments.

The local law would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1009:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$330,000	\$330,000	\$330,000
Expenditures (-)	\$0	\$0	\$0
Net	\$330,000	\$330,000	\$330,000

IMPACT ON REVENUES: The increases in the various filing fees would yield approximately \$330,000 annually in additional revenue, beginning in Fiscal 2010.

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Emre Edev, Senior Legislative Financial Analyst
Nadine Felton, Assistant Director, Revenue
City Council Finance Division

HISTORY: This bill was introduced by the full Council on May 20, 2009 and was referred to the Committee on Finance. It will be considered by the Committee on June 19, 2009.

DATE SUBMITTED TO COUNCIL: May 20, 2009

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1009:)

Int. No. 1009

By Council Members Weprin and James (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to fees for certain applications, appeals, filings and reviews processed and determined by the board of standards and appeals, and to repeal certain provisions of such code relating thereto.

Be it enacted by the Council as follows:

Section 1. Section 25-202 of the administrative code of the city of New York is REPEALED and a new section 25-202 is added to read as follows:

§ 25-202 Fees. *The fees hereinbelow set forth shall be charged for the following applications, appeals, filings and reviews:*

1. *Zoning variances. Application for any variance under the zoning resolution with respect to:*

- a. (1) *Individually owned one and two family dwellings: \$550.00.*
- (2) *Individually owned three family dwellings: \$850.00.*
- b. *Other buildings and structures (fee schedule applicable to square footage involved in application), and junk yards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application).*

- (1) *10,000 square feet or less of floor area or lot area: \$3,160.00.*
- (2) *In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$4,380.00.*
- (3) *In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$5,630.00.*
- (4) *In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$6,850.00.*
- (5) *In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$8,080.00.*
- (6) *In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.*
- (7) *In excess of 100,000 square feet of lot area: \$8,960.00.*

c. *All other applications for any zoning variance under the zoning resolution not subject to paragraph a or b of this subdivision: \$3,160.00.*

2. *Zoning special permits. Application for any special permit under the zoning resolution with respect to:*

- a. (1) *Individually owned one and two family dwellings: \$410.00.*
- (2) *Individually owned three family dwellings: \$640.00.*
- b. *Other buildings and structures (fee schedule applicable to square footage involved in application), and junk yards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application):*

- (1) *10,000 square feet or less of floor area or lot area: \$2,370.00.*
- (2) *In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$3,300.00.*
- (3) *In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$4,220.00.*
- (4) *In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$5,140.00.*
- (5) *In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$6,060.00.*
- (6) *In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.*
- (7) *In excess of 100,000 square feet of lot area: \$6,720.00.*

c. *Application for any special permit under the zoning resolution not subject to paragraph a or b of this subdivision: \$2,370.00.*

3. *Special order calendar.*

a. *Application to reargue or rehear an application pursuant to the rules of practice and procedure of the board of standards and appeals: \$1,850.00.*

b. *Application for amendment of a variance or special permit previously granted under the zoning resolution with respect to:*

- (1) *Individually owned one and two family dwellings: \$440.00.*
- (2) *Individually owned three family dwellings: \$920.00.*
- (3) *All other developments: \$2,110.00.*

c. *Application for an extension of time:*

- (1) *To obtain a certificate of occupancy pursuant to a resolution of the board of standards and appeals: \$1,200.00.*
- (2) *To complete construction pursuant to section 72-23 or 73-70 of the zoning resolution: \$1,200.00.*

d. *Application for extension of term of a variance or special permit previously granted under the zoning resolution with respect to individually owned one, two or three family dwellings, other buildings and structures (fee*

schedule applicable to square footage involved in application), and junkyards, parking lots, automotive service stations and other similar uses (fee schedule applicable to lot area involved in application):

- (1) Individually owned one, two or three family dwellings: \$550.00.
 - (2) 10,000 square feet or less of floor area or lot area: \$2,370.00.
 - (3) In excess of 10,000 but not more than 20,000 square feet of floor area or lot area: \$3,290.00.
 - (4) In excess of 20,000 but not more than 40,000 square feet of floor area or lot area: \$4,220.00.
 - (5) In excess of 40,000 but not more than 70,000 square feet of floor area or lot area: \$5,140.00.
 - (6) In excess of 70,000 but not more than 100,000 square feet of floor area or lot area: \$6,060.00.
 - (7) In excess of 100,000 square feet of floor area: 5.0% of square footage in units of 10,000 square feet.
 - (8) In excess of 100,000 square feet of lot area: \$6,720.00.
 - (9) All other applications: \$2,370.00.
- e. Application to waive the rules of practice and procedure of the board of standards and appeals when:
- (1) Application to extend time to complete construction is filed one year or less after the permitted filing period: \$660.00.
 - (2) Application to extend time to complete construction is filed more than one year after the permitted filing period: \$920.00.
 - (3) Application to extend the term of a previously issued variance, special permit or appeal is filed one year or less after the permitted filing period: \$1,180.00.
 - (4) Application to extend the term of a previously issued variance, special permit or appeal, is filed between one and two years after the permitted filing period: \$1,850.00.
 - (5) Application to extend the term of a previously issued variance, special permit or appeal, is filed more than two years after the permitted filing period: \$2,630.00.
- f. Application for minor amendment that is in substantial compliance with previous grant: \$620.00.
4. Appeals.
- a. Application to waive section thirty-five or thirty-six of the general city law with respect to:
- (1) One, two and three family residences, per building permit: \$790.00.
 - (2) All other residences, per building permit: \$1,540.00.
 - (3) All other buildings and properties, per building permit: \$1,980.00.
- b. Appeal from or application for review of any order, requirement or determination of the commissioner of buildings or of any borough superintendent of the department of buildings or of the fire commissioner or any rule or regulation or amendment or repeal thereof made by the fire commissioner or the commissioner of small business services with respect to:
- (1) One, two and three family residences, per building permit: \$1,260.00.
 - (2) All other residences, per building permit: \$2,460.00.
 - (3) All other buildings and properties, per building permit: \$3,160.00.
- c. Application to vest building permit under the common law doctrine of vested rights with respect to:
- (1) One, two and three family residences, per building permit: \$940.00.
 - (2) All other residences, per building permit: \$2,460.00.
 - (3) All other buildings and properties, per building permit: \$3,160.00.
- d. Application for amendment of prior approval of appeals from or application for review of any order, requirement or determination of the commissioner of buildings or of any borough superintendent of the department of buildings or of the fire commissioner or any rule or regulation or amendment or repeal thereof made by the fire commissioner or the commissioner of small business services with respect to one, two and three family residences, all other residences and all other buildings and properties: \$920.00.
5. Application for extension of period to complete construction pursuant to section 11-33 of the zoning resolution:
- a. One, two and three family residences, per building permit: \$940.00.
 - b. All other residences, per building permit: \$2,460.00.
 - c. All other buildings and properties, per building permit: \$3,160.00.
6. Exemptions. a. The provisions of this section shall not apply if a municipal department or agency of the city is the applicant or appellant before the board of standards and appeals.
- b. The provisions of this section pertaining to minor amendment shall not apply if the owner of the premises affected by the application, appeal or review, is (1) an individual owner of a one or two family home or (2) a corporation or association organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporation or association inures to the benefit of any private individual and that the premises affected are to be used exclusively by such corporation or association for one or more such purposes.
- § 2. This local law shall take effect immediately.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT

JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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. 1010-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.

The Committee on Finance, to which was referred on May 20, 2009 (Minutes, page 2046) the annexed amended proposed local law, respectfully

REPORTS:

ANALYSIS:

The Administration has asked the Council to introduce this legislation. This law would limit the eligibility of entities exempt from Fire Department fees for inspections, permits, and witnessing of required performance tests for equipment, such as a water sprinklers, or gaseous, chemical and non-water fire suppression systems.

Currently, the Fire Code provides for favorable treatment of not for profit organizations, many of which are large operations with many facilities that require the same Fire Department inspections that for-profit enterprises require. Specifically, under section 117.2.1 of the Fire Code, not for profit organizations that are used for religious, charitable, or educational purposes are exempt from Fire Department fees for inspections, permits, and witnessing of required performance tests for equipment.

This bill would limit the exemption to organizations that operate predominantly as a religious institution, provides housing to members of the religious institutions' clergy, or educational institution accredited by New York State providing kindergarten through twelfth grade education. The elimination of the exemption would result in such organizations being treated in the same manner as all other property owners, with the exception of educational institutions, houses of worship and adjacent housing for the clergy, which would remain exempt from the fees.

According to the bill's Memorandum in Support, this local law has been proposed in response to the present fiscal crisis. This legislation would enable the Fire Department to meet its budget targets, and thereby prevent or minimize reduction of essential Fire Department operations. To that extent, the Administration contends, the proposed local law serves to protect the public safety.

The average inspection results in a fee of approximately \$325, which entities would be required to pay, unless the premises are being used predominantly as an educational institution, house of worship, or adjacent housing for members of the clergy.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1010-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$3 million	\$3 million
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$3 million	\$3 million

IMPACT ON REVENUES: According to the Office of Management and Budget (OMB), this legislation would generate annual revenue of approximately \$3 million

beginning in Fiscal 2010. The average fee for such inspections is estimated by OMB to be \$325.

IMPACT ON EXPENDITURES: This legislation would have no impact on expenditures since the Fire Department currently conducts inspections, free of charge, for the entities that would be impacted by this local law. Therefore, the Department could use existing resources to comply with this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division, Mayor's Office of Management and Budget, Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: John Russell, Legislative Financial Analyst
Andy Grossman, Deputy Director

HISTORY: Intro. 1010 was introduced by the Council and referred to the Committee on Fire and Criminal Justice Services on May 20, 2009. An amendment has been proposed and this legislation will now be considered as Proposed Intro. 1010-A on June 19, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1010-A:)

Int. No. 1010-A

By Council Members Weprin, Dickens and James (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.

Be it enacted by the Council as follows

Section 1. Section FC 117.2.1 of chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended to read as follows:

117.2.1 Permit, inspection and performance test fee exemption. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a [church]religious or educational institution, corporation or association organized and operated exclusively for religious[, charitable] or educational purposes that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(3), provided that no part of the net earnings inures to the benefit of any private shareholder or individual; and provided further, that this exemption shall apply only to such portions of the premises used by such [church]religious or educational institution, corporation or association [for religious, charitable or educational purposes]predominantly as one of the following:

1. A house of worship, or dwelling units for members of the clergy of such religious institution, corporation or association situated on or adjacent to the same premises as such house of worship. For purposes of this section, "house of worship" shall mean that part of a premises classified in Occupancy Group A-3 that is used by members of a religious institution, corporation or association principally as a meeting place for divine worship or other religious observances, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association, and who does not derive his or her principal income from any other occupation or profession.

2. A school accredited by the state of New York providing kindergarten through twelfth grade education.

Section 2. This local law shall take effect immediately.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

(The following is the text of a Message of Necessity for the immediate passage of Int. No. 1010-A:)

Pursuant to authority vested in me by section twenty of the Municipal Code and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests

Given under my hand and seal this 18th day of June, 2009 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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. 1011

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the New York city charter, in relation to agreements concerning performance of agency administrative functions.

The Committee on Finance, to which was referred on May 20, 2009 (Minutes, page 2047) the annexed proposed local law, respectfully

REPORTS:

BACKGROUND

This local law, as submitted by the Administration, would add a new section 1121 to the New York City Charter in order to enable agencies to share in the performance of designated administrative functions, or to designate one or more of such agencies to perform such functions for one or more other such agencies, in order to reduce costs or improve performance.

According to the bill's Memorandum in Support, City agencies perform numerous administrative functions that do not necessarily involve expertise that is unique to an agency or necessary to perform the core substantive functions of that agency. For example, information technology, payroll and custodial work for different agencies may involve similar tasks. This legislation would make it possible for the City to reduce costs and increase efficiencies, by facilitating the sharing of functions between agencies or agency offices that perform similar tasks. In appropriate instances, employees engaged in the performance of affected functions could be transferred to designated agencies in order to implement interagency agreements.

At a time when the City is facing painful fiscal choices, it is especially critical that the City seek to identify and implement the most efficient means of performing necessary administrative or "back office" functions. To the extent that these functions do not require the special expertise of an agency engaged in service delivery or regulatory oversight, it may be possible in some circumstances for agencies to enter into arrangements that allow one agency to perform for other agencies the administrative functions that can be most efficiently unified or shared. It should be emphasized that agencies will continue to be responsible for performing their own core functions under this proposal, and that the bill only constitutes enabling legislation – no agency, whether mayoral or non-mayoral, would be required by this proposal to enter into any sharing arrangement unless the agency determines the arrangement to be in the public interest.

INT. 1011

This legislation would allow two or more agencies to share in the performance of specified administrative functions or designate one or more of such agencies to perform such functions for one or more other such agencies if, in the judgment of the heads of such agencies, such sharing or designation will result in

more effective or efficient performance of such functions for the agencies entering into such agreement.

Under this legislation, the following administrative functions can be shared or designated: personnel services, labor relations, facilities maintenance and management, purchasing, information technology and telecommunications, budget administration, and internal auditing. Such sharing must be in accordance with an agreement entered into by such agencies. Under this bill, "agencies of the city" include mayoral and non-mayoral agencies, city boards and commissions, and the offices of elected city officers.

This local law would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1011:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This local law would generate no additional revenues for the City.

IMPACT ON EXPENDITURES: Although potential expenditure savings may occur as a result of this legislation, such savings cannot currently be estimated. Examples of potential cost savings include the elimination of redundant positions at one or more agencies; the elimination or reduction of hardware, software or contract costs; or the reduction of costs associated with employee training. While some inter-agency agreements may yield more effective service delivery models, they may be cost neutral.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director

HISTORY: Intro. 1011 was introduced by the Council and referred to the Committee on Finance on May 20, 2009. The legislation is to be considered by the Committee on June 18, 2009.

(The following is the text of Int. No. 1011:)

Int. No. 1011

By Council Members Weprin, James and Nelson (by request of the Mayor).

A Local Law to amend the New York city charter, in relation to agreements concerning performance of agency administrative functions.

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 1121 to read as follows:

§1121. *Agreements concerning performance of agency administrative functions. Notwithstanding any other provision of local law to the contrary, two or more agencies of the city may, by mutual agreement, share in the performance of specified administrative functions or designate one or more of such agencies to perform such functions for one or more other such agencies if, in the judgment of the heads of such agencies, such sharing or designation will result in more effective or efficient performance of such functions for the agencies entering into such agreement. An agreement pursuant to this section may include but shall not be limited to the sharing of, or designation of one or more agencies to perform, one or more of the following functions: personnel services, labor relations, facilities maintenance and management, purchasing, information technology and telecommunications, budget administration, and internal auditing. For purposes of this section, "agencies of the city" shall include but not be limited to mayoral and*

non-mayoral agencies, city boards and commissions, and the offices of elected city officers.

§2. This local law shall take effect immediately.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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. 1012

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the tax on the occupancy of hotel rooms.

The Committee on Finance, to which was referred on May 20, 2009 (Minutes, page 2048) the annexed proposed local law, respectfully

REPORTS:

BACKGROUND:

Currently, when customers pay online travel companies for the right to occupy hotel rooms in the City, the amount they pay consists of two components – the amount paid by the online travel company to the hotel operator for the room and any added mark-up or charges such company imposes on the customer. However, online travel companies are not remitting to hotel operators occupancy tax on the total amount they charge to customers (which, in turn, means that hotel operators are only remitting to the City taxes on a portion of the total amount charged to the customer). To illustrate, let's assume an online travel company rents a hotel room from a hotel operator valued at \$100 for \$50. The same online travel company subsequently charges consumers \$80 to rent the same room. The travel company will pay the tax on the wholesale rate of \$50, the amount rented from the hotel operator, rather than the amount rented to the consumer. In this transaction, \$30 remains untaxed. This bill seeks to correct this problem by making clear that occupancy tax is owed to the City for the full amount of charges that customers pay for occupancy when they book through online travel companies.

As explained in the bill's Memorandum In Support provided by the Administration, the need for this legislation is pressing given the trend towards the greater use of online travel companies. In recent years, the proportion of customers who book hotel rooms directly with hotel operators is decreasing. As the number of customers booking at online travel companies increases, the City will continue to lose more and more tax revenue if tax on the amount these customers charge is not paid in full and remitted to the City.

Given the financial stress under which the City is currently operating, it is imperative that the City capture all taxes to which it is entitled, including taxes on the total amount customers pay for occupancy of New York City hotel rooms.

INTRO. 1012

This bill seeks to ensure that New York City captures the fullest extent of tax revenue when customers reserve and pay for hotel rooms through online or other travel intermediaries.

This bill would amend chapter 25 of title 11 of the New York City Administrative Code to require hotel taxes to be based on the amount of money received from the occupant, which will now include service fees. Online travel companies, such as Expedia and Orbitz, will continue to pay the hotel tax, which will be based on the wholesale rate, to the hotel, which will remit such payment to the Department of Finance. However, now, the law will also require the online travel companies to pay to the Department of Finance the difference in hotel taxes based on the wholesale rate and the amount actually charged the occupant.

Specifically, the bill:

- Adds booking and service fees to the list of items that could be deemed "consideration" or rent for hotel occupancy;
- Defines a new term "room remarketer" (online travel website) to be any person, excluding the hotel operator, that would have a right, through the

internet, or elsewhere, to offer, reserve, book, distribute, the transfer of hotel room occupancy;

- Allows the room remarketer to collect from the occupant, and remit to the hotel, the portion of the tax that is determined on the amount that the remarketer pays to the hotel operator (“net rent”). The hotel operator then remits this tax portion to DOF; and
- The room remarketer must charge the occupant the amount of the tax that the remarketer owes to the DOF based on the amount the occupant pays to the remarketer that is in excess of the amount that the remarketer pays to the hotel operator (now termed “additional rent”).

The local law would take effect on the 1st day of the first hotel occupancy tax quarterly period that begins on March first, June first, September first or December first, which must be at least thirty days after the day on which this local law becomes law. This local law will apply to rent, or any portion thereof, paid on or after the effective date of the law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1012:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$4,000,000	\$4,000,000	\$4,000,000
Expenditures (-)	\$0	\$0	\$0
Net	\$4,000,000	\$4,000,000	\$4,000,000

IMPACT ON REVENUES: The fiscal impact on revenues resulting from the enactment of this legislation would be \$4,000,000 in Fiscal Year 2010.

IMPACT ON EXPENDITURES: There would be no impact on expenditures 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: Zaid Sadoun, Legislative Analyst
Raymond Majewski, Deputy Director/Chief Economist
City Council Finance Division

FIS HISTORY: This bill was introduced by the full Council on June 10, 2009. Int. 1012 will be considered by the Committee on Finance and voted by the full Council on June 19, 2009.

Date Submitted to Council: JUNE 10, 2009.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1012:)

Int. No. 1012

By Council Members Weprin, Fidler and James (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the tax on the occupancy of hotel rooms.

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 11-2501 of the administrative code of the city of New York is amended to read as follows:

7. "Rent." The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, *including any service and/or booking fees that are a condition of occupancy*, and also any amount for which credit is allowed by the

operator *or room remarketer* to the occupant, without any deduction therefrom whatsoever.

§2. Section 11-2501 of the administrative code of the city of New York is amended by adding three new subdivisions 12, 13 and 14 to read as follows:

12. "Room remarketer." *Any person, excluding the operator, having any right, access, ability or authority, through an internet transaction or any other means whatsoever, to offer, reserve, book, arrange for, remarket, distribute, broker, resell, or facilitate the transfer of rooms the occupancy of which is subject to tax under this chapter.*

13. "Net rent." *The rent received by an operator from a room remarketer.*

14. "Additional rent." *The excess of the rent received from an occupant by a room remarketer over the net rent.*

§3. Section 11-2502 of the administrative code of the city of New York, paragraph 3 of subdivision a as amended by local law number 65 for the year 2008, paragraph 4 of subdivision a as separately amended by chapters 29 and 69 of the laws of 1986, subdivision b as amended by local law number 43 for the year 1990, subdivision c as added by chapter 454 of the laws of 1998, subdivision d as added by local law number 73 for the year 2001, and subdivision j as amended by chapter 454 of the laws of 1998, is amended to read as follows:

§11-2502 Imposition of tax.

a. (1) On and after July first, nineteen hundred seventy until and including August thirty-first, nineteen hundred eighty, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York at the rates set forth in, and determined in accordance with the following table:

If the rent per day for the room is:	The tax is:
Less than \$10	\$.25 per day
\$10 or more, but less than \$15	.50 per day
\$15 or more, but less than \$20	.75 per day
\$20 or more	1.00 per day

(2) On and after September first, nineteen hundred eighty, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York at the rates set forth in, and determined in accordance with, the following table:

If the rent per day for the room is:	The tax is:
\$10 or more, but less than \$20	\$.50 per day
\$20 or more, but less than \$30	\$1.00 per day
\$30 or more, but less than \$40	\$1.50 per day
\$40 or more	\$2.00 per day

Where a person occupies a room for less than a full day and pays less than the rent for a full day, the tax shall nevertheless be the same amount as would be due had such person occupied the room for a full day at the rent for a full day.

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand eleven, and (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand eleven.

(4) *Where the occupancy of a room is reserved, booked or otherwise arranged for by a room remarketer, the tax imposed by paragraph three of this subdivision shall be determined based on the rent received from the occupant by the room remarketer. In such a transaction, the room remarketer shall collect from the occupant and remit to the operator that portion of the tax that is determined based upon the net rent, and the operator shall pay such portion of the tax to the commissioner of finance. The room remarketer shall collect from the occupant and pay to the commissioner of finance that portion of the tax that is determined based upon the additional rent.*

(5) Where the rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the daily rent upon which the tax is determined shall be the result obtained by dividing the rent for such term by the number of days in such term. Where the rent is for more than one room, including but not limited to a suite of rooms, the daily rent per room upon which tax is determined shall be calculated by multiplying the daily rent for the group of rooms by a fraction, the numerator of which shall be the daily rent for the particular room, or a similar room, when such room is rented alone with similar bath facilities, and the denominator of which shall be the total of the daily rent for the individual rooms in the group of rooms, or similar rooms, when such rooms are rented alone with similar bath facilities. In any case in which it is not possible to determine the daily rent per room in the foregoing manner, the commissioner of finance shall prescribe methods for making such determination.

b. (1) No tax shall be imposed hereunder upon a permanent resident.

(2) For purposes of this subdivision, an occupant who is eligible to request and has requested a lease pursuant to the provisions of paragraph two of subdivision (a)

of section 2522.5 of the rent stabilization regulations promulgated by the division of housing and community renewal of the state of New York (title nine, subtitle S, chapter VIII of the official compilation of codes, rules and regulations of the state of New York), shall tentatively be accorded the status of permanent resident as of the date of such request, notwithstanding that such occupant has not met the one hundred eighty-consecutive-day requirement contained in subdivision eight of section 11-2501 of this chapter as of such date. In the case of such an occupant, the operator *or room remarketer* shall not collect the taxes imposed by this chapter for any day, commencing with the date such lease is requested, which falls within a period of continuous occupancy by such occupant of a room or rooms in the hotel. Provided, however, if such occupant ceases to occupy a room or rooms in the hotel prior to the completion of one hundred eighty consecutive days of occupancy, any taxes not collected theretofore by reason of the provisions of this paragraph shall become immediately due and payable on the date of cessation of occupancy and shall be collected by the operator *or room remarketer* from such occupant. In the event, however, that the operator *or room remarketer* is unable to collect such taxes from the occupant, the operator *or room remarketer* shall not be liable to the city for such taxes. The provisions of this paragraph shall apply with respect to leases requested on or after September first, nineteen hundred ninety.

c. No tax shall be imposed hereunder upon any organization described in subdivision (a) of section eleven hundred sixteen of the tax law to the extent such organization is not subject to the tax imposed under subdivision (e) of section eleven hundred five of the tax law.

d. (1) No tax shall be imposed hereunder upon any person occupying any room or rooms in a hotel solely and directly as a result of such person's involuntary displacement from premises by the attack on the World Trade Center on September eleventh, two thousand one, provided such premises were not subject to the tax imposed by this section or the tax imposed under section eleven hundred seven of the tax law.

(2) Where an occupant claims exemption from the tax under the provisions of paragraph one of this subdivision, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a signed written statement describing the specific circumstances providing the basis for such claim and containing such other information as the commissioner of finance may require. The operator shall retain such statement and provide it to the commissioner of finance upon request.

e. Where any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on [propaganda] *propaganda*, or otherwise attempting to influence legislation, carries on its activities in furtherance of any of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in said premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder. Nothing in this subdivision shall be deemed to include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of [it] *its* profits are payable to one or more organizations described in this subdivision.

f. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator[, and] *or room remarketer*.

(1) *Where an occupant rents a room directly from an operator*, the tax shall be paid by the occupant to the operator as trustee for and on account of the city, and the operator shall be liable for the collection [thereof] *of the tax on the rent* and for the *payment of the tax on the rent*.

(2) *Where an occupant rents a room that has been reserved, booked or otherwise arranged for by a room remarketer, the tax to be collected on and the portion of the tax attributable to the rent, the net rent and any additional rent shall be stated separately on any bill or statement or charge made for said occupancy issued or delivered by the room remarketer to the occupant. Tax on the net rent shall be paid by the occupant to the room remarketer and paid by the room remarketer to the operator as trustee for and on account of the city. The operator shall be liable for the collection of the tax on the net rent and for the payment of the tax on the net rent. Tax on any additional rent charged to the occupant by the room remarketer shall be paid by the occupant to the room remarketer as trustee for and on account of the city. The room remarketer shall be liable for the collection of tax on the net rent and on the additional rent and for the payment of the tax on the net rent and the additional rent, provided, however, if a room remarketer demonstrates that it has paid to the operator the portion of the tax based upon the net rent, the room remarketer will not be liable for payment of such portion of the tax to the commissioner of finance.*

(3) The operator *or room remarketer* and any officer of any corporate operator *or room remarketer* shall be personally liable for *the portion of* the tax collected or required to be collected under this chapter, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he or she may have in the event of nonpayment of rent by the occupant; provided however, that the commissioner of finance shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

g. Where the occupant has failed to pay and the operator *or room remarketer* has failed to collect a tax as imposed by this chapter, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the commissioner of finance, and it shall be the duty of the occupant to file a return thereof with the commissioner of finance and to pay the tax imposed therein to the commissioner of finance within fifteen days after such tax was due.

h. The commissioner of finance may, wherever he or she deems it necessary for the proper enforcement of this chapter, provide by regulation that the occupant shall file returns and pay directly to the commissioner of finance the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator *or room remarketer*.

i. The tax imposed by this chapter shall be paid upon any occupancy on and after July first, nineteen hundred seventy, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such effective date. Where rent is paid, or charged or billed, or falls due on either a weekly, monthly, or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after July first, nineteen hundred seventy, and such payment, bill, charge or rent due shall be apportioned on the basis of the ratio of the number of days falling within said period, to the total number of days covered thereby. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the commissioner of finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in section 11-2507 of this chapter.

j. For the purpose of the proper administration of this chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, *the room remarketer*, or the occupant. Where an occupant claims exemption from the tax under the provisions of subdivision c of this section, the rent shall be deemed taxable hereunder unless the operator *or room remarketer* shall receive from the occupant claiming such exemption a copy of the exempt organization certificate that is necessary to obtain exemption from the tax imposed under subdivision (e) of section eleven hundred five of the tax law, together with a certificate duly executed by the organization named in such certificate certifying that the occupant is its agent, representative or employee and that his or her occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said organization.

k. No operator *or room remarketer* shall advertise or hold out to the public in any manner, directly or indirectly, that the tax imposed by this chapter is not considered as [an element in] *a mandatory addition to* the rent charged to the occupant.

§4. Section 11-2503 of the administrative code of the city of New York is amended to read as follows:

§11-2503 Records to be kept. Every operator *and every room remarketer* shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the commissioner of finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the commissioner of finance or his or her duly authorized agent or employee and shall be preserved for a period of three years, except that the commissioner of finance may consent to their destruction within that period or may require that they be kept longer.

§5. Subdivision a of section 11-2504 of the administrative code of the city of New York is amended to read as follows:

a. Every operator *and every room remarketer* shall file with the commissioner of finance a return of occupancy and of rents, and of the taxes payable thereon, for the quarterly periods ending on the last day of February, May, August and November of each year. Such returns shall be filed within twenty days after the end of the quarterly period covered thereby. The commissioner of finance may permit or require returns to be made by other periods and upon such dates as he or she may specify. If the commissioner of finance deems it necessary in order to insure the payment of the tax imposed by this chapter, he or she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this subdivision and upon such dates as he or she may specify.

§6. Section 11-2505 of the administrative code of the city of New York is amended to read as follows:

§11-2505 Payment of tax. At the time of filing a return of occupancy and of rents each operator *and room remarketer* shall pay to the commissioner of finance the taxes imposed by this chapter upon the rents required to be included in such return, as well as all other moneys collected by the operator *or room remarketer* acting or purporting to act under the provisions of this chapter, even though it be judicially determined that the tax collected is invalidly imposed. All the taxes for the period for which a return is required to be filed shall be due from the operator *or room remarketer* and payable to the commissioner of finance on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the commissioner of finance in his or her discretion deems it necessary to protect revenues to be obtained under this chapter he or she may require any operator *or room remarketer* required to collect the tax imposed by this chapter to file with him or her a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the commissioner of finance may fix, to secure the payment of any tax and/or penalties and interest due or which may become due from such operator *or room remarketer*. In the event that the commissioner of finance determines that an operator *or room remarketer* is to file

such bond he or she shall give notice to such operator *or room remarketer* to that effect specifying the amount of the bond required. The operator *or room remarketer* shall file such bond within five days after the giving of such notice unless within such five days the operator *or room remarketer* shall request in writing a hearing before the commissioner of finance at which the necessity, propriety and amount of the bond shall be determined by the commissioner of finance. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof. In lieu of such bond, securities approved by the commissioner of finance or cash in such amount as he or she may prescribe, may be deposited which shall be kept in the custody of the commissioner of finance who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

§7. Subdivision a of section 11-2507 of the administrative code of the city of New York, as amended by chapter 808 of the laws of 1992, is amended to read as follows:

a. In the manner provided in this section the commissioner of finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if written application to the commissioner of finance for such refund shall be made within one year from the payment thereof. Whenever a refund or credit is made or denied by the commissioner of finance, he or she shall state his or her reasons therefor and give notice thereof to the taxpayer in writing. Such application may be made by the occupant, operator, *room remarketer* or other person who has actually paid the tax *or portion of the tax to the commissioner of finance*. Such application may also be made by an operator *or room remarketer* who has collected and paid over such tax *or portion of such tax* to the commissioner of finance provided that the application is made within one year of the payment by the occupant to the operator *or room remarketer*, but no actual refund of moneys shall be made to such operator *or room remarketer* until he or she shall first establish to the satisfaction of the commissioner of finance, under such regulations as the commissioner of finance may prescribe, that he or she has repaid to the occupant the amount for which the application for refund is made. The commissioner of finance may, in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

§8. Section 11-2508 of the administrative code of the city of New York is amended to read as follows:

§11-2508 Reserves. In cases where the occupant [or], operator *or room remarketer* has applied for a refund and has instituted a proceeding under article seventy-eight of the civil practice law and rules to review a determination adverse to such occupant [or], operator *or room remarketer* on his or her application for refund, the comptroller shall set up appropriate reserves to meet any decision adverse to the city.

§9. Subdivisions a and b of section 11-2510 of the administrative code of the city of New York are amended to read as follows:

a. Whenever any operator *or room remarketer*, or any officer of a corporate operator *or room remarketer*, or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this chapter as therein provided, the corporation counsel shall, upon the request of the commissioner of finance bring or cause to be brought an action to enforce the payment of the same on behalf of the city of New York in any court of the state of New York or of any other state or of the United States. If, however, the commissioner of finance in his or her discretion believes that any such operator, *room remarketer*, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax, penalties or interest might be satisfied, and that any such tax, penalty or interest will not be paid when due, he or she may declare such tax, penalty or interest to be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the commissioner of finance may issue a warrant, directed to the city sheriff commanding him or her to levy upon and sell the real and personal property of the operator *or room remarketer* or officer of a corporate operator *or room remarketer* or of the occupant or other person liable for the tax, which may be found within the city for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the commissioner of finance and to pay to him or her the money collected by virtue thereof within sixty days after the receipt of such warrant. The city sheriff shall within five days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The city sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant such sheriff shall be entitled to the same fees, which he or she may collect in the same manner. In the discretion of the commissioner of finance a warrant of like terms, force and effect may be issued and directed to any officer or employee of the department of finance, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the commissioner of finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the city had recovered judgment therefor and execution thereon had been returned unsatisfied.

§10. Subdivision 6 of section 11-2511 of the administrative code of the city of New York is amended to read as follows:

6. To require any operator within the city to keep detailed records of the nature and type of hotel maintained[,] and the nature and type of service rendered, and to require any operator *or room remarketer* to keep detailed records of the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this chapter, and to furnish such information upon request to the commissioner of finance;

§11. Section 11-2514 of the administrative code of the city of New York is amended to read as follows:

§11-2514 Registration. By June thirtieth, nineteen hundred seventy, or in the case of operators *or room remarketers* commencing business or opening new hotels after such date, within three days after such commencement or opening, *or in the case of room remarketers doing business on the effective date of the local law that added this phrase, within three days of such effective date*, every operator *or room remarketer* shall file with the commissioner of finance a certificate of registration in a form prescribed by the commissioner of finance. The commissioner of finance shall within five days after such registration issue without charge to each operator *or room remarketer* a certificate of authority empowering such operator *or room remarketer* to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel *or room remarketer* to which it is applicable. Such certificates of authority shall be prominently displayed by the operator *or room remarketer* in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and nontransferable and shall be surrendered immediately to the commissioner of finance upon the cessation of business at the hotel named [or], upon its sale or transfer, *or upon cessation of business of the named room remarketer*.

§12. Subdivision h of section 11-2515 of the administrative code of the city of New York, as amended by chapter 765 of the laws of 1985, is amended to read as follows:

(h) Miscellaneous. (1) Officers of a corporate operator *or room remarketer* and partners in a partnership which is an operator *or room remarketer* shall be personally liable for the tax *or portion of such tax* collected or required to be collected by such corporation or partnership under this chapter, and subject to the penalties and interest imposed by this section.

(2) The certificate of the commissioner of finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this chapter, shall be presumptive evidence thereof.

(3) Cross-reference: For criminal penalties, see chapter forty of this title.

§13. This local law shall take effect on the first day of the first hotel occupancy tax quarterly period that begins on March first, June first, September first or December first at least thirty days after the day on which this local law shall have become law and shall apply to rent, or any portion thereof, paid on or after the effective date of the law.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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. 1026

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to administration of the senior citizen rent increase exemption program.

The Committee on Finance, to which was referred on June 10, 2009 the annexed proposed local law, respectfully

REPORTS:

BACKGROUND

The senior citizen rent increase exemption ("SCRIE") program protects eligible renters from increases in rent when such rent is above one-third of household income. In return, the landlord receives a real estate tax abatement equal to the amount of the rent forgiven. Tenants currently are eligible for the SCRIE program if they are at least 62 years

old, have a total household income that does not exceed \$28,000¹³ and reside in a rent controlled or rent stabilized apartment, a Mitchell Lama complex or a rent regulated residential hotel, and the maximum rent or legal regulated rent is increased to a level that exceeds one-third of the household's income.

The Department for the Aging ("DFTA") currently administers the SCRIE program for tenants living in rent controlled and rent stabilized apartments and hotel units. This is done in collaboration with the Department of Finance ("DOF"), which handles the rent abatement for landlords of SCRIE tenants. Under the current procedures, DFTA staff gathers financial information from applicants, reviews it, and determines whether the applicants are eligible for the SCRIE program. Once DFTA establishes eligibility and calculates the SCRIE benefit and tax abatement amounts, DFTA notifies DOF. DOF then grants the landlord tax abatement for that tenant. DFTA also processes renewals and re-determinations. This process, which requires the work of two City agencies, is both inefficient and paper-intensive.

The assumption of SCRIE operations by DOF is designed to achieve a better customer service experience for seniors as well as reduce administrative burdens on the City. DOF has the technological capacity to streamline the SCRIE process by cross-checking databases to make determinations with respect to initial eligibility and renewal applications. DOF's administration of the SCRIE benefit may thus reduce the need for seniors to provide supporting documentation, and concurrently reduce the turnaround time for seniors waiting for their benefits.

Specifically, DOF has the technology and the capacity to simplify the paper application and eligibility process. The key requirements for SCRIE eligibility are the applicant's age and income, the amount that the applicant pays in rent and whether the building is subject to rent regulation. DOF already has some of this information. For example, as the City's tax administrator, DOF can verify an applicant's income level in an automated fashion. Moreover, as the City's property assessor and City Register, DOF can verify whether the building is subject to rent regulation. Therefore, using available data and data matching techniques that DOF staff has experience with, the City can make it easier for seniors to apply for benefits, while reducing the City's administrative burden in administering the program and making sure that only those who are eligible receive benefits.

Aside from DOF's experience in administering aspects of SCRIE, in recent years the agency has been granted the sole authority to administer similar programs. For example, DOF administers the Disability Rent Increase Exemption, which has an identical operation to that of SCRIE, as well as the Senior Citizen Homeowners' Exemption program. Other property tax exemption and abatement benefits administered by DOF include: (i) the New York State School Tax Relief Exemption, (ii) the Veterans' Exemption, (iii) the Disabled Homeowners' Exemption, (iv) the Clergy Exemption, and (v) the Cooperative and Condominium Abatement.

Based on DOF's capacity to provide streamlined and integrated management of SCRIE, the assumption of SCRIE administration by DOF is a prudent measure in light of the anticipated future increase in SCRIE participants. Today, approximately 602,996 City residents aged 55 or older have household incomes of less than \$28,000 per annum. As these individuals become eligible for the SCRIE program, DOF will be in a better position to administer the anticipated increase in participation. Outreach to these residents to inform them about SCRIE as they become eligible for the program will continue to be done by DFTA through its network of contractors.

It is axiomatic that as SCRIE participation increases, the SCRIE program must be ready to provide the City's seniors with this valuable benefit, one that enables many to continue to live safely and independently in their homes and neighborhoods. To that end, DOF has the capacity and resources to administer SCRIE in a manner that best helps seniors to take advantage of the program. To that extent, the Administration has submitted legislation to the Council that would substitute DFTA with the DOF to administer the SCRIE program.

INT. 1026:

Sections 1 through 6 of this bill amend provisions of sections 26-404, 26-405 and 26-406 of the Administrative Code of the City of New York by substituting the DOF for DFTA as the agency that administers the SCRIE program with respect to tenants in rent controlled apartments and making technical amendments in furtherance of such substitution.

Sections 7 through 13 of this bill amend provisions of section 26-509 of the Administrative Code by substituting DOF for DFTA as the agency that administers SCRIE with respect to tenants in rent stabilized apartments and making technical amendments in furtherance of such substitution.

Section 14 of this bill provides that any business, proceeding, or other matter as well as all provisions of law, rule, regulation, contract, grant, or any other document relating to DFTA's management of SCRIE may be continued within the jurisdiction of DOF.

Section 15 of this bill provides that no civil, criminal, or administrative action or proceeding pending at the time the bill takes effect shall be affected or abated by enactment of the bill as a local law. In addition, this section authorizes assignment to, or assumption by, DOF of such actions or proceedings from DFTA at DOF's request.

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¹³ The SCRIE income eligibility level will rise to \$29,000 on July 1, 2009.

Section 16 of this bill provides that no existing right or remedy of the City of any character shall be lost or impaired or affected by reason of enactment of this local law.

Section 17 of this bill provides that it shall take effect 60 days after it is enacted into law. This section also provides that for a period of 60 days following the effective date of the bill, DOF may by written agreement between the agencies delegate to DFTA responsibilities necessary for the efficient administration of the senior citizen rent increase exemption program.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1026:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be minimal to no impact on revenues by the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Finance

ESTIMATE PREPARED BY: Emre Edev, Senior Legislative Financial Analyst
Nadine Felton, Assistant Director, Revenue
City Council Finance Division

HISTORY: This bill was introduced to the full Council on June 10, 2009 and was referred to the Committee on Finance. It will be considered by the Committee on June 19, 2009.

Date Submitted to Council: JUNE 10, 2009

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 1026:)

Int. No. 1026

By Council Members Weprin, Arroyo, Fidler, Gentile, Jackson, James, Mark-Viverito, Mealy, Nelson, Palma, Seabrook and Gerson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to administration of the senior citizen rent increase exemption program.

Be it enacted by the Council as follows:

Section 1. Section 26-404 of the administrative code of the city of New York, as amended by local law number 76 for the year 2005, is amended to read as follows:

§26-404 City rent agency; division of housing and community renewal. The division of housing and community renewal shall have charge of and conduct through its own counsel any proceeding under this chapter of the code, except for the provisions of subdivision m of section 26-405 and section 26-406 of this chapter which shall be under the jurisdiction of the department [for the aging] of finance and such other agency as the mayor shall designate.

§2. Subparagraph (ii) of paragraph (2) of subdivision m of section 26-405 of such code, as amended by local law 95 for the year 2005, is amended to read as follows:

(ii) [The] the aggregate disposable income (as defined by regulation of the department [for the aging] of finance) of all members of the household residing in

the housing accommodation whose head of household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of a head of the household receiving benefits under this subdivision whether received by the head of the household or any other member of the household[;].

§3. Subparagraph b of paragraph (3) of subdivision m of section 26-405 of such code, as amended by local law 76 for the year 2005, is amended to read as follows:

(b) Each order shall expire upon termination of occupancy of the housing accommodation by the tenant to whom it is issued. The landlord shall notify the department [for the aging] *of finance*, in the case of a household whose eligibility for such order is based on the fact that the head of such household is sixty-two years of age or older, or such agency as the mayor shall designate, in the case of a household whose eligibility for such order is based on the fact that the head of such household is a person with a disability, on a form to be prescribed by such department *or agency*, within thirty days of each such termination of occupancy.

§4. Paragraphs (5), (6) and (9) of subdivision m of section 26-405 of such code, paragraph (5) as separately amended by local laws number 75 and number 76 for the year 2005, and paragraphs (6) and (9) as amended by local law number 76 for the year 2005, are amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the [New York City] department [for the aging] *of finance* or such [other] agency as the mayor shall designate (*which agency may also be the department of finance*) in accordance with such [department] *department's* or agency's regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older is greater than five thousand dollars per year but does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, per year pursuant to subparagraph (ii) of paragraph two of subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirtieth, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except that where any other application has been received within ninety days of the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or six of subdivision (a) of this section, or subparagraph (a), (b), (c), or (l) of paragraph (1) of subdivision (g) of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

(6) A rent exemption order shall be valid for a period of two years and may be renewed for further two year periods upon application by the tenant; provided, that upon any such renewal application being made by the tenant, any rent exemption order then in effect with respect to such tenant shall be deemed renewed until such time as the department [for the aging] *of finance* or such other agency as the mayor shall designate shall have found such tenant to be either eligible or ineligible for a rent exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent exemption order, such tenant shall be liable to his or her landlord for the difference between the amounts he or she has paid under the provisions of the automatically renewed order and the amounts which he or she would have been required to pay in the absence of such order. Any rent exemption order issued pursuant to this subdivision shall include provisions giving notice as to the contents of this paragraph relating to automatic renewals of rent exemption orders. Any application or renewal application for a rent exemption order shall also constitute an application for a tax abatement under such section. The department [for the aging] *of finance* and such other agency as the mayor shall designate may, with respect to renewal applications by tenants who have been found eligible for rent exemption orders, prescribe a simplified form including a certification of the applicant's continued eligibility in lieu of a detailed statement of income and other qualifications.

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate

disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department [for the aging made on or after April first, nineteen hundred eighty-seven] *of finance made on or after the effective date of the local law that added this clause*, or any amendment to the regulations of such other agency as the mayor shall designate made on or after [the effective date of the local law that amended this section] *October tenth, two thousand five*. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent exemption order.

§5. The opening paragraph of subdivision c of section 26-406 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

For any individual housing accommodation, the tax abatement computed pursuant to subdivision b of this section shall be available with respect to a period commencing on the effective date of the initial rent exemption order, or January first, nineteen hundred seventy-two, whichever is later, and ending on the expiration date of such order or on the effective date of an order terminating the rent exemption. Notwithstanding any other provision of law, when a head of a household to whom a then current, valid tax abatement certificate has been issued under this chapter, chapter four or chapter seven of this title moves his or her principal residence to a subsequent dwelling unit subject to regulation under this chapter, the head of the household may apply to the department [for the aging] *of finance* or such other agency as the mayor shall designate for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent for the subsequent dwelling unit which is the least of the following:

§6. Subdivision d of section 26-406 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

d. Prior to the commencement of each fiscal year, the department [for the aging or such other agency as the mayor shall designate] *of finance shall determine the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons sixty-two years of age or older were in effect for all or any part of the preceding calendar year. Prior to the commencement of each fiscal year, such agency as the mayor shall designate shall determine and, if such agency is not the department of finance, shall notify the department of finance of the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons with disabilities were in effect for all or any part of the preceding calendar year. The commissioner of finance shall make the appropriate adjustment in the real estate tax payable in such fiscal year.*

§7. Subdivision a of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

a. Commencement of agency jurisdiction.

(1) (i) Notwithstanding any provisions of this chapter to the contrary, [on and after July first, nineteen hundred ninety-two, the department for the aging] *the department of finance shall grant rent increase exemption orders or tax exemption certificates to senior citizens pursuant to this section and applications for such orders and certificates and renewal applications shall be made to the department [for the aging] of finance.*

(ii) Notwithstanding any provisions of this chapter to the contrary, such agency as the mayor shall designate (*which agency may also be the department of finance*) shall grant rent increase exemption orders or tax abatement certificates to persons with disabilities pursuant to this section and applications for such orders and certificates and renewal applications shall be made to such agency.

(2) The department [for the aging] *of finance* and such other agency as the mayor shall designate shall have the power, in relation to any application for a rent increase exemption order or tax abatement certificate under such [department] *department's* or agency's jurisdiction, to determine the lawful stabilization rent, but shall not receive applications for adjustment of the initial legal regulated rent pursuant to section 26-513 of this chapter.

(3) The department of finance[, the department for the aging] and such other agency as the mayor shall designate may promulgate such rules and regulations as may be necessary to effectively carry out the provisions of this section.

§8. Subparagraph (ii) of paragraph (2) of subdivision b of section 26-509 of such code, as amended by local law number 95 for the year 2005, is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department [for the aging] *of finance*) of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to

individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of the head of the household receiving benefits under this section whether received by the head of the household or any other member of the household;

§9. Subparagraph (ii) of paragraph (3) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(ii) Each such order shall expire upon termination of occupancy of the housing accommodation by the tenant to whom it is issued. The landlord shall notify the department [for the aging] *of finance* in the case of a household whose eligibility for such order is based on the fact that the head of such household is sixty-two years of age or older, or such agency as the mayor shall designate in the case of a household whose eligibility for such order is based on the fact that the head of such household is a person with a disability, on a form to be prescribed by such department or agency, within thirty days of each such termination of occupancy.

§10. Paragraphs (5) and (6) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, are amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the department [for the aging] *of finance* in the case of a tenant who is sixty-two years of age or older or to such agency as the mayor shall designate in the case of a tenant who is a person with a disability, in accordance with such [department] *department's* or agency's applicable regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application by the department [for the aging] *of finance* or such agency as the mayor shall designate, except that where there is any other increase in the legal regulated rent within ninety days of the issuance of the order increasing the tenant's maximum rent which a tenant is not exempted from paying, the rent exemption order shall without further order of the department [for the aging] *of finance* or such agency as the mayor shall designate take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such order.

(6) A rent exemption order shall be valid for the period of the lease or renewal thereof upon application by the tenant; provided, that upon any such renewal application being made by the tenant, any rent exemption order then in effect with respect to such tenant shall be deemed renewed until such time as the department [for the aging] *of finance* or such agency as the mayor shall designate shall have found such tenant to be either eligible or ineligible for a rent exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent exemption order, such tenant shall be liable to the owner for the difference between the amounts the tenant has paid under the provisions of the automatically renewed order and the amounts which the tenant would have been required to pay in the absence of such order. Any rent exemption order issued pursuant to this subdivision shall include provisions giving notice as to the contents of this paragraph relating to automatic renewals of rent exemption orders and shall include provisions giving notice that the tenant must enter into either a one or two year renewal lease in order to be eligible for a rent exemption. The notice that each tenant receives from the owner relating to the right to a renewal lease shall contain similar information. Any application or renewal application for a rent exemption order shall also constitute an application for a tax abatement under such section. The department [for the aging] *of finance* and such other agency as the mayor shall designate may, with respect to renewal applications by the tenants who have been found eligible for rent exemption orders, prescribe a simplified form including a certification of the applicant's continued eligibility in lieu of a detailed statement of income and other qualifications.

§11. The opening paragraph of paragraph (7) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

Notwithstanding any other provisions of law, when a head of a household to whom a then current, valid rent exemption order has been issued under this chapter, chapter three or chapter seven of this title moves his or her principal residence to a subsequent dwelling unit subject to regulation under this chapter, the head of the household may apply to the department [for the aging] *of finance* or such other agency as the mayor shall designate for a rent exemption order relating to the subsequent dwelling unit, and such order may provide that the head of the household shall be exempt from paying that portion of the legal regulated rent for the subsequent dwelling unit which is the least of the following:

§12. Paragraph (9) of subdivision b of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a

monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department [for the aging made on or after April first, nineteen hundred eighty-seven] *of finance made on or after the effective date of the local law that added this clause*, or any amendment to the regulations of such *other* agency as the mayor shall designate made on or after [the effective date of the local law that amended this section] *October tenth, two thousand five*. For purposes of this paragraph, "adjusted rent" shall mean legal regulated rent less the amount set forth in a rent exemption order.

§13. Paragraph (4) of subdivision c of section 26-509 of such code, as amended by local law number 76 for the year 2005, is amended to read as follows:

(4) Prior to the commencement of each fiscal year, the department [for the aging shall notify the department] of finance [of] *shall determine* the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons sixty-two years of age or older were in effect for all or any part of the preceding calendar year. Prior to the commencement of each fiscal year, such agency as the mayor shall designate *shall determine and, if such agency is not the department of finance*, shall notify the department of finance of the total amount of taxes to be abated under this section with respect to each property for which rent exemption orders granted to persons with disabilities were in effect for all or any part of the preceding calendar year. The commissioner of finance shall make the appropriate adjustment in the real estate tax payable in such fiscal year.

§14. Any agency or officer to whom are assigned by this local law any powers or duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in law, rule, regulation, contract, grant, or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent with provisions of this local law, apply to the agency or officer to which such powers and duties are assigned by this local law. Any rule in force upon the effective date of this local law and promulgated by an agency or officer whose power to promulgate such rule is assigned by this local law to another agency or officer, shall continue in force as the rule of the agency or officer to whom such power is assigned, unless and until such rule is superseded, amended, or repealed.

§15. No civil, criminal, or administrative action or proceeding pending at the time when this local law shall take effect, brought by or against the city or any agency or officer of the city, shall be affected or abated by the enactment of this local law or by anything contained herein; but any or all such actions and proceedings previously involving the department for the aging may be assigned to the department of finance, at the department of finance's request. Provided, further, that in that event the same may be prosecuted or defended by the commissioner of finance.

§16. No existing right or remedy of the city of any character shall be lost or impaired or affected by reason of the enactment of this local law.

§17. This local law shall take effect 60 days after it is enacted into law, provided that for an additional period of 60 days following such effective date the department of finance may by written agreement between the agencies delegate to the department for the aging responsibilities necessary for the efficient administration of the senior citizen rent increase exemption program.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1459

Report of the Committee on Finance in favor of approving a Communication from the New York City Banking Commission in regard to transmitting recommendations of the interest rate to be charged for Fiscal Year 2010 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2010, pursuant to the City Charter.

The Committee on Finance, to which was referred on June 10, 2009 the annexed communication, respectfully

REPORTS:

(For text of report, please see the Reports of the Committee on Finance for related Res Nos. 2013, 2014, 2015, and 2016, respectively, printed below in these Minutes)

Accordingly, Your Committee recommends the adoption of M-1459 along with related Res Nos. 2013, 2014, 2015, and 2016.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 Res. No. 2013

Report of the Committee on Finance in favor of approving a Resolution to establish that the discount rate for the prepayment of real estate taxes be set at 1.5% per annum for Fiscal Year 2010.

The Committee on Finance, to which was referred on June 10, 2009 the annexed resolution, respectfully

REPORTS:

BACKGROUND:

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the entire tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest.¹ For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. And if last two quarters (January and April) are paid in full on or before January 15th the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

Section 1519-a of the New York City Charter, as amended by Local Law No. 66 of 2008, requires the Banking Commission to transmit to the City Council, not later than the twenty-fifth day of May in each year, a written recommendation of the proposed discount percentage for the ensuing fiscal year, in regard to the early payment of real estate taxes. The City Council may adopt a discount percentage for such ensuing fiscal year on the fifth day of June preceding such ensuing fiscal year or at any time thereafter.

The Banking Commission, at its meeting on May 20, 2009, adopted a resolution, the "Discount Rate Recommendation", recommending to the Council that the proposed discount percentage for early payment of real estate taxes prior to the dates on which such taxes become due and payable be set at 1.5% for Fiscal Year 2010. This recommendation was dated and received by the Council on May 22, 2009.

RESOLUTION:

In this resolution, pursuant to Charter § 1519-a(7)(c), the Council adopts the Banking Commission's May 22, 2009 discount percentage recommendation of one and one-half percent (1.5%) for the early payment of real estate taxes for Fiscal Year 2010.

¹ This is the only discount available to semi-annual taxpayers for tax bills due on or after July 1st, 2005. Taxpayers who pay semi-annually are no longer be eligible for a 30-day discount on the second half of the tax bill due on January 1st, even if paid by December 1st.

(The following is the text of Res. No. 2013:)

Res. No. 2013

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010.

By Council Members Weprin, Jackson and Recchia.

Whereas, Section 1519-a of the New York City Charter, as amended by Local Law No. 66 of 2008, requires the Banking Commission to recommend to the City Council, not later than the twenty-fifth day of May in each year, a proposed discount percentage for early payment of real estate taxes to be effective for the ensuing fiscal year; and

Whereas, On May 22, 2009, the Banking Commission submitted to the City Council its recommendation that the discount percentage for early payment of real estate taxes prior to the dates on which such taxes become due and payable be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010; now, therefore, be it

Resolved, That the Council establishes that the discount percentage for early payment of real estate taxes be set at one and one-half percent (1.5%) per annum for Fiscal Year 2010.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 Res. No. 2014

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which was referred on June 10, 2009 the annexed resolution, respectfully

REPORTS:

Section 11-224.1 the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (the "Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for co-ops,¹⁴ the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 22, 2009, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2010 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for co-ops.¹⁵

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation and establishes that the interest rate be 9% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

(The following is the text of Res. No. 2014:)

Res. No. 2014

for the Lower Ma_____

¹ To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

² Interest rate reflects current Prime Rate that is referenced in the Banking Commission's resolution and letter. Banking Commission notes that as of May 20, 2009 the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Member Weprin

Whereas, Pursuant to Section 11-224.1 the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the City's best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

Whereas, The Banking Commission recommended to the City Council, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2010; now, therefore, be it

Resolved, That the Council establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 Res. No. 2015

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which was referred on June 10, 2009 the annexed resolution, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (the "Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments,¹ the Banking Commission shall propose an interest rate of at least six percent per annum greater than the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 22, 2009, a recommendation to the Council to establish an interest rate of 18% per annum for Fiscal Year 2010 to be charged for non-payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for co-ops.²

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation and establishes that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an

assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartment.

¹To be deemed over \$250,000, the cooperative apartment would have to be located in a building where the average assessed valuation of units is over \$250,000.

² Interest rate reflects current Prime Rate referenced in the Banking Commission's resolution and letter. Banking Commission notes that on May 20, 2009, the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

(The following is the text of Res. No. 2015:)

Res. No. 2015

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Member Weprin

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as added by Local Law No. 62 of 2005, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2010; now, therefore, be it

Resolved, That the Council establishes that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 Res. No. 2016

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which was referred on June 10, 2009 the annexed resolution, respectfully

REPORTS:

BACKGROUND:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to

the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. For properties with an assessed value of over \$250,000, the Banking Commission shall propose a rate at least six percent per annum greater than the Prime Rate.

The Banking Commission, at its meeting on May 20, 2009, adopted a resolution, Resolution No. 3, recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 18% per annum for Fiscal Year 2010 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and 9% per annum for Fiscal Year 2010 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments¹ (the "Resolution"). In the Resolution, the Banking Commission notes that as of May 20, 2009, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors. The Banking Commission forwarded, by letter dated May 22, 2009, such recommendation to the City Council.

PRECONSIDERED RESOLUTION:

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

¹ To determine whether the cooperative apartment has an assessed value of under or over \$250,000, the average assessed value of all units located in the building must be either under or over \$250,000.

(The following is the text of Res. No. 2016:)

Res. No. 2016

Resolution to establish that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

By Council Members Weprin and Gerson.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the Prime Rate, to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 20, 2009, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2010 where the assessed value of

the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission further recommends to the City Council, that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2010 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council determines that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2010 for non-payment of water rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and, be it further

Resolved, That the Council establishes that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for Res. No. 2031

Report of the Committee on Finance in favor of approving a Resolution Computing and Certifying Base Percentage, Current Percentage and Current Base Proportion of Each Class of Real Property for Fiscal 2010 to the State Board of Real Property Services Pursuant to Section 1803-a of the Real Property Tax Law.

The Committee on Finance, to which was referred on June 19, 2009 the annexed resolution, respectfully

REPORTS:

Introduction. Section 1803-a of the Real Property Tax Law requires the City Council to certify to the State Board of Real Property Services (the "SBRPS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the Council to reflect the following changes in each class of real property:

a. Changes in the market value of taxable real property (as determined by SBRPS sample studies), b. Physical changes as a result of new construction or demolitions, c. Changes in taxable status, and

d. Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Under SBRPS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2010 budget will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18 of the Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions", is the subject of a separate resolution that takes account of all the changes that are included in the final assessment roll, after Tax Commission review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms that are used in the analysis below.

Analysis. The class equalization rates described above produce prospective current base proportions that show a substantial increase in Class I above the Fiscal

2010 adjusted base proportion, or "class shares" (as shown in column R of SBRPS Form RP-6700 attached to the above-captioned resolution), an increase of more than 3 percent in the class share of Class 2, and substantial decreases, for Classes 3 and 4. Pursuant to Section 1803-a(1)(c) of the Real Property Tax Law if the increase in any class exceeds 5 percent, the Council is directed to shift the excess (and only the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than 5 percent. In the above-captioned resolution, the excess above 5 percent from Class 1 would be shifted to Classes 3 and 4.

As shown below, the shift of the excess from Class 1 to Classes 3 and 4 will still result in the current base proportions of Classes 3 and 4 to decrease from their adjusted base proportions in Fiscal 2009. The class share of Class 3 will be more than 6 percent below the class share of the prior year, while the class share of Class 4 will be 3.83 percent below last year's share.

Class	Percent Change Before Shifting Excess to Classes 3 & 4	Percent Change After Shifting Excess to Classes 3 & 4
1	+23.59	5.00
2	+3.35	3.35
3	-26.18	-6.05
4	-7.06	-3.83

However, these "current base proportions" must still be adjusted for the physical changes and transfers among classes which are contained in the final assessment roll. These adjustments will be made in a separate resolution constituting the Council's second step. The "adjusted base proportions" thus derived will be the class shares used for allocating the real property tax levy for Fiscal 2010

EXHIBIT A

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPS has established class equalization rates (in this case, the 2008 tax roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991.

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

(For text of the resolution, please see the Supplemental Introduction and Reading of Bills section of these Minutes)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for Res. No. 2032

Report of the Committee on Finance in favor of approving a Resolution Computing and Certifying Adjusted Base Proportion of Each Class of Real

Property for Fiscal 2010 to the State Board of Real Property Services Pursuant to Section 1803-a of the Real Property Tax Law.

The Committee on Finance, to which was referred on June 19, 2009 the annexed Budget Resolution, respectfully

REPORTS:

Introduction. The above-captioned resolution completes the certification procedure required by Section 1803-a of the Real Property Tax Law to establish the class shares used in levying the real property taxes for the adopted Fiscal 2010 budget.

In a separate resolution, the Council computed and certified the current base proportions for Fiscal 2010 (the "CBP Resolution"). The above-captioned resolution uses those current base proportions, together with data supplied by the New York City Department of Finance from the final assessment roll released on May 29, 2009, to determine the adjusted base proportions (or class shares) in accordance with the procedure established by the State Board of Real Property Services (the "SBRPS").

The current base proportion for each class of real property takes into account the market value changes in the class occurring between the assessment roll for the base period, 1989, and the latest roll for which SBRPS has established class equalization rates, 2008. The CBP Resolution modified the class shares for the Fiscal 2010 property tax levy accordingly. The remaining step, to be taken in the above-captioned resolution, adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes) that are reflected in the new final assessment roll. The computations called for in the SBRPS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

Analysis. The calculations shown on the SBRPS Form RP-6702 attached to the above-captioned resolution modify the share for each class to reflect physical changes. For Fiscal 2010, all classes show modest physical increases, except for class three, which has a small decrease, resulting in the following changes. The Fiscal 2010 adjusted base proportions for Classes 1 and 4 show modest decreases of slightly less than one percent from the Fiscal 2010 current base proportions, while the changes for Classes 2 and 3 show an increase of 0.7 percent and 3.5 percent, respectively, from the current base proportions.

However, the changes from the adjusted base proportions from Fiscal 2009 to Fiscal 2010, as reported in the table below, show increases of about four percent for Classes 1 and 2, and decreases of more than two percent and nearly five percent, respectively, for Classes 3 and 4. (Last year's increase in class shares was capped at 0.0 percent.)

Class	Fiscal 2009	Fiscal 2010	Percent Change
1	14.9557	15.5642	+4.07
2	37.2143	38.7232	+4.05
3	7.3186	7.1133	-2.81
4	40.5114	38.5993	-4.72
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares, or adjusted base proportions, shown above for Fiscal 2010 are compared to the Fiscal 2009 tax rates in the following table. The Fiscal 2009 tax rates are the rates effective for the second half of Fiscal 2009, as adopted on December 18, 2008, and reflect the rescinding of the 7 percent reduction adopted on June 29, 2008.

Class	Fiscal 2009	Fiscal 2010	\$ Difference
1	16.787	17.943	+1.156
2	13.053	13.684	+0.631
3	12.577	11.971	-0.606

4	10.612	10.026	-0.586
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(For text of the resolution, please see the Supplemental Introduction and Reading of Bills section of these Minutes)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for Res. No. 2033

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding pursuant to the fiscal 2009 expense budget.

The Committee on Finance, to which was referred on June 19, 2009 the annexed resolution, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget").

Analysis. This Resolution, dated June 19, 2009, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2009 Expense Budget, and approves the addition of fiscal conduits for certain organizations receiving local, aging and youth discretionary funding. In addition, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designation and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding (or Council discretionary funding), as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A, sets forth new designations and changes in aging discretionary funding, as described in Chart 2, attached hereto as Exhibit B, sets forth new designations and specific changes in the designation of certain organizations receiving youth' discretionary funding, as described in Chart 3, attached hereto as Exhibit C, and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2009 Expense Budget, as described in Charts 4-10, attached hereto as reflected in Exhibits D-J.

The Charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule CI Fiscal 2009 Expense Budget, dated June 29, 2008; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart I sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding. Chart 1 also reflects name changes or name corrections of several organizations.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding. Chart 2 also reflects EIN

corrections to organizations, name changes or corrections, and the addition of a fiscal conduit.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding. Chart 3 also reflects EIN corrections to organizations, and name changes or corrections.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence Empowerment (DOVE) Initiative. Specifically, Chart 4 indicates a name correction. Funding in the amount of \$18,750,000 has been removed from the Ifetayo Cultural Arts Facility, Inc. This money will be properly designated to Ifetayo Cultural Arts Academy, Inc.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative. As indicated in Chart 5, funding in the amount of \$50,000 for the Imagine Academy for Autism has been withdrawn. This money will be used to fund the Imagine Foundation, Inc.

Chart 6 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Transportation Costs Initiative. Specifically, Chart 8 indicates an EIN change, and reflects EIN 11-3024828 is the proper EIN for Corona Congregational Church, Inc.-Florence E. Smith Senior Center.

Chart 7 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Neighborhood Youth Alliance Street Outreach Initiative. This chart indicates a EIN correction, and reflects 13-2899410 as the proper EIN for the Riverdale Community Center, Inc.

Chart 8 sets forth the new designation and changes in certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative. This chart indicates an EIN correction, and reflects 11-23454539 as the proper EIN for the New York State Chapter of the National Association of Minority Contractors.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative. Chart 9 indicates an EIN correction. Chart 9 reflects EIN 31-1623522 as the proper EIN for the Your Own Greatness Affirmed (Y.O.G.A. for Youth).

Chart 10 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative. Chart 10 indicates an EIN correction. Chart 10 reflects EIN 11-2904722 as the proper EIN for Abundant Life Community Service, Inc.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations receiving more than \$10,000) or by the Council (for organizations receiving \$10,000 or less total). Organizations identified without an asterisk have completed the appropriate prequalification review.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation, and changes in the designation of certain organizations to receive funding in the Fiscal 2009 Expense Budget. Such resolution would take effect as of the date of adoption.

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

Res. No. 2033

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 Expense Budget.

By Council Member Weprin.

Whereas, On June 29, 2008, the Council of the City of New York (the "City Council") adopted the Fiscal 2009 Expense Budget with various programs and initiatives (the "Adopted Fiscal 2009 Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation; now, therefore, be it

RESOLVED, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organization receiving youth discretionary funding as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence Empowerment Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative, as set forth in Chart 5 attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it *further*

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Neighborhood Youth Alliance Street Outreach Initiative within the Department of Youth and Community Development, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 10, attached hereto as Exhibit J.

ATTACHMENT:

EXHIBIT A

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	Agry #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	Status (Council, MCC, etc)
Vacca	Edgewater Park Volunteer Fire Department	13-872504	FDNY	\$5,000.00	057	005			Approved
Recchia	Edgewater Park Volunteer Hose Company No. 1, Inc.	13-872504	FDNY	\$5,000.00	057	005	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2527910	Approved
Recchia	68th Precinct Community Council	11-3141955	DYCD	\$2,000.00	260	312	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2527910	Approved
Recchia	88th Precinct Community Council	20-3970147	DYCD	\$2,000.00	260	312			Approved
Comrie	98th Precinct Community Council	11-1668813	DYCD	\$5,000.00	260	312			Approved
Comrie	First Presbyterian Church in Jamaica	11-1668813	DYCD	\$5,000.00	260	312			Approved
Comrie	Grace Episcopal Church	11-1668811	DYCD	\$5,000.00	260	312			Approved
Comrie	Grace Church Corp.	11-1668815	DYCD	\$5,000.00	260	312			Approved
Stewart	Harlem Cultural Arts Academy, Inc.	11-3027658	DYCD	\$5,000.00	260	312			Approved
Stewart	Lincoln Center Theater (d/b/a Vilma Beaumont Theatre)	13-3004747	DCA	\$2,000.00	128	003			Approved
Brewer	Vilma Beaumont Theatre, Inc., The (d/b/a Lincoln Center Theatre)	13-3004747	DCA	\$2,000.00	128	003			Approved
Comrie	St. Alban's Episcopal Church of the Resurrection	11-1872781	DYCD	\$5,000.00	260	312			Approved
Comrie	St. Alban's Episcopal Church of the Resurrection	11-1872781	DYCD	\$5,000.00	260	312			Approved
Comrie	Multi Purpose Center of Presbyterian Church of St. Albans	11-5137355	DYCD	\$5,500.00	260	005			Approved
Comrie	St. Alban's Multipurpose Community Center, Inc.	11-5137355	DYCD	\$5,500.00	260	005			Approved
CC, BLAC, Dikens	MAACP New York City ACT-SO	20-2539102	DYCD	\$15,000.00	260	312			Approved
CC, BLAC, Dikens	New York City ACT-SO, Inc.	20-2539102	DYCD	\$15,000.00	260	312			Approved
Mitchell	New Lena Shreve Senior Citizens Resident Services, Inc.	35-1883339	DFTA	\$2,500.00	125	003	United Activities Unlimited, Inc.	13-2821483	Approved
Mitchell	Seniors, Inc.	35-1883339	DFTA	\$2,500.00	125	003	United Activities Unlimited, Inc.	13-2821483	Approved
Mitchell	Seniors, Inc.	26-2609767	DYCD	\$2,500.00	260	312	United Activities Unlimited, Inc.	13-2821483	Approved
Mitchell	Seniors, Inc.	26-2609767	DYCD	\$2,500.00	260	312	United Activities Unlimited, Inc.	13-2821483	Approved
Dikens	Songs of Solomon	13-4196889	DYCD	\$3,500.00	260	312			Approved
Dikens	St. Joachim and Anne Residence	13-4196889	DYCD	\$3,500.00	260	312			Approved
Recchia	St. Joachim and Anne Nursing and Rehabilitation Center	22-2845712	DFTA	\$7,000.00	125	003			Approved
Comrie	St. Alban's Montessori Progressive Learning Center	22-3001223	DYCD	\$10,000.00	260	312			Approved
Comrie	St. Alban's Montessori Progressive Learning Center, Inc.	22-3001223	DYCD	\$10,000.00	260	312			Approved
CC, Felder	United Community Services	85-3885958	DYCD	\$100,000.00	260	005			Approved
CC, Felder	United Community Services and Services Corporation	85-3885958	DYCD	\$100,000.00	260	005			Approved
Mitchell	William A. Ely Community Services of Boro Park	85-1074714	DYCD	\$10,000.00	260	312			Approved
Mitchell	William A. Ely Community Center, Inc.	85-1074714	DYCD	\$10,000.00	260	312			Approved
Dikens	Brooklyn Preservation Council Foundation	26-3843460	DYCD	\$7,000.00	260	005			Approved
Dikens	Brooklyn Preservation Council Foundation	26-3843460	DYCD	\$7,000.00	260	005			Approved
Dikens	Young Men's Christian Association of Greater New York City	11-2000538	DYCD	\$400.00	260	312	Young Men's Christian Association of Greater New York - Prospect Park	13-1824268	Approved
Dikens	Young Men's Christian Association of Greater New York City	11-2000538	DYCD	\$400.00	260	312			Approved
Baron	Rosabeth Evans Memorial Scholarship	11-2246184	DYCD	\$8,000.00	260	312			Approved
Baron	Rosabeth Evans Memorial Scholarship	11-2246184	DYCD	\$8,000.00	260	312			Approved
Baron	Alonzo Daugherty Memorial Daycare Center	11-2246184	DYCD	\$6,000.00	260	312			Approved

* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Member	Organization	EIN Number	Agency	Amount	Agry #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	Status (Council, MCC, etc)
Felder	Patients Volunteer Ambulance Corp.	51-0188201	FDNY	\$10,000.00	057	005			Approved
Felder	Patients Volunteer Ambulance and First Aid Corps, Inc.	51-0188201	FDNY	\$10,000.00	057	005			Approved
Ulrich	Broad Channel Volunteer Fire Department	11-2557784	FDNY	\$5,000.00	057	005			Approved
Ulrich	Broad Channel Volunteer Fire Department	11-2557784	FDNY	\$5,000.00	057	005			Approved
Ulrich	West Hamilton Beach Volunteer Fire Department	11-2741287	FDNY	\$7,000.00	057	005			Approved
Ulrich	West Hamilton Beach Volunteer Fire Department	11-2741287	FDNY	\$7,000.00	057	005			Approved
Jackson	Board for the Education of People of African Ancestry	13-3460437	DYCD	\$5,000.00	260	005			Approved
Jackson	Board for the Education of People of African Ancestry	13-3460437	DYCD	\$5,000.00	260	005			Approved
Jackson	Board for the Education of People of African Ancestry	13-3460437	DYCD	\$5,000.00	260	005			Approved

* Indicates pending completion of pre-qualification review.

EXHIBIT B

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduct/Sponsoring Organization	Fiscal Conduct EIN	Status (Council, MCC, etc)
Fereras	Corona Congregational Church, Inc. - Florence E	11-9324828	DFTA	(\$10,000.00)	128	003			Approved
Fereras	Smith Senior Center	11-9324828	DFTA	(\$10,000.00)	128	003			Approved
Fereras	Corona Congregational Church, Inc. - Florence E	11-9324828	DFTA	(\$10,000.00)	128	003			Approved
Palma	Meachler Hill Senior Center, Inc.	13-1740182	DFTA	(\$12,000.00)	128	003			Approved
Palma	Meachler Hill Senior Center, Inc.	13-1740182	DFTA	(\$12,000.00)	128	003			Approved
Palma	Meachler Hill Senior Center, Inc.	13-1740182	DFTA	(\$12,000.00)	128	003			Approved
Ulrich	Locus Grove Civic Association	08-1438450	DFTA	(\$5,000.00)	128	003			Approved
Ulrich	Locus Grove Civic Association of Queens County, Inc.	08-1438450	DFTA	(\$5,000.00)	128	003			Approved

* Indicates pending completion of pre-qualification review.

EXHIBIT C

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduct/Sponsoring Organization	Fiscal Conduct EIN	Status (Council, MCC, etc)
Michell	Choice Not Chance	58-2837889	DYCD	(\$2,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Choice Not Chance Determine Our Destiny, Inc.	58-2837889	DYCD	(\$2,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Brewer	CS Parent Association of the Computer School	13-4144650	DYCD	(\$7,000.00)	280	312			Approved
Brewer	Parent Association of the Computer School	13-4144650	DYCD	(\$7,000.00)	280	312			Approved
Eugene	Italyo Cultural Arts Facility, Inc.	11-9027638	DYCD	(\$5,000.00)	280	312			Approved
Stewart	Italyo Cultural Arts Facility, Inc.	11-9027638	DYCD	(\$5,000.00)	280	312			Approved
Stewart	Italyo Cultural Arts Facility, Inc.	11-9027638	DYCD	(\$5,000.00)	280	312			Approved
Stewart	Italyo Cultural Arts Facility, Inc.	11-9027638	DYCD	(\$5,000.00)	280	312			Approved
Brewer	NAACP New York City ACT-SO	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Eugene	NAACP New York City ACT-SO	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Mealy	NAACP New York City ACT-SO	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Brewer	New York City ACT-SO, Inc.	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Eugene	New York City ACT-SO, Inc.	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Mealy	New York City ACT-SO, Inc.	20-2538102	DYCD	(\$5,500.00)	280	312			Approved
Michell	Notre Dame Club - Bread of Life Drive	31-1344337	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	University of Notre Dame Alumni Club of Staten Island	31-1344337	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Bread of Life Drive	31-1344337	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Ragazzi Di Rosebank	31-1344337	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Comrie	St. Paul's United Methodist Church	36-2187731	DYCD	(\$5,000.00)	280	312			Approved
Comrie	St. Paul's United Methodist Church	36-2187731	DYCD	(\$5,000.00)	280	312			Approved
Comrie	St. Paul's United Methodist Church	36-2187731	DYCD	(\$5,000.00)	280	312			Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Michell	Staten Island Little League	13-3035879	DYCD	(\$3,500.00)	280	312	United Activities Unlimited, Inc.	13-2921483	Approved
Yasky	Island Moscovia Hachimich of Brooklyn	05-6500381	DYCD	(\$2,500.00)	280	312			Approved
Yasky	Groundswell Community Mural Project	11-3427213	DYCD	(\$15,000.00)	280	312			Approved

* Indicates pending completion of pre-qualification review.

EXHIBIT D

CHART 4: Domestic Violence Empowerment (DoVE) Initiative

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *	Status (Council, MOC, etc)
Eugene	LifeJoy Cultural Arts Facility, Inc.	11-3027538	MISC	(\$18,750.00)	098	002	
Eugene	LifeJoy Cultural Arts Academy, Inc.	11-3027538	MISC	\$18,750.00	098	002	
				\$0.00			

* Indicates pending completion of pre-qualification review.

EXHIBIT E

CHART 5: Autism Awareness

Organization	EIN Number	Agency	Amount	Agy #	UJA *	Status (Council, MOC, etc.)
Imagine Academy for Autism	20-2336714	DOHMH	(\$50,000.00)	816	121	Approved
Imagine Foundation, Inc.	20-2336717	DOHMH	\$50,000.00	816	121	Approved
				\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT F

CHART 8: MWBE Leadership Associations

Organization	EIN Number	Agency	Amount	Agy #	U/A	Status (Council, MOC, etc)
New York State Chapter of the National Association of Minority Contractors	20-8574186	DSBS	(\$80,000.00)	801	002	Approved
New York State Chapter of the National Association of Minority Contractors	11-3464639	DSBS	\$80,000.00	801	002	Approved
SBS Management	13-6400434	DSBS	(\$190,000.00)	801	002	Approved
CUNY - MWBE Capacity Building and Technical Assistance	13-6400434	DSBS	\$190,000.00	801	002	Approved
			\$0.00			

EXHIBIT I

CHART 9: Discharge Planning/In-Detention Services

Organization	EIN Number	Agency	Amount	Agy #	U/A	Status (Council, MOC, etc)
Your Own Greatness Affirmed (Y.O.G.A. for Youth)	31-1623552	DJJ	(\$25,000.00)	130	002	Approved
Your Own Greatness Affirmed (Y.O.G.A. for Youth)	31-1623522	DJJ	\$25,000.00	130	002	Approved
			\$0.00			

EXHIBIT J

CHART 10: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	U/A	Aggr. #	Status (Council, MOC, etc)
Abundant Life Community Service, Inc.	11-3454392	DOHMH	(\$19,586.25)	130	002	Approved
Abundant Life Community Service, Inc.	11-2804723	DOHMH	\$19,586.25	130	002	Approved
			\$0.00			

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1415

Report of the Committee on Finance in favor of approving, as modified, a Communication from the Mayor in regard to submitting the Expense Revenue Contract Budget, for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1760) the annexed Budget resolution, respectfully

REPORTS:

After careful and due deliberation on this matter, this Committee recommended the approval of the Expense-Contract-Revenue Budget for Fiscal Year 2010, as modified.

(For text of Schedule A attachment to Res No. 2034 and Schedule B attachment to Res No. 2035 as well as the text of the Adjustments Summary/Schedule C, please see Part II of these Minutes of the Recessed Meeting of June 10, 2009 held on June 19, 2009 starting on page 2767).

Accordingly, Your Committee recommends the adoption of M-1415 & Res. Nos. 2034 & 2035.

In connection herewith, Council Member Weprin offered the following two resolutions (Res. Nos. 2034 & 2035:)

Res. No. 2034

Resolution to adopt a budget appropriating the amounts necessary for the support of the Government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the Fiscal Year beginning on July 1, 2009 and ending on June 30, 2010 in accordance with the provisions of the Charter of the City of New York.

By Council Member Weprin:

RESOLVED, That the Council hereby adopts the Proposed Fiscal 2010 Budget, as modified to reflect increases, decreases, additions or omissions of units of appropriation and to reflect additions of terms or conditions related to such appropriations as set forth in the schedules hereto (the Fiscal Year 2010 Budget").

(Editor's Note: For full text of Res. No. 2034 as well as the text of the Schedule A attachment to Res. No. 2034, please see Part II of these Minutes of the Recessed Meeting of June 10, 2009 held on June 19, 2009.)

And be it further Resolved;

Res. No. 2035

Resolution to adopt a Contract Budget setting forth, by agency, categories of contractual services for which appropriations had been proposed for the Fiscal Year beginning on July 1, 2009 and ending on June 30, 2010, in accordance with the provisions of the Charter of the City of New York

By Council Member Weprin.

RESOLVED, That the Council hereby adopts the Proposed Fiscal 2010 Contract Budget, as modified to reflect increases, decreases or omissions of such amounts as set forth in the schedules hereto.

(Editor's Note: For full text of Res. No. 2035 as well as the text of Schedule B attachment to Res. No. 2035, please see Part II of these Minutes of the Recessed Meeting of June 10, 2009 held on June 19, 2009)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1416

Report of the Committee on Finance in favor of approving a Communication from the Mayor in regard to submitting the Executive Capital Budget for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1760) the annexed Budget Resolution, respectfully

REPORTS:

After careful and due deliberation on this matter, this Committee recommended the approval of the Capital Budget for Fiscal Year 2010, as modified.

(For text of Res A and Res B, please see the attachments to Res Nos. 2036 and Res 2037 below, respectively; for text of the Supporting Detail for Fiscal Year 2009/ Changes to the Executive Capital Budget, please see Part II of these Minutes of the Stated Council Meeting).

Accordingly, Your Committee recommends the adoption of M-1416 & Res. Nos. 2036 & 2037.

In connection herewith, Council Member Weprin offered the following two resolutions (Res. Nos. 2036 & 2037:)

Res. No. 2036

Resolution by the New York City Council pursuant to Section 254 of the New York City Charter, that the Capital Budget for Fiscal Year 2010 and Capital Program, being the Executive Capital Budget for Fiscal Year 2010 and program as submitted by the Mayor and by the Borough Presidents pursuant to Section 249 of the New York City Charter, including rescindment of amounts from prior capital budgets, be and the same are hereby approved in accordance with the following schedule of changes (Resolution A).

By Council Member Weprin.

RESOLVED, by the New York City Council pursuant to Section 254 of the New York City Charter, that the Capital Budget for the Fiscal Year 2010 and Capital Program, being the Executive Capital Budget for Fiscal Year 2010 and Program as submitted by the Mayor and by the Borough Presidents pursuant to Section 249 of the New York City Charter, including rescindment of amounts from prior Capital Budgets, be and the same are hereby approved in accordance with the following schedule of changes. (Resolution A)

ATTACHMENT: Resolution A

The City of New York



**Fiscal Year 2010 Changes
To the Executive Capital Budget
Adopted by the City Council**

Pursuant to Section 254 of the City Charter

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
FY 2010 APPROPRIATION CHANGES PURSUANT TO SECTION 254 OF THE CITY CHARTER					
DEPARTMENT FOR THE AGING					
AG-DN130	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DENOF FOUNDATION.	41,000 (CN)	0 (CN)	0 (CN)	0 (CN)
AG-DN184	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HERREN HOME FOR THE AGED.	0	0	0	0
AG-DN235	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE LENOX HILL NEIGHBORHOOD ASSOCIATION.	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
AG-DN334	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE PRESBYTERIAN SENIOR SERVICES.	50,000 (CN)	0 (CN)	0 (CN)	0 (CN)

RESOLUTION A

Resolved, by the Council, pursuant to section 254 of the New York City Charter, that the Capital Budget for Fiscal Year 2010 and capital program, being the Executive Capital Budget for Fiscal Year 2010 and program as submitted by the Mayor on May 1, 2009, and by the Borough Presidents pursuant to section 249 of the New York City Charter, including rescindment of amounts from prior capital budgets, be and the same are hereby approved in accordance with the following schedule of changes.

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE TITLE
FY 2010 FY 2011 THREE YEAR PROGRAM
FY 2012

DEPARTMENT FOR THE AGING

AG-D001 CITY COUNCIL FININGS FOR ACQUISITION
CONSTRUCTION RECONSTRUCTION AND IMPROVEMENTS,
INCLUDING FURNISHINGS AND EQUIPMENT, TO
PROPERTY USED BY THE DEPARTMENT FOR THE AGING,
CITYWIDE
0 0 ELIMINATE 0
70,000(CN) 0(CN) SUBSTITUTE 0(CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE TITLE
FY 2010 FY 2011 THREE YEAR PROGRAM
FY 2012

WATERWAY BRIDGES

BR-270 RECONSTRUCTION OF BROOKLYN BRIDGE, BROOKLYN
AND MANHATTAN
211,485,468(CN) 0(CN) ELIMINATE 0(CN)
44,444,000(F) 0(F) 0(F)
207,685,769(CN) 0(CN) SUBSTITUTE 0(CN)
74,441,000(F) 0(F) 0(F)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE TITLE
FY 2010 FY 2011 THREE YEAR PROGRAM
FY 2012

ADMIN FOR CHILDREN'S SERVICES

CS-DN012 (NEW PROJECT) 1,755,000(CN) 0(CN) (NEW PROJECT) 0(CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR
INSTALLATION OF A NON-CITY OWNED PHYSICAL
ASSET WHICH WOULD BE CLASSIFIED AS A CITY
CAPITAL ASSET UNDER GENERALLY ACCEPTED
ACCOUNTING PRINCIPLES FOR THE GREATER
KIDDERWOOD YOUTH COUNCIL.

CS-DN312 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR
INSTALLATION OF A NON-CITY OWNED PHYSICAL
ASSET WHICH WOULD BE CLASSIFIED AS A CITY
CAPITAL ASSET UNDER GENERALLY ACCEPTED
ACCOUNTING PRINCIPLES FOR THE GREATER
KIDDERWOOD YOUTH COUNCIL.
0 0 ELIMINATE 0
615,000(CN) 0(CN) SUBSTITUTE 0(CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE TITLE
FY 2010 FY 2011 THREE YEAR PROGRAM
FY 2012

EDUCATION

E-D001 CITY COUNCIL ADDITIONS TO THE FIVE YEAR
EDUCATIONAL FACILITIES CAPITAL PLAN PURSUANT
TO SECTION 2590-P OF THE EDUCATION LAW, TOTAL
PROJECTS INCLUDE WIDENING AND IMPROVEMENTS TO
RECONSTRUCTION OF AND IMPROVEMENTS TO SCHOOLS,
PLAYGROUNDS, ATHLETIC FIELDS AND OTHER
COMPUTERS AND OTHER EQUIPMENT, CITYWIDE.
0 0 ELIMINATE 0
45,024,000(CN) 500,000(CN) 0(CN)
45,024,000(S) 500,000(S) 0(S)

E-2362 IMPLEMENTATION OF THE FOURTH FIVE-YEAR
EDUCATIONAL FACILITIES CAPITAL PLAN FOR THE
PERIOD FY 2005 THROUGH FY 2009 OF THE NEW
YORK CITY DEPARTMENT OF EDUCATION, ESTABLISHED
PURSUANT TO SECTION 2590-P OF THE EDUCATION
LAW. TOTAL CUMULATIVE COMMITMENTS UNDER THIS
PLAN BY THE END OF FY2009 SHALL NOT EXCEED
\$12,551,057,388 OF WHICH \$225,000,000 WILL BE
APPROPRIATED UNDER BUDGET LINE E-2361 TO
COMPLETE PROJECTS BEGUN UNDER THE THIRD
FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN
AND \$12,326,057,388 SHALL BE APPROPRIATED IN
THIS BUDGET LINE.
2,055,000(F) 0(F) ELIMINATE 0(F)
216,225,000(CN) 141,185,000(CN) 0(CN)
216,225,000(S) 141,185,000(S) 56,530,000(S)

CHANGE TITLE TO READ:
IMPLEMENTATION OF THE FOURTH FIVE-YEAR
EDUCATIONAL FACILITIES CAPITAL PLAN FOR THE
PERIOD FY 2005 THROUGH FY 2009 OF THE NEW
YORK CITY DEPARTMENT OF EDUCATION, ESTABLISHED
PURSUANT TO SECTION 2590-P OF THE EDUCATION
LAW. TOTAL CUMULATIVE COMMITMENTS UNDER THIS
PLAN BY THE END OF FY 2009 SHALL NOT EXCEED
\$12,551,057,388 OF WHICH \$225,000,000 WILL BE
APPROPRIATED UNDER BUDGET LINE E-2361 TO
COMPLETE PROJECTS BEGUN UNDER THE THIRD
FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN
AND \$12,326,057,388 SHALL BE APPROPRIATED IN
THIS BUDGET LINE. PROJECTS BEGUN UNDER
THE THIRD FIVE-YEAR EDUCATIONAL FACILITIES
CAPITAL PLAN WILL BE APPROPRIATED UNDER
BUDGET LINE E-2361. PROJECTS BEGUN UNDER
THIS PLAN WHICH WILL BE APPROPRIATED IN
THIS BUDGET LINE WILL BE APPROPRIATED IN
\$13,321,507,388.

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
ED-DN137	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR INDUSTRIAL DEVELOPMENT CORPORATION.	0	0	0	0
	CHANGE TITLE TO READ: CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR INDUSTRIAL DEVELOPMENT CORPORATION (ERVIDCO).	0	0	0	0
ED-DN160	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR THE FOOD BANK FOR NEW YORK CITY.	0	0	0	0
	CHANGE TITLE TO READ: CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR THE FOOD BANK FOR NEW YORK CITY.	0	0	0	0
ED-DN175	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR THE GREENSBORO MANUFACTURING DESIGN CENTER.	0	0	0	0
	CHANGE TITLE TO READ: CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR THE GREENSBORO MANUFACTURING DESIGN CENTER.	0	0	0	0

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
E-2363	IMPLEMENTATION OF THE FIFTH FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR THE YORK CITY DEPARTMENT OF EDUCATION ESTABLISHED PURSUANT TO SECTION 2590-P OF THE EDUCATION LAW ARE NOT TO EXCEED \$10,997,861,030. OF THIS BUDGET LINE \$2,340 TO COMPLETE PROJECTS BEGIN UNDER THE FOURTH FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN AND \$10,022,511,030 SHALL BE APPROPRIATED IN THIS BUDGET LINE.	1,109,600,000 (CN)	1,003,200,000 (CN)	1,038,400,000 (CN)	1,303,781,000 (CN)
	CHANGE TITLE TO READ: IMPLEMENTATION OF THE FIFTH FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN FOR THE YORK CITY DEPARTMENT OF EDUCATION ESTABLISHED PURSUANT TO SECTION 2590-P OF THE EDUCATION LAW ARE NOT TO EXCEED \$10,997,861,030. OF THIS BUDGET LINE \$2,340 TO COMPLETE PROJECTS BEGIN UNDER THE FOURTH FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN AND \$10,022,511,030 SHALL BE APPROPRIATED IN THIS BUDGET LINE.	1,109,600,000 (S)	1,003,200,000 (S)	1,038,400,000 (S)	1,303,781,000 (S)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
ED-D075	ACQUISITION, SITE DEVELOPMENT, CONSTRUCTION AND RECONSTRUCTION OF INDUSTRIAL AND COMMERCIAL REDEVELOPMENT AND PROJECTS WITH A CITY PURPOSE, CITYWIDE	0	0	0	0
ED-D319	CITY COUNCIL FUNDING FOR THE BROOKLYN NAVY YARD INDUSTRIAL PARK ACQUISITION, REDEVELOPMENT AND IMPROVEMENTS, INCLUDING EQUIPMENT AND OTHER PURCHASES, BROOKLYN	0	0	0	0
ED-D384	CITY COUNCIL FUNDING FOR COMMERCIAL REVITALIZATION, STREET AND SIDEWALK IMPROVEMENTS, CITYWIDE	0	0	0	0
ED-D401	CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS AND CAPITAL IMPROVEMENTS TO BUILDINGS, PIERES, BULKHEADS, STREETS, AND RECREATION PLAZAS FOR NON-COMMERCIAL WATERFRONT DEVELOPMENT, CITYWIDE	0	0	0	0
ED-KR378	(NEW PROJECT)	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
ED-DN339	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE PROJECT CITY KIDS, INC.	0	0	0	0
ED-DN378	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SUNNY DOWNSTATE MEDICAL CENTER.	0	0	0	0
ED-DN408	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SUNNY DOWNSTATE MEDICAL CENTER.	0	0	0	0
ED-DN447	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WASHINGTON HEIGHTS YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION (YM & YWHA).	0	0	0	0

FY 2010 APPROPRIATION CHANGES
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
ED-DN339	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE PROJECT CITY KIDS, INC.	55,000 (CN)	0 (CN)	0 (CN)	0 (CN)
ED-DN378	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SUNNY DOWNSTATE MEDICAL CENTER.	3,750,000 (CN)	0 (CN)	0 (CN)	0 (CN)
ED-DN408	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SUNNY DOWNSTATE MEDICAL CENTER.	0	0	0	0
ED-DN447	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WASHINGTON HEIGHTS YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION (YM & YWHA).	688,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HIGHWAY BRIDGES					
HB-1070	FADING AND PROTECTIVE TREATMENT TO PRESERVE WATERWAY AND HIGHWAY BRIDGES, CITYWIDE	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		0,822,000 (F)	0 (F)	12,162,444 (CN)	0 (F)
		1,700,000 (CN)	0 (CN)	0 (CN)	12,162,444 (CN)
		8,822,000 (F)	0 (F)	0 (F)	0 (F)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HOUSING BRIDGES					
HA-2001	CITY COUNCIL FUNDING FOR CAPITAL SUBSIDIES TO HOUSING AUTHORITY FOR CAPITAL PROJECTS PROVIDED PURSUANT TO SECTION 102 OF THE PUBLIC HOUSING LAW AND FOR OTHER NICHA DEVELOPMENT CAPITAL IMPROVEMENTS, CITYWIDE	0	0	0	0
		14,570,000 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HOUSING & DEVELOPMENT					
HD-DN056	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES/GRANT PROGRAM; FOR THE BOYS AND GIRLS CLUB OF HARLEM.	1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HOUSING & DEVELOPMENT					
HD-DN081	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES/GRANT PROGRAM; FOR THE HOPE COMMUNITY INC.	490,000 (CN)	0 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)
		45,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HOUSING & DEVELOPMENT					
HD-DN035	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES/GRANT PROGRAM; FOR THE PEATT AREA COMMUNITY COUNCIL (PACC) INC.	0 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HOUSING & DEVELOPMENT					
HD-DN037	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES/GRANT PROGRAM; FOR THE PEATT AREA COMMUNITY COUNCIL (PACC) INC.	0 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)
		0 (CN)	0 (CN)	0 (CN)	0 (CN)

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HOUSING & DEVELOPMENT

BUDGET LINE HD-DN092 (NEW PROJECT) 700,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE CS MELROSE SITE B, LLC.

BUDGET LINE HD-DN093 (NEW PROJECT) 500,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE VAL VERDE/PHIPPS HOUSES.

BUDGET LINE HD-DN095 (NEW PROJECT) 1,050,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE PROSPECT COURT, LLC.

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BUDGET LINE HD-DN109 (NEW PROJECT) 500,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE BRONXWOOD TOWER, INC.

BUDGET LINE HD-DN110 (NEW PROJECT) 4,855,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE COMMUNITY PROTESTANT CHURCH.

BUDGET LINE HD-DN114 (NEW PROJECT) 400,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE BRIDGE STREET HOUSING DEVELOPMENT CORP.

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HOUSING & DEVELOPMENT

BUDGET LINE HD-DN118 (NEW PROJECT) 500,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE URBAN HOMESTEADING ASSISTANCE BOARD (UHB).

BUDGET LINE HD-DN125 (NEW PROJECT) 500,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE ABRAMAM RESIDENCE III.

BUDGET LINE HD-DN126 (NEW PROJECT) 10,000,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE AFFORDABLE HOUSING RECOVERY PROGRAM.

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HOUSING & DEVELOPMENT

BUDGET LINE HD-DN169 (NEW PROJECT) 0 (CN) 500,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE GLENBRIDGE SENIOR CENTER.

BUDGET LINE HD-DN235 (NEW PROJECT) 250,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE LENOX HILL NEIGHBORHOOD ASSOCIATION.

BUDGET LINE HD-DN276 (NEW PROJECT) 100,000 (CN) 0 (CN) (NEW PROJECT) 0 (CN) 0 (CN)
 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE BRIDGE STREET HOUSING DEVELOPMENT CORP.

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN469	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE CAMEA.	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN496	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE MIDGEWOOD RUSHWICK SENIOR CITIZENS COUNCIL, INC.	0	0	0	0
		1,200,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN480	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE LINDVILLE HOUSING COMPANY, INC.	707,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN488	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE LINDVILLE HOUSING COMPANY, INC.	0	0	0	0
		300,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN503	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORPORATION (SOBRO).	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN507	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE WOMEN'S HOUSING AND ECONOMIC DEVELOP. CORE.	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN514	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE GREATER HARLEM HOUSING DEVELOPMENT CORP.	0	0	0	0
		1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN546	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE BISHOP WILLIAM JAMES ROBINSON APARTMENTS-BRONX SHEPARD'S RESTORATION CO.	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN548	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE VILLA MARIA HOMES - COMMON SEWER REPAIR.	0	0	0	0
		555,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN524	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE WEST FARMS HOMEOWNER ASSOCIATION.	0	0	0	0
		92,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN525	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE NYC PARTNERSHIP HOUSING DEVELOPMENT FUND CORPORATION, INC.	0	0	0	0
		6,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DN526	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE VILLA MARIA HOMES.	0	0	0	0
		6,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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HOUSING & DEVELOPMENT

BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
HD-DNS56	0	0	0	0
HD-DNS70	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HOUSING & DEVELOPMENT

BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
HD-MR035	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HD-DN045	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE HOPE COMMUNITY, INC.

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE HOPE COMMUNITY, INC.

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM; FOR THE KNICKERBOCKER COMMONS.

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM; FOR THE HOPE COMMUNITY, INC.

CITY COUNCIL FUNDING FOR SITE WORK, CONSTRUCTION, RECONSTRUCTION OR IMPROVEMENTS TO RESIDENTIAL AND COMMERCIAL PROPERTIES, PURSUANT TO APPLICABLE STATE LAW PROVISIONS, CITYWIDE

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

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HEALTH

BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN045	0	0	0	0
HL-DN082	150,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DM136	800,000 (CN)	0 (CN)	0 (CN)	0 (CN)

HEALTH

BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN045	0	0	0	0
HL-DN082	150,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DM136	800,000 (CN)	0 (CN)	0 (CN)	0 (CN)

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE BEDFORD STIVESANT FAMILY HEALTH CENTER, INC.

CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE WOMEN'S PRISON ASSOCIATION.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE EPISCOPAL HEALTH SERVICES INC.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE CHARLES B. WANG COMMUNITY HEALTH CENTER.

FY 2010 APPROPRIATION CHANGES
CHANGES TO PART I
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN146	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW ALTERNATIVES FOR CHILDREN (NAC) INC.	46,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN147	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BRONX REGIONAL HEALTH INFORMATION ORGANIZATION (BRONX RHIO).	469,000 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES
CHANGES TO PART I
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN163	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SINERGLA.	175,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN164	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WILLIAM E. RYAN COMMUNITY HEALTH CENTER.	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN166	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOKDALE MEDICAL CENTER.	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN189	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HOSPITAL FOR SPECIAL SURGERY.	0	0	0	0
		533,000 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES
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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN201	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR NEW YORK BLOOD CENTER.	185,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN202	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE JAMAICA HOSPITAL MEDICAL CENTER.	0	0	0	0
		754,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN228	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE KINGSBROOK JEWISH MEDICAL CENTER.	0	0	0	0
		1,700,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN252	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE LUTHERAN MEDICAL CENTER.	0	0	0	0
		2,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HL-DN254	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MAIMONIDES MEDICAL CENTER.	0	0	0	0
		1,800,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN271	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MOUNT SINAI ADOLESCENT HEALTH CENTER.	0	0	0	0
		1,375,000 (CN)	0 (CN)	0 (CN)	0 (CN)
HL-DN275	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE METROPOLITAN JEWISH HOME CARE, INC.	0 (CN)	2,000,000 (CN)	0 (CN)	0 (CN)
HL-DN295	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK ACADEMY OF MEDICINE.	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	THREE YEAR PROGRAM FY 2012	FY 2013
	HEALTH				
HL-DN299	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK DOWNTOWN HOSPITAL.	235,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN324	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE PENINSULA HOSPITAL CENTER.	2,130,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN328	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR PLANNED PARENTHOOD OF NEW YORK CITY.	223,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN346	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE RICHMOND UNIVERSITY MEDICAL CENTER.	250,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)

FY 2010 APPROPRIATION CHANGES
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BUDGET LINE	TITLE	FY 2010	FY 2011	THREE YEAR PROGRAM FY 2012	FY 2013
	HEALTH				
HL-DN363	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SAINTE BARBARA HOSPITAL.	159,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN367	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR SAINT MARY'S HOSPITAL FOR CHILDREN.	644,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN404	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE STATEN ISLAND UNIVERSITY HOSPITAL.	1,743,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN416	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BRAIN TUMOR FOUNDATION.	500,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)

FY 2010 APPROPRIATION CHANGES
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BUDGET LINE	TITLE	FY 2010	FY 2011	THREE YEAR PROGRAM FY 2012	FY 2013
	HEALTH				
HL-DN440	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE URBAN HEALTH PLAN, INC.	4,000,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN456	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WYCKOFF HEIGHTS MEDICAL CENTER.	1,000,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN530	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AIDS SERVICE CENTER.	82,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)
HL-DN537	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WAINSBOROUGH AND HOSPITAL-WANNAHATTAN CAMPUS RECONSTRUCTION.	2,000,000(CN)	0	0	0
			ELIMINATE		
			SUBSTITUTE	0(CN)	0(CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HEALTH					
HL-DNS62	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK MEMORIAL HOSPITAL.	0	0	0	0 (CN)
		219,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
HL-DNS65	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FLUSHING HOSPITAL.	0	0	0	0 (CN)
		684,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
HL-D001	CITY COUNCIL FUNDS FOR ALL DEPARTMENT OF HEALTH BUILDINGS INCLUDING, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, MODERNIZATION, RENOVATIONS TO BUILDINGS AND CAMPUSES, INCLUDING THE PURCHASE AND INSTALLATION OF ELEVATOR REPLACEMENT, CITIES.	0	0	0	0 (CN)
		8,765,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HIGHER EDUCATION					
HN-DMS66	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEIL D. LEVIN GRADUATE INSTITUTE OF INTERNATIONAL RELATIONS AND COMMERCE.	0	0	0	0 (CN)
		650,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
HN-D002	CITY COUNCIL FUNDS FOR CITY UNIVERSITY ALTERATIONS AND COMPREHENSIVE RENOVATIONS TO BUILDINGS AND CAMPUSES, INCLUDING THE PURCHASE AND INSTALLATION OF EQUIPMENT AND SITE ACQUISITION, CITYWIDE	0	0	0	0 (CN)
		3,000,000 (CN)	2,000,000 (CN)	SUBSTITUTE	0 (CN)
HN-D004	CITY COUNCIL FUNDING FOR CITY UNIVERSITY RENOVATIONS AND COMPREHENSIVE RENOVATIONS TO BUILDINGS AND CAMPUSES, INCLUDING THE PURCHASE AND INSTALLATION OF COMPUTER AND OTHER EQUIPMENT AND SYSTEMS, CITYWIDE	0	0	0	0 (CN)
		19,506,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HEALTH & HOSPITALS CORP.					
HO-D003	CITY COUNCIL FUNDING FOR ALL BUILDINGS, ALL BOROUGHS, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, MODERNIZATION, RENOVATIONS TO BUILDINGS AND CAMPUSES, INCLUDING THE PURCHASE AND INSTALLATION OF ELEVATOR REPLACEMENT, CITIES.	0	0	0	0 (CN)
		10,449,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
HUMAN RESOURCES					
HR-DN043	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR GUARDIANS OF THE SICK.	1,350,000 (CN)	0 (CN)	0 (CN)	0 (CN)
				(NEW PROJECT)	
HR-N153	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FEDERATION OF ITALIAN AMERICAN ORGANIZATIONS.	0 (CN)	88,000 (CN)	88,000 (CN)	0 (CN)
		2,000,000 (CN)	88,000 (CN)	SUBSTITUTE	0 (CN)

FY 2010 APPROPRIATION CHANGES
 CHANGES TO PART I
 PURSUANT TO SECTION 254 OF THE CITY CHARTER
 FY 2010 FY 2011 THREE YEAR PROGRAM
 BUDGET LINE TITLE

NEW YORK RESEARCH LIBRARY

HW-D101	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF STREETS AND ALL REQUIRED ANCILLARY STREET WORK, BROOKLYN.	0	0	0	ELIMINATE	0	0
HW-D102	CITY COUNCIL FUNDING FOR THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS AND CURBS AND ALL REQUIRED ANCILLARY WORK AND CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS OF SIDEWALKS AND STREETScape AMENITIES, MANHATTAN.	0	0	0	ELIMINATE	0	0
HW-D104	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF STREETS AND ALL REQUIRED ANCILLARY WORK, STATEN ISLAND	0	0	0	ELIMINATE	0	0
HW-D200	CITY COUNCIL FUNDING FOR SIDEWALK AND CURB CONSTRUCTION, FENCING VACANT LOTS, FILLING SUNKEN LOTS, CITYWIDE.	0	0	0	ELIMINATE	0	0
HW-D211	RECONSTRUCTION OF STEP STREETS, CITYWIDE	0	0	0	ELIMINATE	0	0
HW-165	CONSTRUCTION, NEW ASPHALT PLANTS, CITY WIDE CHANGE TITLE TO READ: CONSTRUCTION AND ACQUISITION, ASPHALT PLANTS, CITYWIDE	0	0	0	ELIMINATE	0	0

HIGHWAYS

HW-D101	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF STREETS AND ALL REQUIRED ANCILLARY STREET WORK, BROOKLYN.	200,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
HW-D102	CITY COUNCIL FUNDING FOR THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS AND CURBS AND ALL REQUIRED ANCILLARY WORK AND CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS OF SIDEWALKS AND STREETScape AMENITIES, MANHATTAN.	200,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
HW-D104	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF STREETS AND ALL REQUIRED ANCILLARY WORK, STATEN ISLAND	2,400,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
HW-D200	CITY COUNCIL FUNDING FOR SIDEWALK AND CURB CONSTRUCTION, FENCING VACANT LOTS, FILLING SUNKEN LOTS, CITYWIDE.	250,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
HW-D211	RECONSTRUCTION OF STEP STREETS, CITYWIDE	300,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)

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NEW YORK PUBLIC LIBRARY

LN-D002	CITY COUNCIL FUNDING FOR THE RECONSTRUCTION, REHABILITATION, IMPROVEMENT, INITIAL AND OUTFITTING NEW YORK PUBLIC LIBRARY CENTRAL RESEARCH BUILDINGS-SCHOMBURG, LINCOLN CENTER, CENTRAL ANNEX AND OTHER LOCATIONS, MANHATTAN.	0	0	0	ELIMINATE	0	0
LN-D003	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, STATEN ISLAND.	1,200,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
LN-D004	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, BRONX	6,975,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
LN-D008	CITY COUNCIL FUNDING FOR SITE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, THE BRONX AND STATEN ISLAND.	4,094,000 (CN)	2,000,000 (CN)	2,000,000 (CN)	SUBSTITUTE	2,000,000 (CN)	0 (CN)
LN-8	SITE ACQUISITION, RECONSTRUCTION, CONSTRUCTION, REHABILITATION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES OF THE NYPL, MANHATTAN, THE BRONX AND STATEN ISLAND.	1,508,000 (CN)	0 (CN)	0 (CN)	ELIMINATE	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES
 CHANGES TO PART I
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 BUDGET LINE TITLE

BROOKLYN PUBLIC LIBRARY

LB-D104	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENTS, INITIAL OUTFITTING AND PURCHASES OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES, BROOKLYN	0	0	0	ELIMINATE	0	0
LB-104	CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENTS, SITE ACQUISITION, INITIAL OUTFITTING AND PURCHASES OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES, BROOKLYN	0 (CN)	452 (P)	2,530,130 (CN)	ELIMINATE	556,000 (CN)	4,354,000 (CN)
		10,150,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
		1,335,452 (P)	0 (CN)	2,530,130 (CN)	SUBSTITUTE	556,000 (CN)	4,354,000 (CN)

FY 2010 APPROPRIATION CHANGES
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 BUDGET LINE TITLE

NEW YORK PUBLIC LIBRARY

LN-D002	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, STATEN ISLAND.	0	0	0	ELIMINATE	0	0
LN-D003	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, MANHATTAN	0	0	0	ELIMINATE	0	0
LN-D004	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, BRONX	6,975,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
LN-D008	CITY COUNCIL FUNDING FOR SITE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT INCLUDING ACQUISITION OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES OF THE NYPL, MANHATTAN, THE BRONX AND STATEN ISLAND.	8,500,000 (CN)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)
LN-8	SITE ACQUISITION, RECONSTRUCTION, CONSTRUCTION, REHABILITATION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES OF THE NYPL, MANHATTAN, THE BRONX AND STATEN ISLAND.	1,508,000 (CN)	0 (CN)	0 (CN)	ELIMINATE	0 (CN)	0 (CN)
		1,507,000 (P)	0 (CN)	0 (CN)	SUBSTITUTE	0 (CN)	0 (CN)

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FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
NEW YORK PUBLIC LIBRARY					
LN-101R	ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE, REPLACEMENT, PURCHASES OF FURNITURE AND EQUIPMENT, OFFICE SUPPLIES, AND PURCHASES OF BOOKS, PERIODICALS, AND AUDIOVISUAL MATERIALS FOR BRANCH LIBRARIES, STATEN ISLAND	0 (CN)	0 (CN)	0 (CN)	1,187,236 (CN)
		846,000 (P)	0 (CN)	0 (CN)	0 (P)
					1,187,236 (CN)

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FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
QUEENS BOROUGH PUB. LIB.					
LQ-D122	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE, REPLACEMENT, PURCHASES OF FURNITURE AND EQUIPMENT FOR BRANCH LIBRARIES, QUEENS	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		16,735,000 (CN)	0 (CN)	0 (CN)	0 (CN)
					1,187,236 (CN)
LQ-122	ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE, REPLACEMENT, PURCHASES OF FURNITURE AND EQUIPMENT, OFFICE SUPPLIES, AND PURCHASES OF BOOKS, PERIODICALS, AND AUDIOVISUAL MATERIALS FOR BRANCH LIBRARIES, QUEENS	0 (CN)	139,846 (CN)	583,000 (CN)	7,739,000 (CN)
		1,231,000 (P)	0 (P)	0 (P)	0 (P)
					1,187,236 (CN)

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FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PARKS					
P-DM510	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC IMPROVEMENT OR IMPROVEMENT WITH A CITY CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE NEW YORK RESTORATION PROJECT (NYRP).	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		140,000 (CN)	0 (CN)	0 (CN)	0 (CN)
					0 (CN)
P-DM534	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC IMPROVEMENT OR IMPROVEMENT WITH A CITY CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, FOR THE FRANKLIN AND ELEANOR ROOSEVELT INSTITUTE.	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		2,238,000 (CN)	0 (CN)	0 (CN)	0 (CN)
					0 (CN)
P-D017	CITY COUNCIL FUNDING FOR MISCELLANEOUS PARKS, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, BROOKLYN	0 (CN)	0 (CN)	1,250,000 (CN)	0 (CN)
					0 (CN)
P-D018	CITY COUNCIL FUNDING FOR MISCELLANEOUS PARKS, PARKWAYS, PLAYGROUNDS AND STRUCTURES, MANHATTAN	0 (CN)	0 (CN)	0 (CN)	0 (CN)
					10,730,000 (CN)
P-D019	CITY COUNCIL FUNDING FOR MISCELLANEOUS PARKS, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, QUEENS	0 (CN)	0 (CN)	1,200,000 (CN)	0 (CN)
					0 (CN)

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FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PARKS					
P-D020	CITY COUNCIL FUNDING FOR MISCELLANEOUS PARKS, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, STATEN ISLAND	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		4,488,000 (CN)	0 (CN)	0 (CN)	0 (CN)
					0 (CN)
P-D021	CITY COUNCIL FUNDING FOR MISCELLANEOUS PARKS, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, THE BRONX	0 (CN)	0 (CN)	1,500,000 (CN)	0 (CN)
		6,587,000 (CN)	250,000 (CN)	0 (CN)	0 (CN)
					0 (CN)
P-D056	CITY COUNCIL FUNDING FOR THE ACQUISITION OF PROPERTY FOR PLAYGROUNDS AND PARKS, CITYWIDE.	0 (CN)	0 (CN)	0 (CN)	0 (CN)
					1,500,000 (CN)
P-D171	CITY COUNCIL FUNDING FOR THE CONSTRUCTION AND RECONSTRUCTION OF WALLS, TRIANGLES AND PARK ENVIRONMENTS, CITYWIDE	0 (CN)	0 (CN)	0 (CN)	0 (CN)
					1,300,000 (CN)
P-D822	CITY COUNCIL FUNDING FOR COMPREHENSIVE PROGRAMS FOR STREET AND PARK TREE REPLANTATION, REPLACEMENT AND PLANTING, CITYWIDE	0 (CN)	0 (CN)	0 (CN)	0 (CN)
					350,000 (CN)
P-D933	PURCHASE OF AUTOMOTIVE AND OTHER EQUIPMENT FOR THE DEPARTMENT OF PARKS AND RECREATION BY THE DEPARTMENT OF PARKS AND RECREATION	0 (CN)	0 (CN)	0 (CN)	0 (CN)
					1,060,000 (CN)

FY 2010 APPROPRIATION CHANGES PURSUANT TO SECTION 254 OF THE CITY CHARTER		FY 2010		FY 2011		THREE YEAR PROGRAM FY 2010 - FY 2012		FY 2013	
BUDGET LINE	TITLE								
POLICE									
PO-D001	CITY COUNCIL FUNDING FOR ALL BOROUGHS; ACQUISITION, RECONSTRUCTION, REHABILITATION, MODERNIZATION OF BUILDINGS, EQUIPMENT, OFFICE AND COMMUNICATION SYSTEMS, AND WATERFRONT PROPERTY DEVELOPMENT.	0	0	0	0	0	0	0	0
PO-D046	PURCHASE AND INSTALLATION OF ULTRA HIGH FREQUENCY RADIO COMMUNICATION SYSTEMS, ALL BOROUGHS	0	0	0	0	0	0	0	0
PO-D185	CITY COUNCIL FUNDING FOR THE PURCHASE OF POLICE DEPARTMENT COMMUNICATION EQUIPMENT FOR USE BY THE POLICE DEPARTMENT, CITYWIDE	0	0	0	0	0	0	0	0
		550,000 (CN)	550,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PARKS									
P-380	RIVERSIDE PARK, INCLUDING 75TH STREET MARINA, MANHATTAN, GENERAL RECONSTRUCTION	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		1,025,000 (CN)	1,025,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
P-412	PROJECT PARK IMPROVEMENTS AND ALTERATIONS, FLATBUSH, WASHINGTON AND PARKSIDE AVENUES, BROOKLYN	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		311,000 (F)	311,000 (F)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		3,896 (S)	3,896 (S)	0 (F)	0 (F)	0 (S)	0 (S)	0 (S)	0 (S)
P-997	RECONSTRUCTION OF INWOOD HILL PARK, MANHATTAN	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		614,000 (F)	614,000 (F)	0 (F)	0 (F)	0 (F)	0 (F)	0 (F)	0 (F)
		614,000 (CN)	614,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES PURSUANT TO SECTION 254 OF THE CITY CHARTER		FY 2010		FY 2011		THREE YEAR PROGRAM FY 2010 - FY 2012		FY 2013	
BUDGET LINE	TITLE								
PV-DN010	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AFRICAN SOFIRA THEATRE.	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		112,000 (CN)	112,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN027	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE APOLLO THEATER FOUNDATION.	0	0	0	0	0	0	0	0
		1,500,000 (CN)	1,500,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN038	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ATLANTIC THEATER COMPANY.	0	0	0	0	0	0	0	0
		1,000,000 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN042	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BALLET HISPANICO.	0	0	0	0	0	0	0	0
		85,000 (CN)	85,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)

FY 2010 APPROPRIATION CHANGES PURSUANT TO SECTION 254 OF THE CITY CHARTER		FY 2010		FY 2011		THREE YEAR PROGRAM FY 2010 - FY 2012		FY 2013	
BUDGET LINE	TITLE								
CULTURAL INSTITUTIONS									
PV-DN010	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AFRICAN SOFIRA THEATRE.	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		112,000 (CN)	112,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN027	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE APOLLO THEATER FOUNDATION.	0	0	0	0	0	0	0	0
		1,500,000 (CN)	1,500,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN038	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ATLANTIC THEATER COMPANY.	0	0	0	0	0	0	0	0
		1,000,000 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-DN042	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET WHICH WOULD BE CLASSIFIED AS A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BALLET HISPANICO.	0	0	0	0	0	0	0	0
		85,000 (CN)	85,000 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)	0 (CN)

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PV-DN087	(NEW PROJECT)	750,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MORGAN CENTER FOR AFRICAN & CARIBBEAN CULTURAL CENTER (CACC C).					
PV-DN091	(NEW PROJECT)	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE CENTER FOR JEWISH HISTORY.					
PV-DN121	(NEW PROJECT)	230,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DANCE NEW AMSTERDAM.					

PV-DN051	(NEW PROJECT)	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BIG APPLE CIRCUS.					
PV-DN067	(NEW PROJECT)	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE WHITNEY MUSEUM OF AMERICAN ART.					
PV-DN074	(NEW PROJECT)	2,250,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK BOTANICAL GARDEN.					
PV-DN076	(NEW PROJECT)	100,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOKLYN FILHARMONIC SYMPHONY ORCHESTRA.					

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PV-DN122	(NEW PROJECT)	375,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DANCE THEATER OF HARLEM, INC.					
PV-DN127	(NEW PROJECT)	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR DIXON PLACE.					
PV-DN143	(NEW PROJECT)	80,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BLAINE KAUFMAN CULTURAL CENTER.					
PV-DN176	(NEW PROJECT)	1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE GUSSENHEAR MUSEUM.					

PV-DN180	(NEW PROJECT)	100,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR CENTER LAS AT THE DRUG HARBOUR CULTURAL CENTER.					
PV-DN181	(NEW PROJECT)	315,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HARLEM SCHOOL OF THE ARTS.					
PV-DN187	(NEW PROJECT)	73,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE STUDIO IN A SCHOOL.					
PV-DN194	(NEW PROJECT)	2,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE INTREPID SEA, AIR & SPACE MUSEUM.					

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CULTURAL INSTITUTIONS					
FV-DN219	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MANHATTAN CLASS COMPANY, INC.	300,000 (CN)	2,000,000 (CN)	0 (CN)	0 (CN)
FV-DN222	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE JOYCE THEATER.	0	0	ELIMINATE	0
FV-DN256	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MANHATTAN THEATER CLUB.	130,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN266	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MIND-BUILDERS CREATIVE ARTS CENTER.	1,000,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
FV-DN195	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE IRISH ARTS CENTER.	0 (CN)	1,250,000 (CN)	0 (CN)	1,750,000 (CN)
FV-DN196	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE IRISH REPERTORY THEATRE.	438,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN205	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AMERICAN BALLET THEATER FOUNDATION.	100,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
FV-DN209	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE JEWISH CHILDREN'S MUSEUM.	1,500,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
FV-DN277	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MUSEUM FOR AFRICAN ART.	600,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN278	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MUSEUM OF ARTS AND DESIGN.	50,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN288	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NATIONAL MUSEUM OF THE AMERICAN INDIAN.	125,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN290	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW 42ND STREET INC.	1,150,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
FV-DN304	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK HISTORICAL SOCIETY.	2,250,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN307	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK THEATER WORKSHOP.	275,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN330	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE POETS HOUSE.	170,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
FV-DN345	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE REFERTORIO ESPANOL THEATER.	322,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
FV-DN354	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ROUNDABOUT THEATRE COMPANY.	0	0	0	0
FV-DN375	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SECOND STAGE THEATRE.	0	0	2,000,000 (CN)	0
FV-DN385	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SIGNATURE THEATRE.	0	0	1,250,000 (CN)	0
FV-DN409	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ROD RODGERS DANCE CO & DUO THEATRE.	0	0	184,000 (CN)	0

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CULTURAL INSTITUTIONS					
FV-DN413	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE CHOCOLATE FACTORY.	29,000 (CN)	0	0	0
FV-DN417	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOKLYN CENTER FOR THE PERFORMING ARTS.	0	0	0	0
FV-DN419	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE COOPER-HEWITT NATIONAL DESIGN MUSEUM.	0	0	2,500,000 (CN)	0
FV-DN463	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ABC NO RIO.	900,000 (CN)	0	0	0

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CULTURAL INSTITUTIONS					
FV-DN574	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ROD RODGERS DANCE CO & DUO THEATRE.	0	0	0	0
FV-DN575	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE RUBIN MUSEUM OF ART.	0	0	63,000 (CN)	0
FV-D022	CITY COUNCIL FUNDING FOR THE METROPOLITAN MUSEUM OF ART, INCLUDING VEHICLE PURCHASES, INCLUDING EQUIPMENT AND VEHICLE PURCHASES, MANHATTAN	0	0	3,000,000 (CN)	0
FV-D034	CITY COUNCIL FUNDING FOR THE AMERICAN MUSEUM OF NATURAL HISTORY ALTERATIONS AND IMPROVEMENTS TO BUILDINGS AND EQUIPMENT AND ADDITIONS TO EXISTING FACILITIES AND EQUIPMENT, INCLUDING VEHICLE AND EQUIPMENT PURCHASES.	0	0	1,000,000 (CN)	0
FV-D175	CITY COUNCIL FUNDING FOR THE STATEN ISLAND ZOOLOGICAL SOCIETY, ALTERATION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES.	0	0	1,500,000 (CN)	0

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CULTURAL INSTITUTIONS					
FV-DN574	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ROD RODGERS DANCE CO & DUO THEATRE.	0	0	0	0
FV-DN575	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE RUBIN MUSEUM OF ART.	0	0	63,000 (CN)	0
FV-D022	CITY COUNCIL FUNDING FOR THE METROPOLITAN MUSEUM OF ART, INCLUDING VEHICLE PURCHASES, INCLUDING EQUIPMENT AND VEHICLE PURCHASES, MANHATTAN	0	0	3,000,000 (CN)	0
FV-D034	CITY COUNCIL FUNDING FOR THE AMERICAN MUSEUM OF NATURAL HISTORY ALTERATIONS AND IMPROVEMENTS TO BUILDINGS AND EQUIPMENT AND ADDITIONS TO EXISTING FACILITIES AND EQUIPMENT, INCLUDING VEHICLE AND EQUIPMENT PURCHASES.	0	0	1,000,000 (CN)	0
FV-D175	CITY COUNCIL FUNDING FOR THE STATEN ISLAND ZOOLOGICAL SOCIETY, ALTERATION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES.	0	0	1,500,000 (CN)	0

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CULTURAL INSTITUTIONS					
PV-D176	CITY COUNCIL FUNDING FOR THE NEW YORK BOTANICAL GARDEN, ADDITIONS, RECONSTRUCTION, IMPROVEMENTS, AND PURCHASES OF EQUIPMENT AND VEHICLES, THE BRONX.	0	0	0	0
		3,035,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D205	CITY COUNCIL FUNDING FOR THE NEW YORK BOTANICAL GARDEN, ADDITIONS, RECONSTRUCTION, IMPROVEMENTS, AND PURCHASES OF EQUIPMENT AND VEHICLES, THE BRONX.	0	0	0	0
		49,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D230	CITY COUNCIL FUNDING FOR NEW YORK AQUARIUM GARDENS, RECONSTRUCTION, ADDITIONS, LAND ACQUISITION AND PURCHASES OF EQUIPMENT AND VEHICLES, BROOKLYN	0	0	0	0
		1,173,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D235	CITY COUNCIL FUNDING FOR THE BROOKLYN MUSEUM, ALTERATION, RECONSTRUCTION, GENERAL IMPROVEMENTS, AND PURCHASES OF EQUIPMENT AND VEHICLES	0	0	0	0
		3,250,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D236	CITY COUNCIL FUNDING FOR THE BROOKLYN BOTANIC GARDEN, RECONSTRUCTION, GENERAL IMPROVEMENTS TO GARDEN AND BUILDING, PURCHASES OF VEHICLES AND EQUIPMENT.	0	0	0	0
		135,000 (CN)	1,000,000 (CN)	0 (CN)	0 (CN)
PV-D262	CITY COUNCIL FUNDING FOR THE BROOKLYN CHILDREN'S MUSEUM, CONSTRUCTION AND PURCHASES OF EQUIPMENT AND VEHICLES, BROOKLYN	0	0	0	0
		1,600,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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CULTURAL INSTITUTIONS					
PV-D264	CITY COUNCIL FUNDING FOR THE BROOKLYN ACADEMY OF MUSIC, ALTERATIONS, REHABILITATION, RECONSTRUCTION, IMPROVEMENTS, PURCHASES OF VEHICLES AND EQUIPMENT, BROOKLYN	0	0	0	0
		2,220,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D272	CITY COUNCIL FUNDING FOR THE QUEENS BOTANICAL GARDEN SOCIETY, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D274	CITY COUNCIL FUNDING FOR THE HALL OF SCIENCE, RECONSTRUCTION, PARK CONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, QUEENS.	0	0	0	0
		2,156,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D279	CITY COUNCIL FUNDING FOR CITY CENTER, MANHATTAN, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, MANHATTAN	0	0	0	0
		0 (CN)	2,500,000 (CN)	2,500,000 (CN)	0 (CN)
PV-D289	RECONSTRUCTION, NEW YORK SHAWNEESE FESTIVAL, PUBLIC THEATER AND DELACORTE THEATER, PURCHASE OF EQUIPMENT AND VEHICLES, MANHATTAN	0	0	0	0
		2,250,000 (CN)	2,500,000 (CN)	0 (CN)	0 (CN)
PV-D302	CITY COUNCIL FUNDING FOR THE STATEN ISLAND INSTITUTE OF ARTS AND SCIENCES, RECONSTRUCTION IMPROVEMENTS, INCLUDING PURCHASES OF EQUIPMENT AND VEHICLES, STATEN ISLAND	0	0	0	0
		5,300,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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CULTURAL INSTITUTIONS					
PV-D341	RICHMONDTOWN, LA TOURETTE PARK, STATEN ISLAND, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES	0	0	0	0
		200,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D464	CITY COUNCIL FUNDING FOR THE WAVE HILL ENVIRONMENTAL CENTER, INDEPENDENCE AND SHERBROOK AVENUE, STATEN ISLAND, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF VEHICLES AND EQUIPMENT, BRONX	0	0	0	0
		2,300,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D466	QUEENS THEATER IN THE PARK, RECONSTRUCTION AND IMPROVEMENTS, INCLUDING EQUIPMENT AND VEHICLES, QUEENS	0	0	0	0
		300,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D467	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES AT VARIOUS CULTURAL INSTITUTIONS AND AT AGENCY HEADQUARTERS INCLUDING SITE ACQUISITION, 330 WEST 42ND STREET.	0	0	0	0
		7,773,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D471	CITY COUNCIL FUNDING FOR THE BRONX MUSEUM OF THE ARTS, RECONSTRUCTION AND IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, BRONX	0	0	0	0
		800,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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CULTURAL INSTITUTIONS					
PV-D477	CITY COUNCIL FUNDING FOR THE STATEN ISLAND MUSEUM OF HISTORY, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES	0	0	0	0
		1,123,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D489	CITY COUNCIL FUNDING FOR LINCOLN CENTER, RECONSTRUCTION AND IMPROVEMENTS TO SITE, INCLUDING PURCHASES OF EQUIPMENT AND VEHICLES, MANHATTAN	0	0	0	0
		3,100,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D490	CITY COUNCIL FUNDING FOR THE DEVELOPMENT OF SNUG HARBOR SITE, PURCHASE OF EQUIPMENT AND VEHICLES, RECONSTRUCTION OF BUILDINGS, STATEN ISLAND.	0	0	0	0
		1,563,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D501	CITY COUNCIL FUNDING FOR P.S. 1 CONTEMPORARY ART CENTER, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, QUEENS	0	0	0	0
		2,600,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D503	CITY COUNCIL FUNDING FOR GARNESIE HALL, RECONSTRUCTION, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, MANHATTAN	0	0	0	0
		1,250,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-D520	NEKESVILLE, BROOKLYN, RECONSTRUCTION, LANDSCAPING, GENERAL IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES FOR DEVELOPMENT OF HISTORICAL SITE	0	0	0	0
		1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PV-N087	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE CARLOS LEZAMA ARCHIVES & CARIBBEAN CULTURAL CENTER (CLACC-C).	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N122	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DANCE THEATER OF HARLEM.	375,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N127	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DIXON PLACE.	40,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N143	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ELAINE KUFMAN CULTURAL CENTER.	33,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PV-N181	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HARLEM SCHOOL OF THE ARTS.	158,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N194	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE INTRAPID SEA, AIR & SPACE MUSEUM.	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N196	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE IRISH REPERTORY THEATRE.	438,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N205	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AMERICAN BALLET THEATER FOUNDATION.	50,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PV-N209	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE JERISH CHILDREN'S MUSEUM.	500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N219	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MANHATTAN CLASS COMPANY INC.	200,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N222	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE VOICE THEATER.	174,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-N256	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MANHATTAN THEATER CLUB.	270,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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CHANGES TO SECTION 254 OF THE CITY CHARTER
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BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS				
FV-N266	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MIND-BUILDERS CREATIVE ARTS CENTER.				
FV-N277	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MUSEUM FOR AFRICAN ART.				
FV-N278	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MUSEUM OF ARTS AND DESIGN.				
FV-N288	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NATIONAL MUSEUM OF THE AMERICAN INDIAN.				

FY 2010 APPROPRIATION CHANGES
CHANGES TO SECTION 254 OF THE CITY CHARTER
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BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS				
FV-N290	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW 42ND STREET INC.				
FV-N304	2,500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK HISTORICAL SOCIETY.				
FV-N307	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK THEATER WORKSHOP.				
FV-N330	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FOETS HOUSE.				

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CHANGES TO SECTION 254 OF THE CITY CHARTER
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BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS				
FV-N575	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE RUBIN MUSEUM.				
FV-22	0 (CN)	0 (CN)	0 (CN)	0 (CN)
METROPOLITAN MUSEUM OF ART, IMPROVEMENTS AND ADDITIONS, INCLUDING EQUIPMENT AND VEHICLE PURCHASES, MANHATTAN.				
FV-34	273 (CN)	0 (CN)	0 (CN)	0 (CN)
AMERICAN MUSEUM OF NATURAL HISTORY, ALTERATIONS AND IMPROVEMENTS TO BUILDINGS AND EQUIPMENT AND ADDITIONS TO EXISTING FACILITIES AND EQUIPMENT, INCLUDING VEHICLE AND EQUIPMENT PURCHASES.				
FV-176	0	0	0	0
NEW YORK ZOOLOGICAL SOCIETY, RECONSTRUCTION, ADDITIONS, INCLUDING EQUIPMENT AND VEHICLE PURCHASES, THE BRONX.				
FV-230	879,000 (CN)	0 (CN)	19,000,000 (CN)	19,000,000 (CN)
NEW YORK AQUARIUM BETTERMENTS, RECONSTRUCTION, ADDITIONS, LAND ACQUISITION AND PURCHASES OF EQUIPMENT AND VEHICLES, BROOKLYN				

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BUDGET LINE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS				
FV-N345	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE REPERTORIO ESPANOL THEATER.				
FV-N365	0	0	0	0
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SIGNATURE THEATER COMPANY.				
FV-N413	25,000 (CN)	0 (CN)	0 (CN)	0 (CN)
NEW PROJECT				
FV-N574	65,000 (CN)	0 (CN)	0 (CN)	0 (CN)
(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ROD RODGERS DANCE CO & BUC THEATER.				

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
PV-235	BROOKLYN MUSEUM ALTERATION RECONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO EXISTING BUILDINGS AND PURCHASES OF EQUIPMENT AND VEHICLES, BROOKLYN.	245 (CN)	0 (CN)	0 (CN)	0 (CN)
		2,000,245 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-262	BROOKLYN CHILDREN'S MUSEUM; CONSTRUCTION RECONSTRUCTION AND IMPROVEMENTS TO EXISTING BUILDINGS AND PURCHASES OF EQUIPMENT AND VEHICLES, BROOKLYN.	0	0	0	0
		200,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-264	BROOKLYN ACADEMY OF MUSIC ALTERATIONS, RECONSTRUCTION AND IMPROVEMENTS TO EXISTING BUILDINGS AND PURCHASES OF EQUIPMENT AND VEHICLES.	4,000,000 (CN)	0 (CN)	0 (CN)	4,000,000 (CN)
		6,000,000 (CN)	0 (CN)	0 (CN)	4,000,000 (CN)
PV-272	QUEENS BOTANICAL GARDEN SOCIETY, ADDITIONS, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES.	0	0	0	0
		500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-274	HALL OF SCIENCE, FLUSHING MEADOW PARK, AND ADDITIONS, IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES, QUEENS.	0	0	0	0
		2,156,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-289	RECONSTRUCTION NEW YORK SHAKESPEARE FESTIVAL CENTER AND DELACORTE THEATER, PURCHASE OF EQUIPMENT AND VEHICLES, MANHATTAN.	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		1,000,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
PV-341	RICHMONDTOWN LA TOURETTE PARK, STATEN ISLAND, RECONSTRUCTION LANDSCAPING GENERAL IMPROVEMENTS AND PURCHASES OF EQUIPMENT AND VEHICLES.	0	0	0	0
		150,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-464	WAVE HILL ENVIRONMENTAL CENTER, INDEPENDENCE AND FALSADE AVENUES, WEST 248TH TO WEST 252ND STREETS, RECONSTRUCTION AND PURCHASE OF EQUIPMENT, THE BRONX	0	0	0	0
		2,500,000 (CN)	0 (CN)	0 (CN)	0 (CN)
		2,500,000 (P)	0 (P)	0 (P)	0 (P)
PV-466	QUEENS THEATER IN THE PARK, RECONSTRUCTION AND PURCHASES OF EQUIPMENT AND VEHICLES, QUEENS	0	0	0	0
		300,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-467	CONSTRUCTION RECONSTRUCTION AND PURCHASES OF EQUIPMENT AND VEHICLES AT VARIOUS CULTURAL INSTITUTIONS AND AT AGENCY HEADQUARTERS INCLUDING SITE ACQUISITION	0 (CN)	0 (CN)	5,754,511 (CN)	12,070,000 (CN)
		4,309,000 (CN)	0 (CN)	5,754,511 (CN)	12,070,000 (CN)
PV-471	BRONY MUSEUM OF THE ARTS, INTERIOR AND EXTERIOR RECONSTRUCTION AND IMPROVEMENTS INCLUDING EQUIPMENT, THE BRONX	0	0	0	0
		400,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-477	STATEN ISLAND CHILDREN'S MUSEUM, REHABILITATION OF MAINTENANCE BUILDING AND PURCHASES OF EQUIPMENT AND VEHICLES, SAILOR'S SNUG HARBOR.	0	0	0	0
		1,123,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
CULTURAL INSTITUTIONS					
PV-490	DEVELOPMENT OF SNUG HARBOR SITE, PURCHASE OF EQUIPMENT AND VEHICLES, RECONSTRUCTION OF BUILDINGS, STATEN ISLAND.	0 (CN)	0 (CN)	0 (CN)	2,552,412 (CN)
		1,563,000 (CN)	0 (CN)	0 (CN)	2,552,412 (CN)
PV-503	CARNEGIE HALL, INTERIOR AND EXTERIOR RECONSTRUCTION, PURCHASE OF EQUIPMENT AND VEHICLES, MANHATTAN.	0 (CN)	7,000,000 (CN)	2,000,000 (CN)	25,000,000 (CN)
		750,000 (CN)	7,000,000 (CN)	2,000,000 (CN)	25,000,000 (CN)
PV-520	WEEKSVILLE, BROOKLYN, RECONSTRUCTION AND PURCHASES OF EQUIPMENT AND VEHICLES FOR DEVELOPMENT OF HISTORICAL SITE	441 (CN)	0 (CN)	0 (CN)	0 (CN)
		1,000,441 (CN)	0 (CN)	0 (CN)	0 (CN)
PV-525	CONSTRUCTION OF SCULPTURE GARDEN AND GALLERY FOR THE STUDIO MUSEUM OF HARLEM, MANHATTAN	0 (CN)	0 (CN)	0 (CN)	0 (CN)
		375,000 (CN)	0 (CN)	0 (CN)	0 (CN)

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN004	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE 32ND STREET YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION (YM & YWHA).	0	0	0	0
		2,902,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PW-DN009	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ARKLEM FOUNDATION.	0	0	0	0
		462,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PW-DN061	(NEW PROJECT) CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE NEW YORK LEGAL ASSISTANCE GROUP (NYLAG).	101,000 (CN)	0 (CN)	0 (CN)	0 (CN)
PW-DN070	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOKLYN CHINESE-AMER-CAN ASSOCIATION.	0	0	0	0
		1,934,000 (CN)	0 (CN)	0 (CN)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN142	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE EDUCATIONAL ALLIANCE.	0	0	ELIMINATE	0
		250,000 (CN)	3,000,000 (CN)	SUBSTITUTE	0 (CN)
PW-DN173	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR VILLAGE CENTER FOR CARE.	866,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN200	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR GAY MEN'S HEALTH CRISIS (GMHC).	607,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN208	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HISPANIC FEDERATION.	102,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN225	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE LITTLE NECK COMMUNITY CENTER.	500,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN237	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES.	500,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN243	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR FAIRBUSH VOLUNTEERS OF HAVAZOLAR INC.	225,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN246	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE ARMORY FOUNDATION.	1,220,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN248	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR LEAKE AND WATTS SERVICES, INC.	79,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)
PW-DN257	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MANHATTAN YOUTH.	75,000 (CN)	0 (CN)	(NEW PROJECT)	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN317	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR OHEL CHILDREN'S HOME & FAMILY SERVICES.	0	0	ELIMINATE	0
		617,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
PW-DN318	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR ON YOUR MARK, INC.	0	0	ELIMINATE	0
		60,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)
PW-DN582	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE DOWNTOWN ALLIANCE.	0	0	ELIMINATE	0
		43,000 (CN)	0 (CN)	SUBSTITUTE	0 (CN)

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN260	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOK CHRISTIAN FELLOWSHIP.	0	0	(NEW PROJECT)	0

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
PUBLIC BUILDINGS					
PW-DN260	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BROOK CHRISTIAN FELLOWSHIP.	0	0	(NEW PROJECT)	0

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BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
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PUBLIC BUILDINGS

PW-DN564 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HEBREW EDUCATIONAL SOCIETY PHASE 3 - GREEN ROOFS.

CHANGE TITLE TO READ:
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE HEBREW EDUCATIONAL SOCIETY.

PW-DN586 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE KIPS BAY BOYS AND GIRLS CLUB.

PW-D005 CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, MODERNIZATION AND MAINTENANCE OF FORENEMER AND ADJACENT VEHICLES FOR PUBLIC BUILDINGS AND ADJACENT AREAS AND OTHER PROJECTS WITH A CITY PURPOSE, CITYWIDE.

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
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PUBLIC BUILDINGS

PW-KN037 CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FRUIT AREA COMMUNITY COUNCIL (FACC) INC.

CHANGE TITLE TO READ:
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM, FOR THE FRUIT AREA COMMUNITY COUNCIL (FACC) INC.

PW-N085 (NEW PROJECT)
CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE CARIBBEAN AMERICAN CHAMBER OF COMMERCE AND INDUSTRY INC. (CACCI).

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
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SEWER

SE-D716 ACQUISITION OF LAND PURSUANT TO STORM WATER MANAGEMENT PROGRAM, STAYEN ISLAND

FY 2010 APPROPRIATION CHANGES
PURSUANT TO SECTION 254 OF THE CITY CHARTER

BUDGET LINE	TITLE	FY 2010	FY 2011	FY 2012	FY 2013
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TRANSPORTATION EQUIPMENT

TD-D018 CITY COUNCIL FUNDING FOR THE PURCHASE OF AUTOMOTIVE AND OTHER EQUIPMENT HAVING A UNIT COST OF AT LEAST \$35,000 AND A LIFE EXPECTANCY OF AT LEAST FIVE YEARS FOR USE BY THE DEPARTMENT OF TRANSPORTATION

FY 2010 APPROPRIATION CHANGES
 CHANGES TO PART I
 PURSUANT TO SECTION 254 OF THE CITY CHARTER
 THREE YEAR PROGRAM
 FY 2010 FY 2011 FY 2012
 BUDGET LINE TITLE

FY 2010 APPROPRIATION CHANGES
 CHANGES TO PART I
 PURSUANT TO SECTION 254 OF THE CITY CHARTER
 THREE YEAR PROGRAM
 FY 2010 FY 2011 FY 2012
 BUDGET LINE TITLE

TRAFFIC

TF-D005	INCIDENTAL TRAFFIC IMPROVEMENTS AND ALL REQUIRED ANCILLARY WORK AND STUDIES, CITYWIDE	0	0	0	0	0	0	0	0
TF-D503	CITY COUNCIL FUNDING FOR THE PURCHASE AND INSTALLATION OF FIGHTING EQUIPMENT FOR POLICE, FIRE AND PUBLIC WORKS, HIGHWAYS AND PUBLIC PLACES, CITYWIDE	1,850,000 (CN)	0	0	0	0	0	0	0
TF-18	CONSTRUCTION AND RECONSTRUCTION OF VARIOUS TYPES OF HIGHWAYS AND PUBLIC PLACES, INCLUDING ADDITIONS AND EQUIPMENT, CITY WIDE	1,300,000 (F)	5,966,595 (CN)	0	0	0	0	0	1,330,000 (CN)
		3,700,000 (F)	5,966,595 (CN)	0	0	0	0	0	1,330,000 (CN)

WATER POLLUTION CONTROL

WP-56	HUNTS POINT WATER POLLUTION CONTROL PROJECT, BRONX, FIRST AND SECOND STAGES, INCLUDING LAND ACQUISITION	10,000,000 (CX) 29,802,735 (F)	0	0	0	0	0	0	0
WP-112	EXISTING WATER POLLUTION CONTROL PROJECTS, RECONSTRUCTION AND IMPROVEMENTS, NEW AND REPLACEMENT EQUIPMENT	202,846,172 (CX) 31,949,347 (F)	102,719,000 (CX)	103,984,000 (CX)	0	0	0	0	128,968,000 (CX)
WP-169	SITE ACQUISITION FOR CONSTRUCTION AND RECONSTRUCTION OF COMBINED SEWER OVERFLOW ABATEMENT AND RELATED INFILTRATION, INFLOW AND COLLECTION FACILITIES, INCLUDING EQUIPMENT AND PURCHASES, CITYWIDE	50,000,000 (CX) 20,000,000 (F)	49,433,523 (CX)	161,415,000 (CX)	0	0	0	0	139,000,000 (CX)
WP-206	UPGRADE THE TWENTY-SIXTH WARD WATER POLLUTION CONTROL PROJECT, EXTENSION AND RECONSTRUCTION, INCLUDING LAND ACQUISITION AND ASSOCIATED DRAINAGE AREA, BROOKLYN	50,000,000 (F)	0	0	0	0	0	0	0
WP-283	UPGRADE NEWTOWN CREEK WATER POLLUTION CONTROL PROJECT, INCLUDING LAND ACQUISITION AND ASSOCIATED DRAINAGE AREAS, BROOKLYN, QUEENS AND MANHATTAN	1,291,161,405 (CX) 32,955,000 (F)	78,425,000 (CX)	5,000,000 (CX)	0	0	0	0	94,000,000 (CX)
		1,293,151,405 (CX)	78,425,000 (CX)	5,000,000 (CX)	0	0	0	0	94,000,000 (CX)

		1,850,000 (CN)	0	0	0	0	0	0	0
		1,060,000 (CN)	0	0	0	0	0	0	0
		1,300,000 (F)	5,966,595 (CN)	0	0	0	0	0	1,330,000 (CN)
		3,700,000 (F)	5,966,595 (CN)	0	0	0	0	0	1,330,000 (CN)

		10,000,000 (CX) 29,802,735 (F)	0	0	0	0	0	0	0
		202,846,172 (CX) 31,949,347 (F)	102,719,000 (CX)	103,984,000 (CX)	0	0	0	0	128,968,000 (CX)
		50,000,000 (CX) 20,000,000 (F)	49,433,523 (CX)	161,415,000 (CX)	0	0	0	0	139,000,000 (CX)
		50,000,000 (F)	0	0	0	0	0	0	0
		1,291,161,405 (CX) 32,955,000 (F)	78,425,000 (CX)	5,000,000 (CX)	0	0	0	0	94,000,000 (CX)
		1,293,151,405 (CX)	78,425,000 (CX)	5,000,000 (CX)	0	0	0	0	94,000,000 (CX)

Terms and Conditions
Capital Budget
All Project Lines – All Projects

The appropriations for all projects in the capital budget shall be administered under, and in accordance with, the appropriate provisions of the New York City Charter and the Administrative Code.

Each agency shall be required to ensure with regard to each project under its jurisdiction that the City's Financial Management System is adequately updated with project milestones and explanations for any delays in the schedules of each project.

RESCINDMENTS FROM PRIOR CAPITAL BUDGETS

BUDGET LINE	FMS No.	TITLE	AMOUNTS RESCINDED
AG D001	125 D01	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, INCLUDING FURNISHINGS AND EQUIPMENT, TO PROPERTY USED BY THE DEPARTMENT FOR THE AGING, CITYWIDE	\$113,000 (CN)
AG D989	125 D99	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE.	\$14,825 (CN)
AG DN011	125 A00	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE AGING IN AMERICA.	\$20,000 (CN)
AG DN110	125 A08	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE COMMUNITY PROTESTANT CHURCH.	\$4,855,000 (CN)
AG DN115	125 A09	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE CO-OP CITY BAPTIST CHURCH.	\$4,060,000 (CN)
AG DN158	125 A12	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FLORENCE SMITH COMMUNITY CENTER.	\$7,000 (CN)
AG DN265	125 A23	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE MIDDLE VILLAGE OLDER ADULT CENTER.	\$109,000 (CN)

RESCINDMENTS FROM PRIOR CAPITAL BUDGETS

BUDGET LINE	FMS No.	TITLE	AMOUNTS RESCINDED
AG DN376	125 A25	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SELFHILP ROSENTHAL SENIOR CENTER.	\$50,000 (CN)
E DN639	040 A01	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR PS 155 PLAYGROUND - OUTPLAY.	\$75,000 (CN)
E DN540	040 A02	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE BRONX LIGHTHOUSE CHARTER SCHOOL.	\$107,000 (CN)
ED 0380	801 218	ACQUISITION, SITE PREPARATION AND INFRASTRUCTURE CONSTRUCTION FOR INDUSTRIAL AND COMMERCIAL DEVELOPMENT, ALL BOROUGHS	\$100,000 (CN)
ED D075	801 D75	ACQUISITION, SITE DEVELOPMENT, CONSTRUCTION AND RECONSTRUCTION, INCLUDING EQUIPMENT AND OTHER PURCHASES, FOR INDUSTRIAL AND COMMERCIAL REDEVELOPMENT AND PROJECTS WITH A CITY PURPOSE, CITYWIDE	\$5,800,000 (CN)
HB 1217	841 68Z	RECONSTRUCTION AND STRUCTURAL REHABILITATION OF RAMPS AT ST. GEORGE FERRY TERMINAL, STATEN ISLAND	\$13,000,000 (CN)
HD DN475	806 A12	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM; FOR THE ENTERPRISE COMMUNITY PARTNERS.	\$3,000,000 (CN)

RESCINDMENTS FROM PRIOR CAPITAL BUDGETS

BUDGET LINE	FMS No.	TITLE	AMOUNTS RESCINDED
HD DN525	806 A90	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES, PURSUANT TO A STATUTORY HOUSING LOAN AND/OR GRANT PROGRAM; FOR THE NYC PARTNERSHIP HOUSING DEVELOPMENT FUND CORPORATION, INC.	\$5,000,000 (CN)
HL D999	816 D99	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE.	\$474 (CN)
HL DN365	816 A57	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SAINT JOHN'S QUEENS HOSPITAL.	\$1,018,000 (CN)
HL DN561	816 A75	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE COMMUNITY HEALTHCARE NETWORK.	\$500,000 (CN)
HL DN608	816 A83	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE EAST NEW YORK DIAGNOSTIC & TREATMENT CENTER	\$670,000 (CN)
HO D003	819 D03	CITY COUNCIL FUNDING FOR ALL BUILDINGS, ALL BOROUGHS, CONSTRUCTION, RECONSTRUCTION, RECONSTRUCTION, REHABILITATION, MODERNIZATION, FIRE PREVENTION AND ELEVATOR REPLACEMENTS, FOR THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.	\$150,000 (CN)
HR D002	096 D02	CITY COUNCIL FUNDING FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS, INCLUDING FURNISHINGS AND EQUIPMENT, FOR SITES AND FACILITIES OF THE HUMAN RESOURCES ADMINISTRATION AND OTHER PROJECTS WITH A CITY PURPOSE	\$800,000 (CN)

RESCINDMENTS FROM PRIOR CAPITAL BUDGETS

BUDGET LINE	FMS No.	TITLE	AMOUNTS RESCINDED
PW DN531	856 A97	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE FOREST HILLS COMMUNITY HOUSE.	\$20,000 (CN)
PW KN378	856 K19	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SEPHARDIC BIKUR CHOLIM.	\$500,000 (CN)
TOTAL CITY NON-EXEMPT RESCINDMENTS			\$77,119,931 (CN)

RESCINDMENTS FROM PRIOR CAPITAL BUDGETS

BUDGET LINE	FMS No.	TITLE	AMOUNTS RESCINDED
LN D004	037 D04	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INITIAL OUTFITTING, PURCHASES OF FURNITURE AND EQUIPMENT AND SITE ACQUISITION FOR BRANCH LIBRARIES, BRONX	\$4,000,000 (CN)
P D056	846 D56	CITY COUNCIL FUNDING FOR THE ACQUISITION OF PROPERTY FOR PLAYGROUNDS AND PARKS, CITYWIDE.	\$2,000,000 (CN)
PU 0015	856 710	PURCHASE OF VEHICLES AND EQUIPMENT AND PURCHASE AND INSTALLATION OF COMMUNICATIONS AND OTHER SPECIALIZED EQUIPMENT, CITYWIDE	\$15,000,000 (CN)
PW 0077	856 742	ACQUISITION, CONSTRUCTION, RECONSTRUCTION, MODERNIZATION OF IMPROVEMENTS TO EQUIPMENT AND VEHICLES FOR PUBLIC BUILDINGS AND ADJACENT AREAS AND OTHER PROJECTS WITH A CITY PURPOSE, CITYWIDE.	\$2,000,000 (CN)
PW 0289	856 756	ARCHITECTURAL, ENGINEERING, ADMINISTRATIVE EXPENSES AND OTHER COSTS NECESSARY AND INCIDENTAL TO CAPITAL PROJECTS UNDER THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES JURISDICTION TO BE IMPLEMENTED UNDER INTERFUND AGREEMENTS OR OTHER CONTRACTS WITH A CITY PURPOSE.	\$10,000,000 (CN)
PW D005	856 D12	CITY COUNCIL FUNDING FOR ACQUISITION, CONSTRUCTION, RECONSTRUCTION, MODERNIZATION OF IMPROVEMENTS TO, AND EQUIPMENT AND VEHICLES FOR, PUBLIC BUILDINGS AND ADJACENT AREAS AND OTHER PROJECTS WITH A CITY PURPOSE, CITYWIDE.	\$2,700,000 (CN)
PW D999	856 D99	CITY COUNCIL FUNDING FOR THE CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE.	\$632 (CN)
PW DN378	856 A66	CONSTRUCTION, RECONSTRUCTION, ACQUISITION OR INSTALLATION OF A NON-CITY OWNED PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT WITH A CITY PURPOSE, WHICH WOULD BE CLASSIFIED AS A CAPITAL ASSET UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR MUNICIPALITIES; FOR THE SEPHARDIC BIKUR CHOLIM.	\$1,450,000 (CN)

Res. No. 2037

Resolution by the New York City Council pursuant to Section 254 of the New York City Charter, that the Capital Budget for Fiscal Year 2010 and Capital Program for the ensuing three years, as set forth in the Executive Capital Budget for the Fiscal Year 2010 and Capital Program as submitted by the Mayor as augmented by the Borough Presidents pursuant to Section 249 of the New York City Charter, and amended by the schedule of changes approved under Resolution A, including amounts reallocated by the rescindment of amounts from prior Capital Budget appropriations, is hereby adopted in the total amounts as follows (Resolution B).

By Council Member Weprin.

RESOLVED, by the City Council pursuant to Section 254 of the New York City Charter, that the Capital Budget for the Fiscal Year 2010 and Capital Program for the ensuing three years, as set forth in the Executive Capital Budget for Fiscal Year 2010 and Capital Program as submitted by the Mayor as augmented by the Borough Presidents pursuant to Section 249 of the New York City Charter, and amended by the schedule of changes approved under Resolution A, including amounts reallocated by the rescindment of amounts from prior Capital Budget appropriations, is hereby adopted in the total amounts as follows. (Resolution B)

2010	2011	2012	2013	
\$5,072,705,185	\$2,966,434,585	\$2,478,155,690	\$3,952,251,002	CITY NON-EXEMPT
2,903,154,068	1,085,383,713	1,226,810,325	1,229,952,703	CITY EXEMPT
907,937,224	530,337,503	199,993,389	266,117,000	FEDERAL
1,321,946,409	1,092,711,000	1,078,833,000	1,088,686,000	STATE
41,735,896	20,320,000	0	0	PRIVATE
\$10,247,478,782	\$5,695,186,801	\$4,983,792,404	\$6,537,006,705	TOTAL FUNDS

ATTACHMENT: Resolution B

RESOLUTION B
CITY COUNCIL
CITY OF NEW YORK

RESOLVED, BY THE CITY COUNCIL, PURSUANT TO SECTION 254 OF THE NEW YORK CITY CHARTER, THAT THE CAPITAL BUDGET FOR THE FISCAL YEAR 2010 AND CAPITAL PROGRAM AS SUBMITTED BY THE MAYOR ON MAY 1, 2009 AS AUGMENTED BY THE BOROUGH PRESIDENTS PURSUANT TO SECTION 249 OF THE NEW YORK CITY CHARTER, AND AMENDED BY THE SCHEDULE OF CHANGES APPROVED UNDER RESOLUTION A, INCLUDING AMOUNTS REALLOCATED BY THE RESCINDMENT OF AMOUNTS FROM PRIOR CAPITAL BUDGET APPROPRIATIONS, IS HEREBY ADOPTED IN THE TOTAL AMOUNTS AS FOLLOWS:

2010	2011	2012	2013	
\$5,072,705,185	\$2,966,434,585	\$2,478,155,690	\$3,952,251,002	CITY NON-EXEMPT
2,903,154,068	1,085,383,713	1,226,810,325	1,229,952,703	CITY EXEMPT
907,937,224	530,337,503	199,993,389	266,117,000	FEDERAL
1,321,946,409	1,092,711,000	1,078,833,000	1,088,686,000	STATE
41,735,896	20,320,000	0	0	PRIVATE
\$10,247,478,782	\$5,695,186,801	\$4,983,792,404	\$6,537,006,705	TOTAL FUNDS

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1417

Report of the Committee on Finance in favor of approving a Communication from the Mayor in regard to submitting the Proposed City Fiscal Year 2010 Community Development Program, the Proposed CFY'10 Budget, the Proposed Reallocations-the CD XXXV Funds, Proposed CD XXXVI Statement of Objectives and Budget, dated May 1, 2009.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1761) the annexed communication, respectfully

REPORTS:

(Finance Committee Report, page 1:)

THE COMMUNITY DEVELOPMENT BUDGET FOR CITY FISCAL YEAR 2010, THE REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE THIRTY-SIXTH COMMUNITY DEVELOPMENT PROGRAM YEAR,

THE PROPOSED ALLOCATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDS

REPORT OF THE COMMITTEE ON FINANCE

REPORT OF THE COMMITTEE ON FINANCE RECOMMENDING CHANGES IN THE PROPOSED CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, THE PROPOSED REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE PROPOSED ALLOCATION OF ARRA FUNDS, AS SUBMITTED BY THE MAYOR ON MAY 1, 2009, AND IN FAVOR OF APPROVING THE PROPOSED CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, THE PROPOSED REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE PROPOSED ALLOCATION OF ARRA FUNDS, AS MODIFIED.

(Finance Committee Report, page 2:)

2

Report of the Committee on Finance

Recommending changes in the Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program, and Proposed Allocation of ARRA funds, as modified, for City Fiscal Year 2010.

The Committee on Finance respectfully

REPORTS:

The Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program and Proposed Allocation of ARRA funds, were submitted by the Mayor to the Council on May 1, 2009 and referred to the Committee on Finance. The Committee on Finance held hearings on May 11, 12, 13, 14, 15, 18, 19, 26, 27, 28, and June 1, 2009. The testimony elicited at these hearings regarding the budget as a whole and with respect to specific needs and projects was supplemented by further data developed at the meetings of the Committee on Finance, and from Council staff and representatives of City agencies. The primary concern of the Committee was that the funding contained in the Proposed City Fiscal Year 2010 Community Development Program would meet the actual and perceived needs of the communities the City of New York comprises.

In its deliberations, the Committee on Finance took into consideration the testimony of the citizenry at the public hearings and the information furnished by Council Members, staff assistants and City agencies.

RECOMMENDATIONS OF THE COMMITTEE ON FINANCE

The Committee recommends a City Fiscal Year 2010 Community Development Program totaling \$256.935 million (see page 4).

The Committee recommends a Reallocated Thirty-Fifth Year Community Development Program totaling \$262.430 million (see page 4).

The Committee recommends a Thirty-Sixth Year Community Development Program totaling \$249.825 million (see page 4). The Committee makes this recommendation with the stipulation that the portion of the Thirty-Sixth Year Community Development budget which will be spent in City Fiscal Year 2011 and not City Fiscal Year 2010 will be subject to review and reallocation in the City Fiscal Year 2011 Community Development budget recommendations to be made in June, 2010.

The Committee recommends an ARRA program totaling \$48.315 million (see page 4).

(Finance Committee Report, page 3)

3

RESOLUTION APPROVING THE CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE ALLOCATION OF ARRA FUNDS

By Council Member Weprin

Whereas, the Office of Management and Budget has prepared a Proposed City Fiscal Year 2010 Community Development Program, a Proposed Reallocation of Thirty-Fifth Year Community Development Funds, a Proposed Thirty-Sixth Year Community Development Program, and a proposed allocation of ARRA funds; and Whereas, the Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program and the proposed allocation of ARRA funds are provided to the City Council for review and consideration; and

Whereas, the Council held hearings on these proposals; and

Whereas, as a result of the hearings, the Council submitted proposals for modification of the CD Program; now, therefore, be it

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Community Development Program for City Fiscal Year 2010 as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Reallocation of Thirty-Fifth Year Community Development Funds as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Thirty-Sixth Year Community Development Program as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4; that the Council of the City of New York hereby will have the opportunity to review the allocation as part of the City Fiscal Year 2011 budget adoption, of that portion of the Thirty-Sixth Year Community Development budget (one-half of the anticipated entitlement grant amount, as well as the remainder of all other sources) that will be scheduled to be spent in City Fiscal Year 2011 and not City Fiscal Year 2010.

RESOLVED, That the Council of the City of New York hereby agrees to the allocation of ARRA funds as reflected on page 4.

(Finance Committee Report, page 4 – Schedule of Changes:)

(Millions of Dollars)

COMMUNITY DEVELOPMENT PROGRAM	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 Community Development Program Total:	256.560	0.375 *	256.935
Reallocated Thirty-Fifth Year Community Development Program Total:	262.055	0.375 *	262.430
Thirty-Sixth Year Community Development Program Total:	249.825	0.000	249.825

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 American Recovery and Reinvestment Act Total:	48.315	0.000	48.315
Reallocated Thirty-Fifth Year American Recovery and Reinvestment Act Total:	48.315	0.000	48.315
Thirty-Sixth Year American Recovery and Reinvestment Act Total:	0.000	0.000	0.000

TOTAL COMMUNITY DEVELOPMENT PROGRAM & AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 Total:	304.875	0.375 *	305.250
Reallocated Thirty-Fifth Year Total:	310.370	0.375 *	310.745
Thirty-Sixth Year Total:	249.825	0.000	249.825

* This is for the Met Council Food Pantry, administered through the Department of Youth and Community Development. Community Development funds will pay for a food distribution program targeting low- and moderate-income residents in New York City. Funds will pay for the administrative staff and for food.

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

Res. No. 2038

Resolution approving the city Fiscal Year 2010 Community Development Program, reallocation of Thirty-Fifth Year Community Development Funds, the proposed Thirty-Sixth Year Community Development Program, and the allocation of ARRA funds

By Council Member Weprin.

Whereas, the Office of Management and Budget has prepared a Proposed City Fiscal Year 2010 Community Development Program, a Proposed Reallocation of Thirty-Fifth Year Community Development Funds, a Proposed Thirty-Sixth Year Community Development Program, and a proposed allocation of ARRA funds; and

Whereas, the Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program and the proposed allocation of ARRA funds are provided to the City Council for review and consideration; and

Whereas, the Council held hearings on these proposals; and

Whereas, as a result of the hearings, the Council submitted proposals for modification of the CD Program; now, therefore, be it

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Community Development Program for City Fiscal Year 2010 as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Reallocation of Thirty-Fifth Year Community Development Funds as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Thirty-Sixth Year Community Development Program as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4; that the Council of the City of New York hereby will have the opportunity to review the allocation as part of the City Fiscal Year 2011 budget adoption, of that

portion of the Thirty-Sixth Year Community Development budget (one-half of the anticipated entitlement grant amount, as well as the remainder of all other sources) that will be scheduled to be spent in City Fiscal Year 2011 and not City Fiscal Year 2010.

RESOLVED, That the Council of the City of New York hereby agrees to the allocation of ARRA funds as reflected on page 4.

ATTACHMENT:

THE COMMUNITY DEVELOPMENT BUDGET FOR CITY FISCAL YEAR 2010,
THE REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS,
THE THIRTY-SIXTH COMMUNITY DEVELOPMENT PROGRAM YEAR,
THE PROPOSED ALLOCATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDS
REPORT OF THE COMMITTEE ON FINANCE

REPORT OF THE COMMITTEE ON FINANCE RECOMMENDING CHANGES IN THE PROPOSED CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, THE PROPOSED REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE PROPOSED ALLOCATION OF ARRA FUNDS, AS SUBMITTED BY THE MAYOR ON MAY 1, 2009, AND IN FAVOR OF APPROVING THE PROPOSED CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, THE PROPOSED REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE PROPOSED ALLOCATION OF ARRA FUNDS, AS MODIFIED.

Report of the Committee on Finance

Recommending changes in the Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program, and Proposed Allocation of ARRA funds, as modified, for City Fiscal Year 2010.

The Committee on Finance respectfully

REPORTS:

The Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program and Proposed Allocation of ARRA funds, were submitted by the Mayor to the Council on May 1, 2009 and referred to the Committee on Finance. The Committee on Finance held hearings on May 11, 12, 13, 14, 15, 18, 19, 26, 27, 28, and June 1, 2009. The testimony elicited at these hearings regarding the budget as a whole and with respect to specific needs and projects was supplemented by further data developed at the meetings of the Committee on Finance, and from Council staff and representatives of City agencies. The primary concern of the Committee was that the funding contained in the Proposed City Fiscal Year 2010 Community Development Program would meet the actual and perceived needs of the communities the City of New York comprises.

In its deliberations, the Committee on Finance took into consideration the testimony of the citizenry at the public hearings and the information furnished by Council Members, staff assistants and City agencies.

RECOMMENDATIONS OF THE COMMITTEE ON FINANCE

The Committee recommends a City Fiscal Year 2010 Community Development Program totaling \$256.935 million (see page 4).

The Committee recommends a Reallocated Thirty-Fifth Year Community Development Program totaling \$262.430 million (see page 4).

The Committee recommends a Thirty-Sixth Year Community Development Program totaling \$249.825 million (see page 4). The Committee makes this recommendation with the stipulation that the portion of the Thirty-Sixth Year Community Development budget which will be spent in City Fiscal Year 2011 and not City Fiscal Year 2010 will be subject to review and reallocation in the City Fiscal Year 2011 Community Development budget recommendations to be made in June, 2010.

The Committee recommends an ARRA program totaling \$48.315 million (see page 4).

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RESOLUTION APPROVING THE CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM, REALLOCATION OF THIRTY-FIFTH YEAR COMMUNITY DEVELOPMENT FUNDS, THE PROPOSED THIRTY-SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM, AND THE ALLOCATION OF ARRA FUNDS

By Council Member Weprin

Whereas, the Office of Management and Budget has prepared a Proposed City Fiscal Year 2010 Community Development Program, a Proposed Reallocation of Thirty-Fifth Year Community Development Funds, a Proposed Thirty-Sixth Year Community Development Program, and a proposed allocation of ARRA funds; and

Whereas, the Proposed City Fiscal Year 2010 Community Development Program, Proposed Reallocation of Thirty-Fifth Year Community Development Funds, Proposed Thirty-Sixth Year Community Development Program and the proposed allocation of ARRA funds are provided to the City Council for review and consideration; and

Whereas, the Council held hearings on these proposals; and

Whereas, as a result of the hearings, the Council submitted proposals for modification of the CD Program; now, therefore, be it

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Community Development Program for City Fiscal Year 2010 as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Reallocation of Thirty-Fifth Year Community Development Funds as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4;

RESOLVED, That the Council of the City of New York hereby agrees to the Proposed Thirty-Sixth Year Community Development Program as submitted by the Mayor on May 1, 2009, in accordance with the schedule of changes reflected on page 4; that the Council of the City of New York hereby will have the opportunity to review the allocation as part of the City Fiscal Year 2011 budget adoption, of that portion of the Thirty-Sixth Year Community Development budget (one-half of the anticipated entitlement grant amount, as well as the remainder of all other sources) that will be scheduled to be spent in City Fiscal Year 2011 and not City Fiscal Year 2010.

RESOLVED, That the Council of the City of New York hereby agrees to the allocation of ARRA funds as reflected on page 4.

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(Millions of Dollars)

COMMUNITY DEVELOPMENT PROGRAM	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 Community Development Program Total:	256.560	0.375 *	256.935
Reallocated Thirty-Fifth Year Community Development Program Total:	262.055	0.375 *	262.430
Thirty-Sixth Year Community Development Program Total:	249.825	0.000	249.825

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 American Recovery and Reinvestment Act Total:	48.315	0.000	48.315
Reallocated Thirty-Fifth Year American Recovery and Reinvestment Act Total:	48.315	0.000	48.315
Thirty-Sixth Year American Recovery and Reinvestment Act Total:	0.000	0.000	0.000

TOTAL COMMUNITY DEVELOPMENT PROGRAM & AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	PROPOSED BUDGET	PROPOSED CHANGES	REVISED BUDGET
City Fiscal Year 2010 Total:	304.875	0.375 *	305.250
Reallocated Thirty-Fifth Year Total:	310.370	0.375 *	310.745
Thirty-Sixth Year Total:	249.825	0.000	249.825

* This is for the Met Council Food Pantry, administered through the Department of Youth and Community Development. Community Development funds will pay for a food distribution program targeting low- and moderate-income residents in New York City. Funds will pay for the administrative staff and for food.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID

YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1429

Report of the Committee on Finance in favor of approving a Communication from the Chancellor in regard to submitting the five-year educational facilities capital plan for 2010 – 2014.

The Committee on Finance, to which was referred on May 20, 2009 (Minutes, page 1903) the annexed communication, respectfully

REPORTS:

Introduction. In 2009, the Council received from the Chancellor of the New York City Public Schools the Five-Year Educational Facilities Capital Plan for 2009-2014 dated February 2009. This resolution constitutes the Council's approval of the Chancellor's Five Year Educational Facilities Capital Plan for the City's public school system for the period from July 1, 2009 until June 30, 2014. Council approval of the Plan is required pursuant to Section 2590-p of the State Education Law.

Analysis. The State Education Law sets forth a planning process for repair, maintenance and construction work in the City's public school facilities. Section 2590-p of the Education Law requires the Chancellor to prepare a five-year educational facilities capital plans ("Plans"). These Plans are required to break down the work proposed to be performed on the school facilities into categories called program elements and to provide cost estimates and start and completion dates for design and construction of projects. The current Plan ends on June 30, 2009. The Plan, which is the subject of the Chancellor's Communication and this Resolution, covers the period from July 1, 2009 until June 30, 2014.

Section 2590-p of the Education Law requires the Chancellor to produce a proposed plan by November 1st of the year prior to the start of the plan period. The law requires the plan to be submitted to the Community District Education Councils who are to hold public hearings. The Chancellor then revises the plan and submits a final proposed Plan to the City Board (now the Panel for Education Policy) no later than February 1st for its approval on or before March 1st. Pursuant to the State School Governance Legislation, which amended the State Education Law in 2002 to provide the Mayor more control over the City School System, section 2590-p of the Education law requires the Council and the Mayor to approve the Plan before it is final. This is the second plan since these amendments to the Education Law and thus this is the first time a Plan has been submitted to the Council for its approval.

In accordance with section 2590-p, the Chancellor prepared a proposed Plan in November 2008 and submitted it to the Community District Education Councils. Amendments to the Plan were made and a final proposed Plan was submitted to the Panel for Education Policy in February and adopted shortly thereafter. The Plan calls for an expenditure of \$11.3 billion over the five-year Plan period and relies on State funding for half of that amount.

Over the course of the last six months, the Council has engaged in extensive discussions and negotiations with the Department of Education (DOE) over the content and specifics of the proposed and final proposed Five-Year Educational Facilities Capital Plan. In the area of capital investment, the Plan allocates \$6.1 billion to this element, however, projects that renovate existing buildings are only identified for the first two years of the plan, in the area of new capacity, although the Plan allocates \$3.8 billion to this element to provide for 25,000 seats in 44 new schools, the difficulty of site selection and other factors will require ongoing attention to and modification of the Plan;

In addition, as a condition to Council approval of the Plan, the Council, the Chancellor and the Mayor agreed to extend the Memorandum of Understanding ("MOU") entered into by the Chancellor, New York City Council Speaker, and the Mayor on June 24, 2004, which expires on June 30, 2009. This MOU, which applies to the FY2005-2009 Capital Plan, requires, *inter alia*, the Chancellor to annually submit a proposed amendment to the Mayor and Council for approval prior to funding of the Plan. Pursuant to the MOU, the DOE and School Construction Authority (SCA) must meet at least twice a year with the Borough Delegations to develop a list of site recommendations for new schools.

The underlying purpose of the MOU was to balance the DOE's need for flexibility in its planning process with the Council's need to be informed and provide input on proposed changes to the Plan's projects, prior to Council approval.

The purpose of the MOU is still enduring and as a condition to Council approval of the Plan, the Council, the Chancellor and the Mayor agreed to an Amended Memorandum of Understanding ("Amended MOU") to extend the terms of the original MOU for one year or until the development of a new protocol that would specify the Mayor and Council's involvement in reviewing and approving proposed amendments to the FY 2010-2014 Plan.

Specifically, in the Amended MOU, the Mayor, Speaker, and Chancellor agree to create a task force (including the DOE, SCA, and the City Council) to develop a protocol detailing the Mayor and Council's involvement in reviewing and approving proposed amendments to the FY 2010-2014 Plan. Once the protocol is developed, the MOU and the Amended MOU will be terminated.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Five Year Educational Facilities Capital Plan for 2010-2014.

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

Res. No. 2039

Resolution approving the Five Year Educational Facilities Capital Plan for 2010 – 2014 as submitted by the Chancellor and dated February 2009, pursuant to Section 2590-p of the State Education Law.

By Council Member Weprin.

Whereas, State Education Law Section 2590-p provides for the development and approval, every five years, of a five-year educational facilities capital plan; and

Whereas, The current five-year educational facilities capital plan covers the period from July 1, 2009 until June 30, 2014; and

Whereas, The next five-year educational facilities capital plan will commence on July 1, 2009 and cover the period from July 1, 2009 until June 30, 2014; and

Whereas, Pursuant to Education Law section 2590-p, the Chancellor prepared a proposed five-year educational facilities capital plan in November 2008 as well as a final proposed five-year educational facilities capital plan in February 2009; and

Whereas, The plan calls for an expenditure of \$11.3 billion over the five-year plan period and relies on State funding for half of that amount; and

Whereas, Over the course of the last six months, the Council has engaged in extensive discussions and negotiations with the Department of Education ("DOE") over the content and specifics of the proposed and final proposed Five-Year Educational Facilities Capital Plan; and

Whereas, In addition, as a condition to Council approval of the Plan, the Council, the Chancellor and the Mayor agreed to extend the Memorandum of Understanding ("MOU") entered into by the Chancellor, New York City Council Speaker, and the Mayor on June 24, 2004, which expires on June 30, 2009; and

Whereas, This MOU, which applies to the FY2005-2009 Capital Plan, requires, *inter alia*, the Chancellor to annually submit a proposed amendment to the Mayor and Council for approval prior to funding of the Plan; and

Whereas, Additionally, pursuant to the MOU, the DOE and School Construction Authority (SCA) must meet at least twice a year with the Borough Delegations to develop a list of site recommendations for new schools; and

Whereas, The underlying purpose of the MOU was to balance the DOE's need for flexibility in its planning process with the Council's need to be informed and provide input on proposed changes to the Plan's projects, prior to Council approval; and

Whereas, As a condition to Council approval of the Plan, the Council, the Chancellor and the Mayor agreed to an Amended Memorandum of Understanding ("Amended MOU") to extend the terms of the original MOU for one year or until the development of a new protocol that would specify the Mayor and Council's involvement in reviewing and approving proposed amendments to the FY 2010-2014 Plan; now, therefore, be it

Resolved, That the Council of The City of New York hereby approves the Five-Year Educational Facilities Capital Plan for 2010-2014 as submitted by the Chancellor and dated February 2009, pursuant to section 2590-p of the State Education Law.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID

YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for M-1465

Report of the Committee on Finance in favor of approving a Resolution of the Council of the City of New York fixing the tax rate for the Fiscal Year 2010, adopted June 19, 2009 upon the recommendation of the Committee on Finance of the Council.

The Committee on Finance, to which was referred on June 19, 2009 the annexed Budget Resolution, respectfully

REPORTS:

Introduction. On May 1, 2009, the Mayor submitted the executive budget for Fiscal 2010 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2010 pursuant to Section 254 of the Charter (the "Fiscal 2010 Budget"). Pursuant to Section 1516 of the Charter, the Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2010 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2010 (the "Tax Fixing Resolution"), the Council fixes the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2010.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2010, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2010 Budget to be \$59,479,863,786, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2010 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$43,408,128,786, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2010 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2010 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) (3) Pursuant to Section 1516 of the Charter, the Council finally determines the net amount required to be raised by tax on real property to be \$16,071,735,000, by subtracting the amount of the Fiscal 2010 Revenue Estimate from the Fiscal 2010 Budget Amount.

In order to achieve a real property tax yield of \$16,071,735,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,516,389,488, the Council determines that a real property tax levy of \$17,588,124,488 is required. Such amount, levied at rates on the classes of real property as further described below will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2010 Budget in excess of the amount of the Fiscal 2010 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On May 29, 2009, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2010 to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2010 Assessment Rolls"). On June 19, 2009, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2010 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On June 19, 2009, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2010, to reflect the

additions to, and full or partial removal from, the Fiscal 2010 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates.

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation (1) by class of real property for the purpose of taxation (exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes) in each borough of the City and (2) by class of veterans' real property subject to tax for school purposes in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be levied by tax on real property for the Fiscal 2010 Budget does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2%) of the average full valuation of taxable real property, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Services ("ORPS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates of other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service.

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2010, pursuant to the Adjusted Base Proportion Resolution, to be used in determining the Fiscal 2010 tax rates for the four classes of properties.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2010 by class (1) upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property.....	0.17943
All Other Residential Real Property.....	0.13684
Utility Real Property.....	0.11971
All Other Real Property.....	0.10026

and (2) upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property.....	0.09943
All Other Residential Real Property.....	0.07614
Utility Real Property.....	0.00000
All Other Real Property.....	0.05585

Authorization of the Levy of Property Taxes for Fiscal 2010. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2010 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax thereon and add and set down the aggregate valuations of real property in the boroughs of the City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the Tax Fixing Resolution.

EXHIBIT A

ESTIMATED FISCAL YEAR 2010 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Taxes (excluding Real Estate Taxes):	
General Sales (1)	\$4,069,000,000
Personal Income (Excluding Transitional Finance Authority Debt)	5,877,002,000
General Corporation	2,024,000,000
Commercial Rent	543,000,000
Utility	391,000,000
Banking Corporation	478,000,000
Mortgage Recording	475,000,000
Unincorporated Business	1,455,000,000
Real Property Transfer	613,000,000
Cigarette	96,000,000
Hotel Occupancy	329,000,000
Other:	
Penalty and Interest	40,000,000
Off-Track Betting	0
Off-Track Betting Surtax	4,250,000
Payments in Lieu of Tax	174,990,000
Section 1127 (Waiver)	96,900,000
Beer and Liquor	23,000,000
Auto Use	28,000,000
Commercial Motor Vehicle	46,000,000
Taxicab License Transfer	7,000,000
Liquor License Surcharge	5,000,000
Horse Race Admissions	35,000
Other Refunds	(24,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes.....	902,000,000
	<u>17,653,177,000</u>
Miscellaneous Revenue:	
Licenses, Franchises, etc.....	478,811,256
Interest Income.....	29,640,000
Charges for Services.....	673,819,803
Water and Sewer Charges.....	1,368,509,005
Rental Income.....	220,054,000
Fines and Forfeitures.....	899,335,943
Miscellaneous.....	633,749,039
	<u>4,303,919,046</u>

EXHIBIT A

ESTIMATED FISCAL YEAR 2010 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Grants:	
Federal	6,599,662,363
State	11,512,199,441
Provision for Disallowances	(15,000,000)
	<u>18,096,861,804</u>
Unrestricted State and Federal Aid:	
N.Y. State Revenue Sharing	327,389,668
Other Unrestricted Aid	12,407,069
	<u>339,796,737</u>
Transfer from Capital Funds	485,938,676
Tax Audit Revenue and Other Initiatives.....	596,000,000
Tax Program.....	879,000,000
Other Categorical Grants.....	1,053,435,523
Amount of Estimated Revenue other than Real Estate Taxes.....	<u>\$43,408,128,786</u>

FOOTNOTES

(1) Fiscal 2010 administrative expenses of the New York State Financial Control Board ("FCB") and the Office of the State Deputy Comptroller ("OSDC"), the "State Oversight Retention Requirements", have been treated only for accounting and financial reporting purposes of the City as if they were City expenditures. Consequently, the above estimates of General Fund receipts for Fiscal 2010 do not reflect anticipated reductions in amounts to be received by the City from the four percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. Pending passage of New York State legislation, the City Sales Tax will be increased by 0.5 percent to 4.5 percent in Fiscal 2010. In fact, the State Oversight Retention Requirements are to be retained by the State from the City Sales Tax and will therefore reduce the funds which are paid to the City from the City Sales Tax. This presentation of State Oversight Retention Requirements (instead of being shown as a reduction in City Sales Tax) has no bearing on the

statutory relationship between the City, on the one hand, and the FCB and OSDC, on the other hand.

2

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

Res. No. 2040

Resolution to provide the amounts necessary for the support of the Government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the Fiscal Year beginning on July 1, 2009 and ending on June 30, 2010, by the levy of taxes on the real property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

By Council Member Weprin.

Whereas, on May 1, 2009, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2009 and ending on June 30, 2010 ("Fiscal 2010"); and

Whereas, on May 29, 2009, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2010, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2010 Assessment Rolls"); and

Whereas, on June 19, 2009, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2010 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 19, 2009, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportion of each class of real property in the City for Fiscal 2010, to reflect the additions to, and full or partial removal from, the Fiscal 2010 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 19, 2009, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2010 (the "Fiscal 2010 Budget"); and

Whereas, on June 19, 2009, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2010 Budget as approved by the Council (the "Fiscal 2010 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2010 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2010 Revenue Estimate");

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Fixing of Real Property Tax Rates for Fiscal 2010.

a. Determining the Amount of the Real Property Tax Levy.

(i) The total amount of the Fiscal 2010 Budget as set forth in the Fiscal 2010 Budget Statement is \$59,479,863,786.

(ii) The estimate of the probable amount of receipts into the City treasury during Fiscal 2010 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2010 Revenue Estimate is \$43,408,128,786.

(iii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$16,071,735,000, which is derived from deducting the amount set forth in the Fiscal 2010 Revenue Estimate from the amount of

the Fiscal 2010 Budget.

(iv) In order to achieve a real property tax yield of \$16,071,735,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$17,588,124,488 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:

For Debt Service:
Funded Debt \$270,259,676

Amount Required for Debt Service and Financing as:

Provision for Uncollectible Taxes \$22,085,743
Provision for Refunds \$7,331,705
Collection of Prior Years' Levies (\$3,918,090) \$295,759,034

Subject to the 2 ½ percent Tax Limitation:

For Debt Service:
Temporary Debt Interest on Temporary Debt \$0
For General Operating Expenses:
Funds Required \$15,801,475,324

Amount Required for Debt Service and Operating Expenses as:

Provision for Uncollectible Taxes \$1,291,303,745
Provision for Refunds \$428,668,295
Collection of Prior Years' Levies (\$229,081,910) 17,292,365,454

TOTAL REAL PROPERTY TAX LEVY \$17,588,124,488

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation: \$270,259,676

(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation: \$0

(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2009 Budget in excess of the amount of revenues estimated in the Fiscal 2010 Revenue Estimate: \$15,801,475,3246

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2010 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$655,777,141	\$34,245,519,253	\$3,888,023,228	\$49,755,372,848	\$88,544,692,470
The Bronx	1,286,807,193	2,993,336,402	1,274,721,524	3,204,005,895	8,758,871,014
Brooklyn	4,483,501,939	6,249,156,442	2,349,903,838	5,460,056,245	18,542,618,464
Queens	6,383,567,695	5,925,817,705	2,312,092,166	7,857,702,481	22,479,182,047
Staten Island	2,346,285,214	277,685,906	626,012,340	1,436,353,341	4,686,336,801
TOTAL	\$15,155,941,182	\$49,691,515,708	\$10,450,753,096	\$67,713,490,810	\$143,011,700,796

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$881,702	\$88,012,375	\$0	\$94,801	\$88,988,878
The Bronx	13,853,472	3,761,514	0	17,405	17,632,391
Brooklyn	41,593,600	10,331,264	0	139,768	52,064,632
Queens	79,846,610	37,008,993	0	119,339	116,974,942
Staten Island	45,750,339	1,029,703	0	30,935	46,810,977
TOTAL	\$181,925,723	\$140,143,849	\$0	\$402,248	\$322,471,820

*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under

state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$4,752,186	\$184,763,523	\$273,305	\$189,789,014
The Bronx	68,494,644	26,801,464	79,140	95,375,248
Brooklyn	217,405,371	72,153,280	345,794	289,904,445
Queens	315,683,170	135,181,364	451,265	451,315,799
Staten Island	131,845,124	4,852,737	92,234	136,790,095
TOTAL	\$738,180,495	\$423,752,368	\$1,241,738	\$1,163,174,601

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$0	\$7,370	\$0	\$7,370
The Bronx	25,785	20,234	0	46,019
Brooklyn	40,733	13,859	1,125	55,717
Queens	37,352	27,110	338	64,800
Staten Island	23,198	4,144	0	27,342
TOTAL	\$127,068	\$72,717	\$1,463	\$201,248

*Includes condominiums of three stories or fewer which have always been condominiums.

** Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2010 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10. Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").*

(A) The Operating Limit Provisions require that the City not raise an amount by tax on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Services ("ORPS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2006.....	111,397,956,330	0.1808	\$616,139,138,993
2007.....	116,477,764,261	0.1600	727,986,026,631
2008.....	125,777,268,853	0.1705	737,696,591,513
2009.....	134,294,731,881	0.1707	786,729,536,503
2010.....	143,334,172,616	0.1635	876,661,606,214
		<i>AVERAGE</i>	<i>\$749,042,579,971</i>

2 ½ percent thereof for Fiscal 2010..... \$18,726,064,499

Less debt service subject to the 2 ½ percent tax limitation:
 Temporary debt
 Interest on temporary debt
 \$0

Less aggregate amount of district charges subject to the 2 ½ percent tax limitation..... (\$84,630,904)

Constitutional amount subject to the limitation which may be raised for other than debt service in accordance with the provisions of Section 10, Article VIII, of the State Constitution..... \$18,641,433,595

*The amount to be raised by tax on real property for purposes of the Operating Limit determination is equal to the real property tax levy as reduced by the net reductions in amounts collected as authorized by New York State law.

(iv) Adjusted Base Proportions. Pursuant to the Adjusted Base Proportion Resolution, the Council certified the following adjusted base proportions to be used in determining the Fiscal 2010 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	15.5642
All Other Residential Real Property.....	38.7232
Utility Real Property.....	7.1133
All Other Real Property.....	<u>38.5993</u>
Total.....	100.0000

*Includes condominiums of three stories or fewer which have always been condominiums.

(v) Tax Rates on Adjusted Base Proportions.

(A) Pursuant to Section 1516 of the Charter, the Council hereby authorizes and fixes the rates of tax for Fiscal 2010 (1) by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.17640	0.13454	0.11770	0.09857
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	<u>0.00303</u>	<u>0.00230</u>	<u>0.00201</u>	<u>0.00169</u>
Decimal rate on adjusted proportion for all purposes.....	<u>0.17943</u>	<u>0.13684</u>	<u>0.11971</u>	<u>0.10026</u>

*Includes condominiums of three stories or fewer which have always been condominiums.

and (2) by class upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two And Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.09852	0.07544	0.00000	0.05534
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	<u>0.00091</u>	<u>0.00070</u>	<u>0.00000</u>	<u>0.00051</u>
Decimal rate on adjusted proportion for all veterans' property exempted under state law from tax for general purposes but subject to tax for school purposes.....	<u>0.09943</u>	<u>0.07614</u>	<u>0.00000</u>	<u>0.05585</u>

*Includes condominiums of three stories or fewer which have always been condominiums.

Section 2. Authorization of the Levy of Real Property Taxes for Fiscal 2010.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2010 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent and add and set down the aggregate valuations of real property in the boroughs of the City and (ii) send a certificate of such aggregate valuation in each such borough to the Comptroller of the State.

b. Pursuant to Section 1518 of the Charter, immediately upon the completion of the Fiscal 2010 Assessment Rolls, the City Clerk shall procure the proper warrants in the form attached hereto as Exhibit B to be signed by the Public Advocate of the City ("Public Advocate") and counter-signed by the City Clerk authorizing and requiring the Commissioner to collect the several sums therein mentioned according to law and immediately thereafter the Fiscal 2010 Assessment Rolls of each borough shall be delivered by the Public Advocate to the Commissioner with proper warrants, so signed and counter-signed, annexed thereto.

Section 3. Effective Date. This resolution shall take effect as of the date hereof.

EXHIBIT A



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

DRAFT

June 19, 2009

To The HONORABLE COUNCIL of THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010 (Fiscal Year 2010) the amount of appropriation is:

Amounts Appropriated \$59,479,863,786

The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2010, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:

Taxes (excluding Real Property Taxes)		\$17,653,177,000
Miscellaneous Revenues	\$4,303,919,046	
Grants:		
Federal	6,599,662,363	
State	11,512,199,441	
Provision for Disallowances	(15,000,000)	
Unrestricted State and Federal Aid	339,796,737	
Other Categorical Aid	1,053,435,523	
Transfer from Capital Funds	485,938,676	
Tax Audit Revenue	596,000,000	
Tax Program	<u>879,000,000</u>	\$25,754,951,786

Making the total amount of the Expense Budget for the Fiscal Year 2010 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies): \$16,071,735,000

EXHIBIT A

In order to achieve the required Real Property Tax yield of \$16,071,735,000, a Real Property Tax levy of \$17,588,124,488 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes \$17,292,365,454

The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes \$295,759,034

Total amount of Real Property Taxes to be levied for the Fiscal Year 2010 is \$17,588,124,488

Very truly yours,

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To Michael Hyman, Acting Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2009.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for M-1463

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget submitted pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in Fiscal Year 2009 to implement changes to the City's expense budget (MN-5).

The Committee on Finance, to which was referred on June 19, 2009, the annexed communication, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on June 19, 2009, the Committee on Finance received a communication, dated June 28, 2008, from the Office of Management and Budget of the Mayor of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation and transfer city funds between units of appropriation in the Fiscal 2009 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 (the "Fiscal 2009 Expense Budget"). This modification (MN-5) implements the remainder of the expense budget changes, which were reflected in the City's Executive Financial Plan Modification, as well as changes recognized as part of the Fiscal 2010 adoption process. Specific changes in MN-5 include the following: an advance deposit of \$225.0 million to the Retiree Health Benefits Trust Fund and an increase of \$278.9 million to the Budget Stabilization Account to prepay debt service. Appendix A details the State, Federal and other funds impacted by these changes.

If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another or such that the transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, Section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

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

TO: Honorable Christine Quinn Speaker

Honorable David I. Weprin Chairman, Finance Committee

FROM: Preston Niblack, Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: June 19, 2009

SUBJECT: A budget modification (MN-5) for Fiscal Year 2009 to transfer funds between various agencies.

INITIATION: By letter dated June 18, 2009, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds totaling \$1,198,035,480 between various agencies in Fiscal Year 2009 to implement changes in the City's expense budget.

BACKGROUND: This modification (MN-5) implements the remainder of the expense budget changes, which were reflected in the City's Executive Financial Plan Modification, as well as changes recognized as part of the Fiscal 2010 adoption process.

FISCAL IMPACT: This modification represents the transfer of funds within and between agencies. The net effect of this modification is zero.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 2041:)

Res. No. 2041

Resolution approving the modification (Mn-5) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the Charter of the City of New York.

By Council Member Weprin.

Whereas, at a meeting of the Committee on Finance of the Council of the City of New York (the "City Council") on June 19, 2009, the Committee on Finance received a communication, dated June 18, 2009, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$1,198,035,480 between various agencies in the Fiscal Year 2009 expense budget as adopted by the Council on June 29, 2008, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

June 18 2009

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2009 to implement changes in the City's expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City's Executive Financial Plan modification as well as changes recognized as part of the fiscal year 2010 Adoption process.

Included in this modification is an advance deposit of \$225.0 million to the Retiree Health Benefits Trust Fund and an increase of \$278.9 million to the Budget Stabilization Account to prepay debt service.

Appendix A details the State, Federal and other funds impacted by these changes.

Your approval of modification MN-5 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2009 Budget Modification

**- MN 5 -
FROM**

002	MAYORALTY	
041	OFFICE OF MGMT AND BUDGET-OTPS	-124,355
050	CRIMINAL JUSTICE PROGRAMS PS	-158,051
062	OFF OF LABOR RELATIONS-OTPS	-22,000
260	OFF FOR PEOPLE WITH DISAB-PS	-18,000
340	COMMUNITY ASST UNIT-PS	-54,778
341	COMMUNITY ASST UNIT-OTPS	-5,355
380	OFFICE OF OPERATIONS-PS	-168,207
560	SPECIAL ENFORCEMENT-PS	-90,000
003	BOARD OF ELECTIONS	
002	OTHER THAN PERSONAL SERVICES	-12,191,435
004	CAMPAIGN FINANCE BOARD	
001	PERSONAL SERVICES	-894,496
008	OFFICE OF THE ACTUARY	
100	PERSONAL SERVICE	-96,642
010	BOROUGH PRESIDENT - MANHATTAN	
002	OTHER THAN PERSONAL SERVICES	-2,397
011	BOROUGH PRESIDENT BRONX	
002	OTHER THAN PERSONAL SERVICES	-4,463
012	BOROUGH PRESIDENT - BROOKLYN	
002	OTHER THAN PERSONAL SERVICES	-3,940
013	BOROUGH PRESIDENT - QUEENS	
002	OTHER THAN PERSONAL SERVICES	-2,376
014	BOROUGH PRESIDENT STATEN ISLAN	
001	PERSONAL SERVICES	-98,108
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
002	OTHER THAN PERSONAL SERVICES	-11,397,735
021	OFFICE OF ADMINISTRATIVE TAX APPEALS	
001	PERSONAL SERVICES	-12,871
030	DEPARTMENT OF CITY PLANNING	
002	OTHER THAN PERSONAL SERVICES	-4,248,069

FROM

032	DEPARTMENT OF INVESTIGATION	
001	PERSONAL SERVICES	-163,287
040	DEPARTMENT OF EDUCATION	
403	SE INSTR & SCH LEADERSHIP - PS	-55,000,000
444	ENERGY AND LEASES - OTPS	-33,778,686
454	CENTRAL ADMINISTRATION - OTPS	-75,000
491	COLLECTIVE BARGAINING - PS	-4,249,840
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	-4,523,846
003	HUNTER SCHOOLS-OTPS	-48,467
054	CIVILIAN COMPLAINT REVIEW BD	
002	CCRB-OTPS	-47,100
056	POLICE DEPARTMENT	
400	ADMINISTRATION-OTPS	-10,291,518
700	TRAFFIC ENFORCEMENT-OTPS	-2,228,628
057	FIRE DEPARTMENT	
002	FIRE EXTING AND EMERG RESP	-2,015,244
003	FIRE INVESTIGATION	-3,492,352
004	FIRE PREVENTION	-977,703
006	FIRE EXTING & RESP-OTPS	-1,525,671
009	EMERGENCY MEDICAL SERVICES-PS	-14,067,630
068	ADMIN FOR CHILDREN'S SERVICES	
001	PERSONAL SERVICES	-12,131,208
002	OTHER THAN PERSONAL SERVICES	-4,267,235
069	DEPARTMENT OF SOCIAL SERVICES	
101	ADMINISTRATION-OTPS	-1,023,772
104	MEDICAL ASSISTANCE - OTPS	-447,557,443
201	ADMINISTRATION	-4,590,878
072	DEPARTMENT OF CORRECTION	
003	OPERATIONS - OTPS	-13,272,820
095	PENSION CONTRIBUTIONS	
002	NON-CITY PENSIONS	-1,000,000

FROM

098	MISCELLANEOUS	
001	PERSONAL SERVICES	-84,301,501
002	OTHER THAN PERSONAL SERVICES	-30,214,232
003	FRINGE BENEFITS	-78,076,981
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	-163,812,766
003	LEASE PURCH & CITY GUAR DEBT	-29,280,412
101	PUBLIC ADVOCATE	
002	OTHER THAN PERSONAL SERVICES	-50,901
126	DEPARTMENT OF CULTURAL AFFAIRS	
002	OFFICE OF COMMISSIONER - OTPS	-845
004	METROPOLITAN MUSEUM OF ART	-836,802
005	NY BOTANICAL GARDEN	-516,349
006	AMER MUSEUM NATURAL HISTORY	-56,382
007	THE WILDLIFE CONSERVATION SOC.	-806,430
008	BROOKLYN MUSEUM	-184,697
010	BROOKLYN BOTANIC GARDEN	-136,649
012	NY HALL OF SCIENCE	-9,584
022	OTHER CULTURAL INSTITUTIONS	-215,407
024	N.Y.SHAKESPEARE FESTIVAL	-18,505
127	FINANCIAL INFO SERVICES AGENCY	
001	PERSONAL SERVICES	-206,265
002	OTHER THAN PERSONAL SERVICES	-394,651
130	DEPARTMENT OF JUVENILE JUSTICE	
002	OTHER THAN PERSONAL SERVICES	-280,105
131	OFFICE PAYROLL ADMINISTRATION	
200	OTHER THAN PERSONAL SERVICE	-401,231
136	LANDMARKS PRESERVATION COMM.	
002	OTHER THAN PERSONAL SERVICES	-2,444
156	NYC TAXI AND LIMOUSINE COMM	
001	PERSONAL SERVICE	-390,311
002	OTHER THAN PERSONAL SERVICE	-986,509

FROM

226	COMMISSION ON HUMAN RIGHTS	
002	OTHER THAN PERSONAL SERVICES	-8,674
260	DEPT OF YOUTH & COMMUNITY DEV	
312	OTHER THAN PERSONAL SERVICES	-22,000
342	MANHATTAN COMMUNITY BOARD #2	
003	RENT AND ENERGY	-792
345	MANHATTAN COMMUNITY BOARD #5	
003	RENT AND ENERGY	-3,659
351	MANHATTAN COMMUNITY BOARD #11	
003	RENT AND ENERGY	-5,101
434	QUEENS COMMUNITY BOARD #4	
003	RENT AND ENERGY	-559
440	QUEENS COMMUNITY BOARD #10	
003	RENT	-21
471	BROOKLYN COMMUNITY BOARD #1	
003	RENT AND ENERGY	-538
473	BROOKLYN COMMUNITY BOARD #3	
003	RENT AND ENERGY	-1,512
482	BROOKLYN COMMUNITY BOARD #12	
003	RENT AND ENERGY	-567
781	DEPARTMENT OF PROBATION	
002	PROBATION SERVICES	-355,109
801	DEPT OF SMALL BUSINESS SERVICES	
002	DEPT. OF BUSINESS O.T.P.S.	-965,905
005	CONTRACT COMP & BUS OPP - OTPS	-26,210
006	ECONOMIC DEVELOPMENT CORP.	-14,824,900
011	WORKFORCE INVESTMENT ACT - OTPS	-2,000,000
806	HOUSING PRESERVATION AND DEVEL	
004	OFFICE OF HOUSING PRESERVATION	-918,847
008	OFFICE OF ADMINISTRATION OTPS	-4,324
009	OFFICE OF DEVELOPMENT OTPS	-1,000,000
010	HOUSING MANAGEMENT AND SALES	-467,305

FROM

841	DEPARTMENT OF TRANSPORTATION	
013	OTPS-TRANSIT OPERATIONS	-6,704,700
014	OTPS-TRAFFIC OPERATIONS	-8,551,892
846	DEPT OF PARKS AND RECREATION	
006	MAINT & OPERATIONS - OTPS	-2,576,398
007	EXEC MGT/ADMIN SVCS-OTPS	-1,323,033
856	DEPT OF CITYWIDE ADMIN SERV	
002	DIV OF CTYWDE PERSONNEL SERV	-5,046
190	EXECUTIVE AND SUPPORT SERVICES-OTPS	-4,584,190
400	DIV OF MUNICIPAL SUPPLY SERV.	-628,638
490	DIV. OF MUNI SUPPLIES-OTPS	-215,124
500	DIV OF REAL ESTATE SERVICES	-702,652
590	DIV OF REAL ESTATE SERVICES	-37,129
600	COMMUNICATIONS	-186,110
690	COMMUNICATIONS	-11,956
858	DEPT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	-4,470,463
002	OTHER THAN PERSONAL SERVICES	-11,093,441
860	DEPT RECORDS + INFORMATION SVS	
200	OTHER THAN PERSONAL SERVICES	-251,298
866	DEPARTMENT OF CONSUMER AFFAIRS	
003	OTHER THAN PERSONAL SERVICE	-6,329
903	DISTRICT ATTORNEY KINGS CO.	
002	OTHER THAN PERSONAL SERVICES	-70,512
906	OFF.OF PROSECUTION SPEC.NARC.	
002	OTHER THAN PERSONAL SERVICES	-150,003
		-1,198,035,480

FROM

810	DEPARTMENT OF BUILDINGS	
001	PERSONAL SERVICES	-1,646,324
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
102	DISEASE CONTROL AND EPIDEMIOLOGY - PS	-4,918,191
103	HEALTH PROMOTION AND DISEASE PREVEN.- PS	-1,327,610
104	ENVIRONMENTAL HEALTH - PS	-844,012
106	OFFICE OF CHIEF MEDICAL EXAMINER - PS	-4,660,041
107	HEALTH CARE ACCESS AND IMPROVEMENT - PS	-219,277
108	MENTAL HYGIENE MANAGEMENT SERVICES - PS	-420,314
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	-3,759,236
118	MENTAL HYGIENE MANAGEMENT SERVICES- OTPS	-7,538
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS	-6,693,250
826	DEPT ENVIRONMENTAL PROTECTION	
004	UTILITY - OTPS	-26,334,299
005	ENVIRONMENTAL MANAGEMENT -OTPS	-1,128,417
006	EXECUTIVE & SUPPORT-OTPS	-2,972,950
827	DEPARTMENT OF SANITATION	
101	EXECUTIVE ADMINISTRATIVE	-2,795,234
102	CLEANING & COLLECTION	-4,154,654
103	WASTE DISPOSAL	-1,387,843
106	EXEC & ADMINISTRATIVE-OTPS	-19,407,398
107	SNOW BUDGET-PS	-936,700
109	CLEANING & COLLECTION-OTPS	-100,000
110	WASTE DISPOSAL-OTPS	-8,000,000
113	SNOW-OTPS	-130,000
836	DEPARTMENT OF FINANCE	
022	OPERATIONS-OTPS	-2,396,750
099	CITY SHERIFF-OTPS	-37,719
841	DEPARTMENT OF TRANSPORTATION	
004	TRAFFIC OPERATIONS	-1,215,935
007	BUREAU OF BRIDGES - OTPS	-1,750,000
011	OTPS-EXEC AND ADMINISTRATION	-752,186
012	OTPS-HIGHWAY OPERATIONS	-763,100

TO

002	MAYORALTY	
020	OFFICE OF THE MAYOR-PS	365,653
021	OFFICE OF THE MAYOR-OTPS	43,485
040	OFFICE OF MGMT AND BUDGET-PS	153,088
061	OFF OF LABOR RELATIONS-PS	21,086
070	NYC COMM TO THE UN-PS	5,000
003	BOARD OF ELECTIONS	
001	PERSONAL SERVICES	7,000,000
008	OFFICE OF THE ACTUARY	
200	OTHER THAN PERSONAL SERVICE	1,863
011	BOROUGH PRESIDENT BRONX	
001	PERSONAL SERVICES	11,375
012	BOROUGH PRESIDENT - BROOKLYN	
001	PERSONAL SERVICES	6,057
013	BOROUGH PRESIDENT - QUEENS	
001	PERSONAL SERVICES	16,626
014	BOROUGH PRESIDENT STATEN ISLAN	
002	OTHER THAN PERSONAL SERVICES	97,374
015	OFFICE OF THE COMPTROLLER	
001	EXECUTIVE MANAGEMENT-PS	9,147
002	FIRST DEPUTY COMPT-PS	75,084
003	SECOND DEPUTY COMPT-PS	32,455
004	THIRD DEPUTY COMPT-PS	17,800
005	FIRST DEPUTY COMPT-OTPS	437,626
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
001	PERSONAL SERVICES	12,721
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	188,955
002	OTHER THAN PERSONAL SERVICES	3,404,836
030	DEPARTMENT OF CITY PLANNING	
001	PERSONAL SERVICES	15,110
032	DEPARTMENT OF INVESTIGATION	
002	OTHER THAN PERSONAL SERVICES	9,244

TO

032	DEPARTMENT OF INVESTIGATION	
003	INSPECTOR GENERAL-PS	2,914
004	INSPECTOR GENERAL-OTPS	200,000
035	NEW YORK RESEARCH LIBRARY	
001	LUMP SUM APPROPRIATION	278,130
037	NEW YORK PUBLIC LIBRARY	
003	LUMP SUM-BORO OF MANHATTAN	93,942
004	LUMP SUM- BOR OF BRONX	60,087
005	LUMP SUM-BORO OF STATEN ISL	18,514
006	SYSTEMWIDE SERVICES	1,342,440
038	BROOKLYN PUBLIC LIBRARY	
001	LUMP SUM	1,516,839
039	QUEENS BOROUGH PUBLIC LIBRARY	
001	LUMP SUM	1,208,682
040	DEPARTMENT OF EDUCATION	
415	SCHOOL SUPPORT ORGANIZATION	310,141
422	CW SE INSTR & SCHL LEADERSHIP - OTPS	123,650
423	SE INSTRUCTIONAL SUPPORT - PS	18,000,000
435	SCHOOL FACILITIES - PS	16,301,967
436	SCHOOL FACILITIES - OTPS	1,615,395
442	SCHOOL SAFETY - OTPS	1,174,073
453	CENTRAL ADMINISTRATION - PS	993,507
461	FRINGE BENEFITS - PS	12,026,515
472	CHARTER/CONTRACT/FOSTER CARE PMTS - OTPS	52,000,000
042	CITY UNIVERSITY	
005	EDUCATIONAL AID	6,000,000
054	CIVILIAN COMPLAINT REVIEW BD	
001	CCRB-PS	15,454
056	POLICE DEPARTMENT	
001	OPERATIONS	25,098,173
002	EXECUTIVE MANAGEMENT	5,344,451
003	SCHOOL SAFETY- P.S.	5,152,993
004	ADMINISTRATION-PERSONNEL	5,918,283

TO

056	POLICE DEPARTMENT	
006	CRIMINAL JUSTICE	18,200
007	TRAFFIC ENFORCEMENT	681,184
008	TRANSIT POLICE-PS	22,011
009	HOUSING POLICE-PS	2,016,818
057	FIRE DEPARTMENT	
001	EXECUTIVE ADMINISTRATIVE	2,061,027
005	EXECUTIVE ADMIN-OTPS	150,796
010	EMERGENCY MEDICAL SERV-OTPS	646,927
068	ADMIN FOR CHILDREN'S SERVICES	
003	HEADSTART/DAYCARE-PS	85,598
004	HEADSTART/DAYCARE-OTPS	24,138,574
005	ADMINISTRATIVE-PS	385,188
006	CHILD WELFARE-OTPS	4,603,715
069	DEPARTMENT OF SOCIAL SERVICES	
103	PUBLIC ASSISTANCE - OTPS	47,994,521
105	ADULT SERVICES - OTPS	645,000
203	PUBLIC ASSISTANCE	456,085
204	MEDICAL ASSISTANCE	597
205	ADULT SERVICES	247,587
071	DEPT OF HOMELESS SERVICES	
100	DEPT OF HOMELESS SERVICES-PS	1,310,488
200	DEPT OF HOMELESS SERVICES-OTPS	10,896,640
072	DEPARTMENT OF CORRECTION	
001	ADMINISTRATION	418,379
002	OPERATIONS	10,375,305
073	BOARD OF CORRECTION	
001	PERSONAL SERVICES	3,496
095	PENSION CONTRIBUTIONS	
001	CITY ACTUARIAL PENSIONS	9,090,361
003	NON - ACTUARIAL PENSIONS	1,100,000
098	MISCELLANEOUS	
006	RETIREE HEALTH BENEFITS TRUST	225,000,000

TO

098	MISCELLANEOUS	
002	GENERAL RESERVE	351,744,540
099	GNRL & LSE PRCHS DBT SVC FUNDS	
004	BUDGET STABILIZATION ACCOUNT	283,410,988
101	PUBLIC ADVOCATE	
001	PERSONAL SERVICES	50,000
103	CITY CLERK	
001	PERSONAL SERVICES	7,248
002	OTHER THAN PERSONAL SERVICES	103,378
125	DEPARTMENT FOR THE AGING	
001	EXECUTIVE & ADMIN MGMT - PS	82,643
002	COMMUNITY PROGRAMS - PS	39,808
003	COMMUNITY PROGRAMS - OTPS	48,321
126	DEPARTMENT OF CULTURAL AFFAIRS	
001	OFFICE OF COMMISSIONER-PS	17,938
009	BKLYN CHILDRENS MUSEUM	60,057
011	QUEENS BOTANICAL GARDEN	17,933
013	SI INSTITUTE ARTS & SCIENCES	1,340
014	S.I. ZOOLOGICAL SOCIETY	30,253
015	S I HISTORICAL SOCIETY	5,082
016	MUSEUM OF THE CITY OF NY	321,291
017	WAVE HILL	8,593
019	BROOKLYN ACADEMY OF MUSIC	699
020	SNUG HARBOR CULTURAL CENTER	28,359
021	STUDIO MUSEUM IN HARLEM	24,934
130	DEPARTMENT OF JUVENILE JUSTICE	
001	PERSONAL SERVICES	34,679
131	OFFICE PAYROLL ADMINISTRATION	
100	PERSONAL SERVICE	72,601
132	INDEPENDENT BUDGET OFFICE	
001	PERSONAL SERVICE	12,392
002	OTHER THAN PERSONAL SERVICE	396

TO

133	EQUAL EMPLOY PRACTICES COMM	
001	PERSONAL SERVICES	1,272
134	CIVIL SERVICE COMMISSION	
001	PERSONAL SERVICES	2,814
136	LANDMARKS PRESERVATION COMM.	
001	PERSONAL SERVICES	96,089
226	COMMISSION ON HUMAN RIGHTS	
001	PERSONAL SERVICES	1,187
260	DEPT OF YOUTH & COMMUNITY DEV	
002	EXECUTIVE AND ADMINISTRATIVE MGMT PS	102,884
311	PROGRAM SERVICES - PS	70,144
312	CONFLICTS OF INTEREST BOARD	
001	PERSONAL SERVICES	17,508
002	OTHER THAN PERSONAL SERVICES	24,162
313	OFC OF COLLECTIVE BARGAINING	
001	PERSONAL SERVICES	3,175
343	MANHATTAN COMMUNITY BOARD #3	
003	RENT AND ENERGY	2,236
347	MANHATTAN COMMUNITY BOARD #7	
003	RENT	433
383	BRONX COMMUNITY BOARD #3	
003	RENT	466
387	BRONX COMMUNITY BOARD #7	
003	RENT AND ENERGY	189
388	BRONX COMMUNITY BOARD #8	
003	RENT AND ENERGY	203
390	BRONX COMMUNITY BOARD #10	
003	RENT AND ENERGY	4,234
391	BRONX COMMUNITY BOARD #11	
003	RENT	344
435	QUEENS COMMUNITY BOARD #5	
003	RENT AND ENERGY	893

TO

436	QUEENS COMMUNITY BOARD #6	
003	RENT AND ENERGY	150
437	QUEENS COMMUNITY BOARD #7	
003	RENT	1,205
438	QUEENS COMMUNITY BOARD #8	
003	RENT	3,200
441	QUEENS COMMUNITY BOARD #11	
003	RENT	452
442	QUEENS COMMUNITY BOARD #12	
003	RENT AND ENERGY	427
443	QUEENS COMMUNITY BOARD #13	
003	RENT	442
444	QUEENS COMMUNITY BOARD #14	
003	RENT AND ENERGY	454
478	BROOKLYN COMMUNITY BOARD #8	
003	RENT AND ENERGY	563
479	BROOKLYN COMMUNITY BOARD #9	
003	RENT AND ENERGY	3,221
481	BROOKLYN COMMUNITY BOARD #11	
003	RENT AND ENERGY	259
483	BROOKLYN COMMUNITY BOARD #13	
003	RENT	7
484	BROOKLYN COMMUNITY BOARD #14	
003	RENT AND ENERGY	417
487	BROOKLYN COMMUNITY BOARD #17	
003	RENT AND ENERGY	197
493	STATEN ISLAND COMMUNITY BD #3	
003	RENT AND ENERGY	212
781	DEPARTMENT OF PROBATION	
001	EXECUTIVE MANAGEMENT	502,134
003	PROBATION SERVICES-OTPS	1,782,870
801	DEPT OF SMALL BUSINESS SERVICES	
001	DEPT. OF BUSINESS P.S.	186,984

TO

801	DEPT OF SMALL BUSINESS SERVICES	
004	CONTRACT COMP & BUS. OPP - PS	18,125
008	ECONOMIC PLANNING/FILM - PS	3,495
010	WORKFORCE INVESTMENT ACT - PS	55,905
806	HOUSING PRESERVATION AND DEVEL	
001	OFFICE OF ADMINISTRATION	1,169,417
002	OFFICE OF DEVELOPMENT	90,907
006	HOUSING MAINTENANCE AND SALES	41,068
011	OFFICE OF HOUSING PRESERVATION	560,000
810	DEPARTMENT OF BUILDINGS	
002	OTHER THAN PERSONAL SERVICES	98,707
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
101	HEALTH ADMINISTRATION - PS	363,509
111	HEALTH ADMINISTRATION - OTPS	4,005,762
112	DISEASE CONTROL AND EPIDEMIOLOGY - OTPS	711,920
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS	3,883,200
114	ENVIRONMENTAL HEALTH - OTPS	161,000
116	OFFICE OF CHIEF MEDICAL EXAMINER - OTPS	767,099
120	MENTAL HEALTH	626,636
826	DEPT ENVIRONMENTAL PROTECTION	
001	EXECUTIVE AND SUPPORT	531,197
002	ENVIRONMENTAL MANAGEMENT	46,867
003	WATER SUP. & WASTEWATER COLL	2,134,671
007	CENTRAL UTILITY	350,558
008	WASTEWATER TREATMENT	1,011,000
827	DEPARTMENT OF SANITATION	
104	BUILDING MANAGEMENT	1,142,719
105	BUREAU OF MOTOR EQUIP	3,713,765
829	BUSINESS INTEGRITY COMMISSION	
001	PERSONAL SERVICES	11,037
836	DEPARTMENT OF FINANCE	
001	ADMINISTRATION & PLANNING	507,023
002	OPERATIONS	311,276

TO

836	DEPARTMENT OF FINANCE	
003	PROPERTY	101,880
004	AUDIT	59,168
005	LEGAL	145,090
007	PARKING VIOLATIONS BUREAU	57,105
009	CITY SHERIFF	1,242,504
011	ADMINISTRATION-OTPS	4,466,531
841	DEPARTMENT OF TRANSPORTATION	
001	EXEC ADM & PLANN MGT.	603,236
002	HIGHWAY OPERATIONS	428,483
003	TRANSIT OPERATIONS	725,955
006	BUREAU OF BRIDGES	483,763
846	DEPT OF PARKS AND RECREATION	
001	EXEC MGMT & ADMIN	93,098
002	MAINTENANCE & OPERATIONS	2,335,775
004	RECREATION SERVICES	4,988,732
009	RECREATION SERVICES-OTPS	468,000
850	DEPT OF DESIGN & CONSTRUCTION	
001	PERSONAL SERVICES	14,365
856	DEPT OF CITYWIDE ADMIN SERVS	
001	DIV OF CTYWDE PERSONNEL SERV	947,079
003	OFF OF ADM. TRIALS & HEARINGS	678,903
005	BD OF STANDARD & APPEALS PS	9,306
100	EXECUTIVE AND SUPPORT SERVICES	160,960
200	DIV OF ADMINISTRATION AND SECURITY - PS	823,626
290	DIV OF ADMINISTRATION AND SECURITY- OTPS	323,663
300	DIV OF FACILITIES MGMT AND CONSTRUCTION	1,180,704
390	DIV OF FACILITIES MGMT AND CONST- OTPS	6,724,718
860	DEPT RECORDS + INFORMATION SVS	
100	PERSONAL SERVICES	10,986
866	DEPARTMENT OF CONSUMER AFFAIRS	
001	ADMINISTRATION	15,453
002	LICENSING/ENFORCEMENT	67,285

TO

866	DEPARTMENT OF CONSUMER AFFAIRS	
004	ADJUDICATION	43,324
901	DISTRICT ATTORNEY NEW YORK	
001	PERSONAL SERVICES	38,042
002	OTHER THAN PERSONAL SERVICES	101,356
902	DISTRICT ATTORNEY BRONX CO.	
001	PERSONAL SERVICES	54,329
002	OTHER THAN PERSONAL SERVICES	19,150
903	DISTRICT ATTORNEY KINGS CO.	
001	PERSONAL SERVICES	32,562
904	DISTRICT ATTORNEY QUEENS CO.	
001	PERSONAL SERVICES	41,906
002	OTHER THAN PERSONAL SERVICES	24,073
905	DISTRICT ATTORNEY RICHMOND	
001	PERSONAL SERVICES	24,615
002	OTHER THAN PERSONAL SERVICES	22,706
906	OFF.OF PROSECUTION SPEC.NARC.	
001	PERSONAL SERVICES	153,100
941	PUBLIC ADMINISTRATOR-NY	
001	PERSONAL SERVICES	1,412
942	PUBLIC ADMINISTRATOR BRONX	
001	PERSONAL SERVICES	1,542
		1,198,035,480

APPENDIX A
Summary of Changes By Agency

Thursday, June 18, 2009

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	FROM							
	Total	Intra-City	City	Categories	Capital	State	CD	Other
002 MAYORALTY								
041 OFFICE OF MGMT AND BUDGET-OTPS	-192,355	0	-124,355	0	-68,000	0	0	0
050 CRIMINAL JUSTICE PROGRAMS-PS	-158,051	0	-158,051	0	0	0	0	0
062 OFF OF LABOR RELATIONS-OTPS	-22,000	0	-22,000	0	0	0	0	0
260 OFF FOR PEOPLE WITH DISAB-PS	-18,000	0	-18,000	0	0	0	0	0
340 COMMUNITY ASST UNITS-PS	-54,778	0	-54,778	0	0	0	0	0
341 COMMUNITY ASST UNIT-OTPS	-5,355	0	-5,355	0	0	0	0	0
380 OFFICE OF OPERATIONS-PS	-168,207	0	-168,207	0	0	0	0	0
560 SPECIAL ENFORCEMENTS-PS	-90,000	0	-90,000	0	0	0	0	0
003 BOARD OF ELECTIONS								
002 OTHER THAN PERSONAL SERVICES	-12,191,435	0	-12,191,435	0	0	0	0	0
004 CAMPAIGN FINANCE BOARD								
001 PERSONAL SERVICES	-894,496	0	-894,496	0	0	0	0	0
008 OFFICE OF THE ACTUARY								
100 PERSONAL SERVICE	-96,642	0	-96,642	0	0	0	0	0
010 BOROUGH PRESIDENT - MANHATTAN								
002 OTHER THAN PERSONAL SERVICES	-2,397	0	-2,397	0	0	0	0	0
011 BOROUGH PRESIDENT BRONX								
002 OTHER THAN PERSONAL SERVICES	-4,463	0	-4,463	0	0	0	0	0
012 BOROUGH PRESIDENT - BROOKLYN								
002 OTHER THAN PERSONAL SERVICES	-3,940	0	-3,940	0	0	0	0	0
013 BOROUGH PRESIDENT - QUEENS								
002 OTHER THAN PERSONAL SERVICES	-2,376	0	-2,376	0	0	0	0	0
014 BOROUGH PRESIDENT STATEN ISLAND								
001 PERSONAL SERVICES	-98,108	0	-98,108	0	0	0	0	0

Thursday, June 18, 2009

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TO

0

	FROM							
	Total	Intra-City	City	Categories	Capital	State	CD	Other
068 ADMIN FOR CHILDREN'S SERVICES								
001 PERSONAL SERVICES	1,082,579	0	-12,131,208	0	0	-21,642,512	0	34,826,299
002 OTHER THAN PERSONAL SERVICES	-387,025	0	-4,267,235	0	0	-7,356,567	0	11,236,777
069 DEPARTMENT OF SOCIAL SERVICES								
101 ADMINISTRATIONS-OTPS	-977,906	0	-1,023,772	0	0	19,500	0	26,366
104 MEDICAL ASSISTANCE - OTPS	-447,557,443	0	-447,557,443	0	0	0	0	0
201 ADMINISTRATION	2,090,595	0	-4,590,878	0	0	3,287,355	0	3,394,118
072 DEPARTMENT OF CORRECTION								
003 OPERATIONS - OTPS	-13,272,820	0	-13,272,820	0	0	0	0	0
095 PENSION CONTRIBUTIONS								
002 NON-CITY PENSIONS	-1,000,000	0	-1,000,000	0	0	0	0	0
098 MISCELLANEOUS								
001 PERSONAL SERVICES	-84,331,501	0	-84,331,501	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	73,579,212	0	-30,214,232	3,793,444	0	100,000,000	0	0
003 FRINGE BENEFITS	-68,938,813	0	-78,076,981	28,772	0	3,328,393	0	5,781,003
099 GNRL & LSE PRCHS DRT SVC FUNDS								
001 FUNDED DEBT-WO CONST LIMIT	-190,625,649	0	-163,812,766	-23,607,663	0	-3,205,220	0	0
003 LEASE PURCH & CITY GUAR DEBT	-15,729,701	0	-29,280,412	0	0	13,550,711	0	0
101 PUBLIC ADVOCATE								
002 OTHER THAN PERSONAL SERVICES	-50,901	0	-50,901	0	0	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS								
002 OFFICE OF COMMISSIONER - OTPS	-845	0	-845	0	0	0	0	0
004 METROPOLITAN MUSEUM OF ART	-836,802	0	-836,802	0	0	0	0	0
005 NY BOTANICAL GARDEN	-516,349	0	-516,349	0	0	0	0	0
006 AMER MUSEM NATURAL HISTORY	-56,382	0	-56,382	0	0	0	0	0
007 THE WILDLIFE CONSERVATION SOC	-806,430	0	-806,430	0	0	0	0	0
008 BROOKLYN MUSEUM	-184,697	0	-184,697	0	0	0	0	0
010 BROOKLYN BOTANIC GARDEN	-116,649	0	-116,649	0	0	0	0	0

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	FROM							
	Total	Intra-City	City	Categories	Capital	State	CD	Other
017 DEPARTMENT OF EMERGENCY MANAGEMENT								
002 OTHER THAN PERSONAL SERVICES	-11,397,735	0	-11,397,735	0	0	0	0	0
021 OFFICE OF ADMINISTRATIVE TAX APPEALS								
001 PERSONAL SERVICES	-12,871	0	-12,871	0	0	0	0	0
030 DEPARTMENT OF CITY PLANNING								
002 OTHER THAN PERSONAL SERVICES	-4,248,069	0	-4,248,069	0	0	0	0	0
032 DEPARTMENT OF INVESTIGATION								
001 PERSONAL SERVICES	-163,287	0	-163,287	0	0	0	0	0
040 DEPARTMENT OF EDUCATION								
403 SEINSTR & SCH LEADERSHIP - PS	-55,000,000	0	-55,000,000	0	0	0	0	0
444 ENERGY AND LEASES - OTPS	-33,778,686	0	-33,778,686	0	0	0	0	0
454 CENTRAL ADMINISTRATION - OTPS	-75,000	0	-75,000	0	0	0	0	0
491 COLLECTIVE BARGAINING - PS	-4,244,840	0	-4,244,840	0	0	0	0	0
042 CITY UNIVERSITY								
001 COMMUNITY COLLEGE-OTPS	-4,523,846	0	-4,523,846	0	0	0	0	0
003 HUNTER SCHOOLS-OTPS	-43,467	0	-43,467	0	0	0	0	0
054 CIVILIAN COMPLAINT REVIEW BD								
002 CCB-OTPS	-47,100	0	-47,100	0	0	0	0	0
056 POLICE DEPARTMENT								
400 ADMINISTRATION-OTPS	-10,291,518	0	-10,291,518	0	0	0	0	0
700 TRAFFIC ENFORCEMENT-OTPS	-2,228,628	0	-2,228,628	0	0	0	0	0
057 FIRE DEPARTMENT								
002 FIRE EXTING AND EMERG RESP	-2,015,244	0	-2,015,244	0	0	0	0	0
003 FIRE INVESTIGATION	-3,492,352	0	-3,492,352	0	0	0	0	0
004 FIRE PREVENTION	-977,703	0	-977,703	0	0	0	0	0
006 FIRE EXTING & RESP-OTPS	-1,525,671	0	-1,525,671	0	0	0	0	0
009 EMERGENCY MEDICAL SERVICES-PS	-5,679,447	0	-14,067,630	8,388,183	0	0	0	0

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	FROM						Total	FROM						Total	
	Total	Intra-City	City	Capital	State	CD		Other	Total	Intra-City	City	Capital	State		CD
440	QUEENS COMMUNITY BOARD #10														
003	RENT	-21	0	-21	0	0	0	0	0	-9,584	0	0	0	0	0
471	BROOKLYN COMMUNITY BOARD #1														
003	RENT AND ENERGY	-538	0	-538	0	0	0	0	0	-215,407	0	0	0	0	0
473	BROOKLYN COMMUNITY BOARD #3														
003	RENT AND ENERGY	-1,512	0	-1,512	0	0	0	0	0	-18,505	0	0	0	0	0
482	BROOKLYN COMMUNITY BOARD #12														
003	RENT AND ENERGY	-567	0	-567	0	0	0	0	0	-206,265	0	-1,456,998	0	0	0
781	DEPARTMENT OF PROBATION														
002	PROBATION SERVICES	-1,805,513	-1,470,238	-3,555,109	0	19,834	0	0	0	-280,105	0	0	-280,237	0	0
801	DEPT OF SMALL BUSINESS SERVICES														
002	DEPT OF BUSINESS OTS	-965,905	0	-965,905	0	0	0	0	0	-401,231	0	0	0	0	0
005	CONTRACT COMP & BUS OPP - OTS	-26,210	0	-26,210	0	0	0	0	0	-2,444	0	0	0	0	0
006	ECONOMIC DEVELOPMENT CORP.	-14,824,900	0	-14,824,900	0	0	0	0	0	-2,444	0	0	0	0	0
011	WORKFORCE INVESTMENT ACT - OTS	-2,062,467	0	-2,000,000	0	0	0	0	-62,467	-390,311	0	0	0	0	0
806	HOUSING PRESERVATION AND DEVEL.														
004	OFFICE OF HOUSING PRESERVATION	-609,837	0	-918,847	0	0	309,010	0	0	-986,509	0	0	0	0	0
008	OFFICE OF ADMINISTRATION OTS	-247,987	0	-4,324	-243,663	0	0	0	0	-8,674	0	0	0	0	0
009	OFFICE OF DEVELOPMENT OTS	-30,736,640	0	-1,000,000	-6,000,000	0	0	0	-23,736,640	-390,311	0	0	0	0	0
010	HOUSING MANAGEMENT AND SALES	-27,432,764	0	-467,305	-26,965,459	0	0	0	0	-986,509	0	0	0	0	0
810	DEPARTMENT OF BUILDINGS														
001	PERSONAL SERVICES	-1,646,324	0	-1,646,324	0	0	0	0	0	-235,010	0	0	-213,010	0	0
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE														
102	DISEASE CONTROL AND EPIDEMIOLOGY - P	-7,704,459	0	-4,918,191	0	-2,786,268	0	0	-792	-792	0	0	0	0	0
103	HEALTH PROMOTION AND DISEASE PREVEN	-406,253	1,670,728	-1,327,610	0	-749,371	0	0	-3,659	-3,659	0	0	0	0	0
104	ENVIRONMENTAL HEALTH - PS	-1,314,047	0	-844,012	0	-470,035	0	0	0	-5,101	0	0	0	0	0
106	OFFICE OF CHIEF MEDICAL EXAMINER - PS	-6,307,486	0	-4,660,041	0	-1,647,445	0	0	0	-559	0	0	0	0	0
107	HEALTH CARE ACCESS AND IMPROVEMENT	-551,660	0	-219,277	-162,676	-139,707	0	0	0	-559	0	0	0	0	0

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	FROM						Total	FROM						Total	
	Total	Intra-City	City	Capital	State	CD		Other	Total	Intra-City	City	Capital	State		CD
816	DEPT OF PARKS AND RECREATION														
006	MAINT & OPERATIONS - OTS	-2,576,398	0	-2,576,398	0	0	0	0	0	-666,642	0	-89,004	0	0	0
007	EXECUTIVE ADMIN SVCS-OTS	-1,223,033	0	-1,223,033	0	0	0	0	0	-420,314	-157,324	0	-2,114,571	0	0
856	DEPT OF CITYWIDE ADMIN SERV														
002	DIV OF CITYWIDE PERSONNEL SERV	-5,046	0	-5,046	0	0	0	0	0	-675,000	-3,759,236	0	0	0	0
190	EXECUTIVE AND SUPPORT SERVICES-OTS	-4,584,190	0	-4,584,190	0	0	0	0	0	-7,538	0	0	-120,000	0	0
400	DIV OF MUNICIPAL SUPPLY SVCS	-626,506	0	-628,638	0	2,132	0	0	0	-6,812,250	0	-6,693,250	0	0	0
490	DIV OF MUNI SUPPLIES-OTS	-215,124	0	-215,124	0	0	0	0	0	-26,334,299	0	0	0	0	0
500	DIV OF REAL ESTATE SERVICES	-694,624	0	-702,652	0	8,028	0	0	0	-1,128,417	0	0	0	0	0
590	DIV OF REAL ESTATE SERVICES	-37,129	0	-37,129	0	0	0	0	0	-2,972,950	0	0	0	0	0
600	COMMUNICATIONS	-186,110	0	-186,110	0	0	0	0	0	-2,936,215	0	-149,810	0	8,829	0
690	COMMUNICATIONS	-11,956	0	-11,956	0	0	0	0	0	-4,085,067	0	0	0	0	0
858	DEPT OF INFO TECH & TELECOMM														
001	PERSONAL SERVICES	-4,363,193	0	-4,470,463	41,883	1,322	0	64,065	0	-1,547,843	0	-160,000	0	0	0
002	OTHER THAN PERSONAL SERVICES	-10,859,018	234,423	-11,093,441	0	0	0	0	0	66,587	-4,154,654	0	0	0	0
860	DEPT RECORDS + INFORMATION SVS														
200	OTHER THAN PERSONAL SERVICES	-251,298	0	-251,298	0	0	0	0	0	-19,407,398	0	0	0	0	0
866	DEPARTMENT OF CONSUMER AFFAIRS														
003	OTHER THAN PERSONAL SERVICE	-6,329	0	-6,329	0	0	0	0	0	-936,700	0	0	0	0	0
903	DISTRICT ATTORNEY KINGS CO.														
002	OTHER THAN PERSONAL SERVICES	-70,512	0	-70,512	0	0	0	0	0	-100,000	0	0	0	0	0
906	OFF OF PROSECUTION SPEC.NARC.														
002	OTHER THAN PERSONAL SERVICES	-150,003	0	-150,003	0	0	0	0	0	-8,000,000	0	0	0	0	0

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	Total	Intra/City	City	Categories	Capital	State	CD	Other
133 EQUAL EMPLOY PRACTICES COMM								
001 PERSONAL SERVICES	1,272	0	1,272	0	0	0	0	0
134 CIVIL SERVICE COMMISSION								
001 PERSONAL SERVICES	2,814	0	2,814	0	0	0	0	0
136 LANDMARKS PRESERVATION COMM.								
001 PERSONAL SERVICES	97,773	0	96,089	0	0	1,684	0	0
226 COMMISSION ON HUMAN RIGHTS								
001 PERSONAL SERVICES	1,187	0	1,187	0	0	0	0	0
003 COMMUNITY/DEVELOP.F.S.	18,735	0	0	0	0	18,735	0	0
260 DEPT OF YOUTH & COMMUNITY DEV								
002 EXECUTIVE AND ADMINISTRATIVE MGMT P	102,884	0	102,884	0	0	0	0	0
311 PROGRAM SERVICES - PS	72,302	0	70,144	0	0	2,158	0	0
312 CONFLICTS OF INTEREST BOARD								
001 PERSONAL SERVICES	17,508	0	17,508	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	24,162	0	24,162	0	0	0	0	0
313 OFC OF COLLECTIVE BARGAINING								
001 PERSONAL SERVICES	3,175	0	3,175	0	0	0	0	0
343 MANHATTAN COMMUNITY BOARD #3								
003 RENT AND ENERGY	2,236	0	2,236	0	0	0	0	0
347 MANHATTAN COMMUNITY BOARD #7								
003 RENT	433	0	433	0	0	0	0	0
383 BRONX COMMUNITY BOARD #3								
003 RENT	466	0	466	0	0	0	0	0
387 BRONX COMMUNITY BOARD #7								
003 RENT AND ENERGY	189	0	189	0	0	0	0	0
388 BRONX COMMUNITY BOARD #8								
003 RENT AND ENERGY	203	0	203	0	0	0	0	0

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	Total	Intra/City	City	Categories	Capital	State	CD	Other
484 BROOKLYN COMMUNITY BOARD #14								
003 RENT AND ENERGY	417	0	417	0	0	0	0	0
487 BROOKLYN COMMUNITY BOARD #17								
003 RENT AND ENERGY	197	0	197	0	0	0	0	0
493 STATEN ISLAND COMMUNITY BD #3								
003 RENT AND ENERGY	212	0	212	0	0	0	0	0
781 DEPARTMENT OF PROBATION								
001 EXECUTIVE MANAGEMENT	511,605	0	502,134	0	0	9,471	0	0
003 PROBATION SERVICES-OTPS	-517,186	-2,300,056	1,782,870	0	0	0	0	0
801 DEPT OF SMALL BUSINESS SERVICES								
001 DEPT OF BUSINESS F.S.	927,767	0	186,984	0	0	5,783	735,000	0
004 CONTRACT COMP & BUS OFF - PS	18,125	0	18,125	0	0	0	0	0
008 ECONOMIC PLANNING/RELEV - PS	3,495	0	3,495	0	0	0	0	0
010 WORKFORCE INVESTMENT ACT - PS	-978,891	0	55,905	0	0	0	-1,034,796	0
806 HOUSING PRESERVATION AND DEVEL								
001 OFFICE OF ADMINISTRATION	1,229,939	0	1,169,417	0	0	7,719	52,803	0
002 OFFICE OF DEVELOPMENT	97,928	0	90,907	0	0	5,377	1,644	0
006 HOUSING MAINTENANCE AND SALES	86,629	0	41,068	0	0	16,032	29,509	0
011 OFFICE OF HOUSING PRESERVATION	560,000	0	560,000	0	0	0	0	0
810 DEPARTMENT OF BUILDINGS								
002 OTHER THAN PERSONAL SERVICES	98,707	0	98,707	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE								
101 HEALTH ADMINISTRATION - PS	529,532	0	563,509	0	0	156,023	0	0
111 HEALTH ADMINISTRATION-OTPS	6,151,775	0	4,005,762	0	0	2,146,013	0	0
112 DISEASE CONTROL AND EPIDEMIOLOGY - O	1,100,000	0	711,920	0	0	388,080	0	0
113 HEALTH PROMOTION AND DISEASE PREV - O	11,829,272	5,829,272	3,883,200	0	0	2,116,800	0	0
114 ENVIRONMENTAL HEALTH-OTPS	161,000	0	161,000	0	0	0	0	0
116 OFFICE OF CHIEF MEDICAL EXAMINER - OT	1,198,593	0	767,099	0	0	431,494	0	0

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	Total	Intra-City	City	Capital	State	CD	Other
846 DEPT OF PARKS AND RECREATION							
001 EXEC ADMT & ADMIN	97,408	0	93,098	0	0	4,310	0
002 MAINTENANCE & OPERATIONS	4,576,837	2,239,875	2,337,775	0	0	1,187	0
003 DESIGN & ENGINEERING	1,206,873	0	0	1,206,873	0	0	0
004 RECREATION SERVICES	4,988,732	0	4,988,732	0	0	0	0
009 RECREATION SERVICES-OTPS	468,000	0	468,000	0	0	0	0
850 DEPT OF DESIGN & CONSTRUCTION							
001 PERSONAL SERVICES	-4,725,580	0	14,365	-4,739,945	0	0	0
002 OTHER THAN PERSONAL SERVICES	23,055	0	0	23,055	0	0	0
856 DEPT OF CITYWIDE ADMIN SERV							
001 DIV OF CITYWIDE PERSONNEL SERV	674,134	0	947,079	-272,945	0	0	0
003 OFF OF ADM. TRIALS & HEARINGS	678,903	0	678,903	0	0	0	0
005 BDO OF STANDARD & APPEALS PS	9,306	0	9,306	0	0	0	0
100 EXECUTIVE AND SUPPORT SERVICES	177,196	0	160,960	16,236	0	0	0
200 DIV OF ADMINISTRATION AND SECURITY	823,626	0	823,626	0	0	0	0
290 DIV OF ADMINISTRATION AND SECURITY - O	323,663	0	323,663	0	0	0	0
300 DIV OF FACILITIES MGMT AND CONSTRUCT	1,935,559	0	1,180,704	47,280	697,193	0	0
390 DIV OF FACILITIES MGMT AND CONSTR-OTP	-27,856,203	-23,831,825	6,724,718	-10,744,616	-4,480	0	0
860 DEPT RECORDS + INFORMATION SVS							
100 PERSONAL SERVICES	12,895	0	10,986	0	1,909	0	0
866 DEPARTMENT OF CONSUMER AFFAIRS							
001 ADMINISTRATION	15,453	0	15,453	0	0	0	0
002 LICENSING/REGULAMENT	67,285	0	67,285	0	0	0	0
004 ADJUDICATION	43,324	0	43,324	0	0	0	0
901 DISTRICT ATTORNEY NEW YORK							
001 PERSONAL SERVICES	202,721	0	38,042	0	154,679	0	0
002 OTHER THAN PERSONAL SERVICES	101,356	0	101,356	0	0	0	0

	Total	Intra-City	City	Capital	State	CD	Other
902 DISTRICT ATTORNEY BRONX CO.							
001 PERSONAL SERVICES	178,145	0	54,329	0	0	123,816	0
002 OTHER THAN PERSONAL SERVICES	19,150	0	19,150	0	0	0	0
903 DISTRICT ATTORNEY KINGS CO.							
001 PERSONAL SERVICES	183,197	0	32,562	0	150,635	0	0
904 DISTRICT ATTORNEY QUEENS CO.							
001 PERSONAL SERVICES	119,833	0	41,906	0	77,927	0	0
002 OTHER THAN PERSONAL SERVICES	24,073	0	24,073	0	0	0	0
905 DISTRICT ATTORNEY RICHMOND							
001 PERSONAL SERVICES	32,598	0	24,615	0	7,983	0	0
002 OTHER THAN PERSONAL SERVICES	22,706	0	22,706	0	0	0	0
906 OFF OF PROSECUTION SPEC-NARC.							
001 PERSONAL SERVICES	197,100	0	153,100	0	44,000	0	0
941 PUBLIC ADMINISTRATOR-NY							
001 PERSONAL SERVICES	1,412	0	1,412	0	0	0	0
942 PUBLIC ADMINISTRATOR BRONX							
001 PERSONAL SERVICES	1,542	0	1,542	0	0	0	0
	1,152,566,498	-28,105,525	1,198,035,480	-654,529	51,070,252	130,044	49,566,103

TO

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for M-1464

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget submitted pursuant to Section 107(e) of the New York City Charter, appropriate new revenues of \$438.8 million in Fiscal Year 2009 (MN-6).

The Committee on Finance, to which was referred on June 19, 2009, the annexed communication, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on June 19, 2009, the Council received a communication, from the Office of Management and Budget of the Mayor, dated June 18, 2009, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2009 Expense Budget, and the revenue estimate related thereto prepared by the Mayor as of April 22nd, 2009.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 (the "Fiscal 2009 Expense Budget"). On June 29, 2008, the Mayor submitted to the Council a revenue estimate related to the Fiscal 2009 Expense Budget. On December 18, 2008, the Council adopted MN-1 and MN-2 modifying the Fiscal 2009 Expense and Revenue Budgets. On April 22, 2009, the Council adopted MN-3 and MN-4 once again modifying the Fiscal 2009 Expense and Revenue Budgets. Circumstances have changed since the Council last amended the Fiscal 2009 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the expense budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2009 Expense Budget and related revenue estimate requested in the Communication.

This modification (MN-6) seeks to increase revenues in the net amount of \$438.8 million. Tax revenues show a relatively small decrease with gains in tax audits and the banking corporation tax not fully compensating for weaknesses in mortgage recording tax and New York State offsets to the personal income tax. Increases in revenues come primarily

from non-tax sources including unrestricted New York State aid and miscellaneous revenues.

This revenue modification reduces the General Reserve in the City's Miscellaneous Budget by \$314.3 million. The reduction in the General Reserve and the new revenues will be used to make prepayments of \$264.4 million to the Library Systems, \$293.6 million to the MTA, \$110 million to DASNY and \$85 million to HHC for a total of \$753.0 million.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2009 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

TO: Honorable Christine Quinn Speaker
Honorable David Weprin Chairman, Finance Committee

FROM: Preston Niblack, Director Finance Division
Raymond Majewski
Deputy Director/Chief Economist Finance Division

DATE: June 19, 2009

SUBJECT: A Preconsidered Budget Modification (MN-6) for Fiscal 2009 that will appropriate \$438.8 in new revenues. –

INITIATION: By letter dated June 18, 2009, the Director of the Office of Management and Budget submitted to the Council pursuant to section 107(e) of the New York City Charter a request to appropriate \$438.8 million in new revenues, to reduce the general reserve by \$314.3 million and to use these to prepay \$753.0 million in Fiscal 2010 expenses.

BACKGROUND: This modification (MN-6) seeks to recognize \$438.8 million in new revenues and to reduce the general fund by \$314.3 million. These will be used to make prepayments of \$264.4 million to the Library Systems, \$293.6 million to the MTA, \$110 million to DASNY and \$85 million to HI-IC for a total of \$753.0 million.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2009 budget of \$438.8 million.

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 2042:)

Res. No. 2042

Resolution approving a modification pursuant to Section 107(e) of the Charter of the City of New York.

By Council Member Weprin.

Whereas, on June 19, 2009 the Committee on Finance of the City Council received a communication, dated June 18, 2009 from the Mayor's Office of Management and Budget, of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York, attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, the Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2009 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

Exhibit A

June 18, 2009

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new revenues of \$438.8 million in fiscal year 2009.

The \$438.8 million of new revenues and the reduction of the general reserve of \$314.3 million will be used to prepay \$753.0 million of expenses in fiscal year 2010. This includes prepayments of \$264.4 million to the Library Systems, \$293.6 million to the MTA, \$110 million to DASNY, and \$85 million to HHC.

Your approval of modification MN-6 is respectfully requested.

Yours truly,

Mark Page

**Fiscal Year 2009 Modification
MN-6**

035	New York Public Library – Research 001 Lump Sum Appropriation	\$21,128,365
037	New York Library 003 Lump Sum – Borough of Manhattan 004 Lump Sum – Borough of the Bronx 005 Lump Sum – Borough of Staten Island 006 Systemwide Services	22,253,058 21,794,932 9,423,374 43,422,248
038	Brooklyn Public Library 001 Lump Sum	73,954,309
039	Queens Borough Public Library 001 Lump Sum	72,433,471
098	Miscellaneous 002 OTPS (MTA)	293,585,398
099	Debt Service 003 Lease Purchase and City Guar Debt	110,000,000
819	Health and Hospitals Corporation 001 Lump Sum Appropriation	<u>85,019,173</u>
		<u>\$753,014,328</u>

Exhibit B

Exhibit B. Change in Revenues by Revenue Source

Tax and Audit Revenue Changes		
Agency Source	Description	Fiscal 2009
Mayoral	1 Real Property Tax 1st Quarter	13,000,000
Mayoral	2 Real Property Tax 2nd Quarter	6,229,000
Mayoral	3 Real Property Tax 3rd Quarter	(136,947,303)
Mayoral	4 Real Property Tax 4th Quarter	271,718,303
Mayoral	21 Real Estate Tax Refunds	98,000,000
Mayoral	22 Property Tax Rebate	(255,000,000)
Mayoral	26 State Aid School Tax Relief	5,315,000
Mayoral	34 Real Property Tax Lien Sales	(3,000,000)
Mayoral	49 Accrued Real Estate Tax Revenue	20,000,000
Mayoral	50 General Sales Tax	120,000,000
Mayoral	70 Cigarette Tax	(5,600,000)
Mayoral	77 Mortgage Tax	(160,000,000)
Mayoral	88 State Aid Pit Relief Schoolaid	(79,000,000)
Mayoral	90 Personal Income Tax	(478,476,000)
Mayoral	91 Refunds of Personal Income Tax	(7,000,000)
Mayoral	93 General Corporation Tax	26,000,000
Mayoral	94 Refunds of General Corporation Tax	(114,000,000)
Mayoral	95 Financial Corporation Tax	401,000,000
Mayoral	96 Refunds of Financial Corp Tax	9,000,000
Mayoral	99 Unincorporated Business Inc Tax	66,000,000
Mayoral	100 Refunds of Unincorporated Business Tax	6,000,000
Mayoral	103 Utility Tax	17,000,000
Mayoral	110 Payment in Lieu of Taxes	17,097,000
Mayoral	112 Tax on Occupancy Of Hotel Room	(30,000,000)
Mayoral	113 Tx on Commercial Rents - Occup	13,000,000
Mayoral	114 Refunds of All Other Taxes	(6,000,000)
Mayoral	121 Off Track Betting -Surtax	(400,000)
Mayoral	122 Conveyance of Real Property Tx	(87,800,000)
Mayoral	125 Taxi Medallion Transfer Tax	3,300,000
Mayoral	130 Pen & Int-Gen Prop Tax	6,000,000
Mayoral	134 Refunds on Pen & Int-Other Tax	1,100,000
Mayoral	135 Tax Audit Revenue	300,000,000
Mayoral	200 Licenses - General	882,000
Mayoral	470 Other Services and Fees	45,000
Mayoral	476 Administrative Serv to Public	200,000
Mayoral	600 Fines-General	915,000
Mayoral	99996 Tax Increase Program	(77,000,000)
	Tax Revenue Total	(38,422,000)
Unrestricted Aid		
Mayoral	54000 NYC State Per Capita Allocation	85,300,000
	Unrestricted Aid	85,300,000
Miscellaneous Revenues		
Licenses, Franchises, Etc.		
NYPD	200 Licenses - General	400,000
City Clerk	201 Marriage Licenses	110,000
Landmarks	250 Permits General	300,000
DOB	250 Permits General	1,750,000
DOT	250 Permits General	1,000,000

Agency Source	Description	Fiscal 2009
DOITT	320 Franchises - Other	6,176,000
Consumer Aff	320 Franchises - Other	2,000,000
Dept Sanit	325 Privileges - Other	(2,484,000)
DOT	325 Privileges - Other	(1,050,000)
DPR	325 Privileges - Other	(4,971,500)
Charges For Services		
DOHMH	430 Health Services/Fees	184,000
DOI	470 Other Services and Fees	195,000
NYPD	470 Other Services and Fees	2,166,000
NYFD	470 Other Services and Fees	1,100,000
Conflicts of Interests Bd	470 Other Services and Fees	24,500
SBS	470 Other Services and Fees	40,000
HPD	470 Other Services and Fees	15,463,000
DEP	470 Other Services and Fees	1,790,000
DOF	470 Other Services and Fees	(200,000)
DCAS	470 Other Services and Fees	11,000
Consumer Aff	470 Other Services and Fees	(150,000)
PA New York	470 Other Services and Fees	850,000
PA Bronx	470 Other Services and Fees	22,000
DCP	476 Administrative Services to Public	450,000
Dept Sanit	476 Administrative Services to Public	20,000
DCAS	476 Administrative Services to Public	1,831,000
Water and Sewage Charges		
Mayoral	521 Reimbursement from Water Board	(691,303)
Mayoral	522 Payment from Waterboard	(10,792,000)
Fines and Forfeitures		
Law Dept	600 Fines - General	290,000
DOB	600 Fines - General	3,750,000
DOF	600 Fines - General	(9,567,000)
Consumer Aff	600 Fines - General	1,200,000
DOF	602 Fines - Pvd	3,000,000
DEP	603 Fines - ECB	(166,500)
DOF	603 Fines - ECB	4,937,000
DCAS	603 Fines - ECB	11,856,500
DA Bronx	650 Forfeitures - General	107,000
Rental Income		
DPR	755 Rentals - Yankee Stadium	13,001,000
DPR	756 Rentals - Shea Stadium	1,541,000
DOE	760 Rentals - Other	3,000,000
HPD	760 Rentals - Other	289,000
DCAS	760 Rentals - Other	7,031,000
Interest		
Comptroller	56001 Interest Income - Other	38,130,000
DOF	56002 Interest on MAC	(390,000)
Comptroller	56003 Debt Service Interest	(3,960,000)
Other Miscellaneous		
DCAS	817 Mortgage Payments	379,000
BP Manhattan	822 Minor Sales	(135,000)
BP Bronx	822 Minor Sales	(38,000)
BP Queens	822 Minor Sales	(35,000)
BP Staten Island	822 Minor Sales	(246,400)
Dept Correct	822 Minor Sales	12,000
Dept Sanit	822 Minor Sales	8,216
DCAS	822 Minor Sales	1,340,000

Agency Source	Description	Fiscal 2009
Mayoral	846 Awards from Litigation	5,711,000
Law Dept	846 Awards from Litigation	1,450,000
NYPD	847 E-911 Surcharges	(2,300,000)
NYPD	848 Wireless/Cell Phone Surcharges	800,000
Mayoral	859 Sundries	284,546,880
Law Dept	859 Sundries	(600,000)
NYPD	859 Sundries	154,870
Dept Correct	859 Sundries	1,652,000
Dept Aging	859 Sundries	800,000
Landmarks	859 Sundries	1,100,000
SBS	859 Sundries	2,648,470
HPD	859 Sundries	1,100,000
Dept Sanit	859 Sundries	1,273,800
DOF	859 Sundries	25,000
DPR	859 Sundries	(1,438,000)
DCAS	859 Sundries	65,000
DOITT	859 Sundries	4,008,000
Miscellaneous Revenues Total		391,874,533
Grand Total MN #6		438,752,533

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

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

Report for M-1291

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2009-2013, pursuant to Sections 101 and 213 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 321) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1291.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1292

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting Preliminary Expense Budget for Fiscal Year 2010, pursuant to Sections 225 and 236 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 321) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1292.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1293

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting Geographic Reports for Expense Budget for Fiscal Year 2010, pursuant to Sections 100 and 231 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 322) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1293.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1294

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2010, pursuant to Sections 100, 212 and 231 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 322) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1294.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1295

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting Contract Budget Report for Fiscal Year 2010, pursuant to Section 104 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 322) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1295.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1296

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Preliminary Capital Budget, Fiscal Year 2010, pursuant to Section 213 and 236 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 323) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1296.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1297

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Capital Commitment Plan, Fiscal Year 2010, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2008, Financial Summary, pursuant to Section 219 of the New York City Charter.

The Committee on Finance, to which was referred on February 11, 2009 (Minutes, page 323) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1297.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1418

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Executive Budget Supporting Schedules, for Fiscal Year 2010, pursuant to Section 250 of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1761) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1418.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1419

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2010, Volumes I, II and III, pursuant to Section 219(d) of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1761) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1419.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1420

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Executive Budget -Geographic Reports for Expense Budget for Fiscal Year 2010.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1762) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1420.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1421

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Executive Capital Budget Fiscal Year 2010, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 1, 2009 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1762) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1421.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1422

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2010, pursuant to Section 249 of the New York City Charter.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1762) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1422.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

Report for M-1423

Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding submitting the Ten-Year Capital Strategy, Fiscal Year 2010-2019.

The Committee on Finance, to which was referred on May 6, 2009 (Minutes, page 1762) the annexed communication, respectfully

REPORTS:

Since the Budget for FY 2010 is expected to be adopted this evening, the Committee has decided to file this supplementary Budget-related item and thereby remove it from Council's legislative calendar.

Accordingly, Your Committee recommends the filing of M-1423.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, DAVID YASSKY, VINCENT J. GENTILE, JAMES S. ODDO and VINCENT M. IGNIZIO, Committee on Finance, June 19, 2009.

Coupled to be Filed.

**Special Supplement to the Finance Committee reports section:
FY 2010 Budget Disclosures**

FY 2010 BUDGET DISCLOSURES

The following disclosures were made by Council Members pursuant to City conflicts of interest rules. The disclosures were required if the Member, or anyone with whom the Member was associated, was involved with a group for which the Member sought funding. Certain involvements, however, do not require disclosure, including board memberships without a vote (usually ex officio or honorary), advisory board memberships, non-policy making volunteer positions, and ordinary memberships in organizations. Accordingly, such disclosures are not included here. Chart will be updated if necessary.

Disclosing Council Member	Entity Funded	Person Involved with Group and Relationship to Member	Position with Funded Entity
Barron	New York Junior Tennis League	Son	Assistant Coach
Brewer	Hunter College	Self	Lecturer
Brewer	New York Historical Society	Spouse	Tour Guide, Lecturer
Comrie	York College Foundation	Spouse	Administrator at York College (not the Foundation)
Crowley	PS 119	Son	Student
Felder	Yeled V'Yalda Early Education Center, Inc.	Sister	Education Director, Farragut Road Head Start
Gentile	IS 259	Sister	Parent Coordinator
Gonzalez	Maimonides Medical Center	Husband, son and Daughter-in-law	Clerical
Garodnick	Stuyvesant Town Tenants Assoc.	Parents	Tenant
Garodnick	Stuyvesant Town Tenants Assoc.	Self & Wife	Tenant
Katz	York College	Brother	Performing Arts Dept.
Koppell	American Ballet	Sister	Paid Member of Orchestra
Martinez	ARC XVI Fort Washington Senior Center	Sister	Program Aide
Mitchell	PS 30	Wife	Teacher
Recchia	PS 215K	Daughters	Students
Recchia	Mark Twain Middle	Daughter	Student

	School		
Seabrook	John Jay College of Criminal Justice, CUNY	Self	Lecturer

Sears	CSA	Son	Occasional Consultant
Vacca	Queens College/City College of New York	Self	Adjunct Professor
Vacca	PS 304 Bx	Spouse	Teacher
Vann	Black National Leadership Committee on AIDS	Self	Volunteer Board Member
Vann	Medgar Evers College	Daughter	Director, Office for Academic Transformation and Success
Vann	Medgar Evers College	Daughter	Coordinator, College Now Program
Vann	Medgar Evers College	Son-in-law	Graphic Designer
Weprin	Queensboro College	Spouse	Coordinator, Special Events

Supplemental Report of the Committee on Land Use

Report for L.U. No. 1085

Report of the Committee on Land Use in favor of approving Application no. C 090366 PCQ submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68) , for use as an asphalt plant.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1741) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 090366 PCQ

City Planning Commission decision approving an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68), for continued use of an asphalt plant.

INTENT

To authorize the site selection and acquisition of the Grace Asphalt Plant in Queens.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 17, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2043

Resolution approving the decision of the City Planning Commission on ULURP No. C 090366 PCQ (L.U. No. 1085), for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68), Borough of Queens, to facilitate the use of an asphalt plant.

By Council Members Katz and Lappin.

WHEREAS, the City Planning Commission filed with the Council on May 8, 2009 its decision dated May 6, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Transportation and the Department of Citywide Administrative Services, as subsequently amended, for site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68), Community District 7, Borough of Queens (the "Site"), for use as an asphalt plant (ULURP No. C 090366 PCQ) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2009;

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 Negative Declaration issued on July 18, 2008 (CEQR No. 08DOT005Q);

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, Committee on Land Use, June 17, 2009.

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 SUPPLEMENTAL GENERAL ORDERS FOR THE DAY
(Items Coupled on Supplemental General Order Calendar)

- (35) M 1291 -- Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2009-2013. **(Coupled to be Filed).**
- (36) M 1292 -- Preliminary Expense Budget for Fiscal Year 2010. **(Coupled to be Filed).**
- (37) M 1293 -- Geographic Reports for Expense Budget for Fiscal Year 2010. **(Coupled to be Filed).**
- (38) M 1294 -- Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2010. **(Coupled to be Filed).**
- (39) M 1295 -- Contract Budget Report for Fiscal Year 2010. **(Coupled to be Filed).**
- (40) M 1296 -- Preliminary Capital Budget, Fiscal Year 2010. **(Coupled to be Filed).**
- (41) M 1297 -- Capital Commitment Plan, Fiscal Year 2010, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2008, Financial Summary. **(Coupled to be Filed).**
- (42) M-1415 & Res 2034 & Res 2035 - Expense Revenue Contract Budget, for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter **(Budget Resolution).**
- (43) M-1416 & Res 2036 & Res 2037 - Executive Capital Budget for Fiscal Year 2010, pursuant to Section 249 of the New York City Charter **(Budget Resolution).**
- (44) M-1417 & Res 2038 - Proposed City Fiscal Year 2010 Community Development Program, the Proposed CFY'10 Budget, the Proposed Reallocations-the CD XXXV Funds, Proposed CD XXXVI Statement of Objectives and Budget, dated May 1, 2009 **(Community Development Program Budget).**
- (45) M-1418 - Executive Budget Supporting Schedules, for Fiscal Year 2010. **(Coupled to be Filed).**
- (46) M-1419 - Capital Commitment Plan, Executive Budget, Fiscal Year 2010, Volumes I, II and III **(Coupled to be Filed).**
- (47) M-1420 - Executive Budget -Geographic Reports for Expense Budget for Fiscal Year 2010. **(Coupled to be Filed).**
- (48) M-1421 - Executive Capital Budget Fiscal Year 2010, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated

- (49) M-1422 - May 1, 2009. **(Coupled to be Filed).** Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2010. **(Coupled to be Filed).**
- (50) M-1423 - Ten-Year Capital Strategy, Fiscal Year 2010-2019. **(Coupled to be Filed).**
- (51) M-1429 & Res 2039 - Five-year educational facilities capital plan for 2010 – 2014.
- (52) M-1459 -- Recommendations of the interest rate to be charged for Fiscal Year 2010 for non-payment of taxes on real estate, and for non-payment of water and sewer rents.
- (53) M-1465 & Res 2040 - Report of the Committee on Finance in favor of approving a resolution of the Council of the City of New York fixing the tax rate for the Fiscal Year 2010, adopted June 19, 2009 upon the recommendation of the Committee on Finance of the Council **(Tax-Fixing Resolution, June 19, 2009).**
- (54) M-1463 & Res 2041 - Transfer City funds between various agencies in Fiscal Year 2009 to implement changes to the City's expense budget **(MN-5).**
- (55) M-1464 & Res 2042 - Appropriate new revenues of \$438.8 million in Fiscal Year 2009 **(MN-6).**
- (56) Int 992-A - Residency requirements for city employees.
- (57) Int 1009 -- Fees for certain applications, appeals, filings and reviews processed and determined by the board of standards and appeals.
- (58) Int 1010-A -- Exemptions from the payment of fees for fire department permits, inspections and performance tests. **(with Message of Necessity requiring affirmative vote of at least two-thirds of the Council for passage)**
- (59) Int 1011 -- Agreements concerning performance of agency administrative functions.
- (60) Int 1012 - Tax on the occupancy of hotel rooms.
- (61) Int 1026 - Administration of the senior citizen rent increase exemption program.
- (62) Res 2013 - Establish that the discount rate for the prepayment of real estate taxes be set at 1.5% per annum for Fiscal Year 2010.
- (63) Res 2014 - Establish that the interest rate be 9% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.
- (64) Res 2015 - Establish that the interest rate be 18% per annum for Fiscal Year 2010 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.
- (65) Res 2016 - Establish that the interest rate to be charged for Fiscal Year 2010 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.
- (66) Res 2031 - Computing and Certifying Base Percentage, Current Percentage and Current Base Proportion of Each Class of Real Property for Fiscal 2010

- to the State Board of Real Property Services.
- (67) **Res 2032 -** Computing and Certifying Adjusted Base Proportion of Each Class of Real Property for Fiscal 2010 to the State Board of Real Property Services.
- (68) **Res 2033 -** Approving the new designation and changes in the designation of certain organizations to receive funding (**Transparency Resolution, June 19, 2009**).
- (69) **L.U. 1085 & Res 2043 --** App. C **090366 PCQ** acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68) , for use as an asphalt plant.

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, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-1415 & Res No. 2034 & Res No. 2035 (Expense-Revenue-Contract Budget Resolution)**:

Affirmative – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

Negative – Gioia – **1**.

The following was the vote recorded for **M-1429 & Res No. 2039**:

Affirmative – Arroyo, Baez, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gioia, Gonzalez, Ignizio, James, Katz, Koppell, Lappin, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **42**.

Negative – Avella, Barron, Gerson, Jackson, Liu, Martinez, Reyna, and Vann – **9**.

The following was the vote recorded for **Int No. 992-A**:

Affirmative – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, DeBlasio, Dickens, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

Negative – Dilan – **1**.

The following was the vote recorded for **Int No. 1009**:

Affirmative – Arroyo, Avella, Baez, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) – **44**.

Negative – Barron, Fidler, Ignizio, Mendez, Mitchell, Oddo, and Ulrich – **7**.

The following was the vote recorded for **Int No. 1010-A**:

Affirmative – Arroyo, Avella, Baez, Brewer, Comrie, Crowley, DeBlasio, Dickens, Dilan, Eugene, Felder, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Martinez, Mealy, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Rivera, and the Speaker (Council Member Quinn) – **44**.

Negative – Barron, Fidler, Ignizio, Mendez, Mitchell, Oddo, and Ulrich – **7**.

At this point, the President Pro Tempore (Council Member Rivera) made the following declaration:

I now formally declare
the Executive Expense-Revenue-Contract Budget;
the Executive Capital Budget for the Fiscal Year 2010;
and the Capital Program for the three succeeding fiscal years;
all as modified;
and all in accordance with the relevant sections
of the New York City Charter;
as hereby adopted
on this date of June 19, 2009 at 6:17 p.m.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 992-A, 1009, 1010-A, and 1011.

SUPPLEMENTAL INTRODUCTION AND READING OF BILLS

Res. No. 2030

Resolution calling upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, and gynecologists.

By Council Members Crowley, Arroyo, Fidler, Liu, Stewart and Weprin.

Whereas, Throughout the United States, medical liability insurance premiums have risen significantly for certain types of physicians over the past decade; and

Whereas, In March of 2003, New York State was one of twenty-three states declared to be a medical liability insurance “crisis” state by the American Medical Association; and

Whereas, Hospitals in downstate New York City have seen a 147 percent cumulative increase in the cost of liability premiums between 1999 and 2004; and

Whereas, One field of medical professionals that saw their malpractice rates rise are obstetricians and gynecologists (ob-gyns) who have particular expertise in pregnancy, childbirth, and disorders of the reproductive system and provide medical and surgical care to women, including preventive care, prenatal care, detection of sexually transmitted diseases, pap test screening and family planning; and

Whereas, The medical liability insurance crisis has made it difficult for ob-gyn physicians to find or afford medical liability insurance and has forced some ob-gyn physicians to cut back on the scope of their business; and

Whereas, Ob-gyn physicians are most commonly sued as a result of brain damage to infants, specifically in the occurrence of cerebral palsy, however 90 percent of cerebral palsy cases are not influenced by obstetrical interventions; and

Whereas, The liability crisis has forced many ob-gyn physicians to take drastic steps, including leaving New York State and providing their services in a state with lower liability premiums; and

Whereas, Since 2003, 8.7 percent of ob-gyn physicians in New York State have stopped practicing obstetrics, 12.6 percent have decreased the number of deliveries they perform as a result of high medical liability premiums, and 66.3 percent have made one or more changes to their practice due to the affordability and/or availability of professional liability coverage; and

Whereas, In 2007, ob-gyn physicians paid the fourth-highest amount for medical malpractice insurance in the nation, according to the Medical Liability Monitor; and

Whereas, The insufficient number of available ob-gyn physicians willing to perform necessary procedures has sometimes forced women to travel longer distances to find a doctor, created longer waiting periods for appointments, and has led some patients to believe physicians devote less time to their appointments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, and gynecologists.

Referred to the Committee on Health

Res. No. 2044

Resolution calling upon the New York City Rent Guidelines Board not to approve any rent increase for rent-stabilized apartments due to the state of the economy during the next “rent year” beginning on October 1, 2009.

By Council Members de Blasio, Brewer, Nelson and Palma.

Whereas, The Rent Guidelines Board (RGB) voted on May 5, 2009 to give preliminary approval to rent increases for rent-stabilized apartments in a range of 2 percent to 4.5 percent for one-year leases and 4 percent to 7.5 percent for two-year leases; and

Whereas, The Rent Guidelines Board, since its inception in 1969, has never granted a rent freeze; and

Whereas, New York City’s housing stock is predominantly renter-occupied; and

Whereas, According to the 2008 *Housing and Vacancy Survey* (HVS), approximately 47.9 percent of the rental stock is rent-stabilized; and

Whereas, New York City continues to face a housing crisis, with the 2008 HVS reporting a Citywide vacancy rate of only 2.88 percent; and

Whereas, The 2008 *Housing and Vacancy Survey* reveals that the median household income in rent-stabilized units is \$36,000 per year, which is \$14,000 less than the median household income in unregulated, market-rate rental apartments, and \$34,000 less than median household income in owner-occupied units; and

Whereas, The 2008 HVS further reports that 29.4 percent of households in New York pay more than 50 percent of their household income for rent and utilities; and

Whereas, New Yorkers are facing rising expenses, such as a subway fare increase, and proposed increases in tuition and fees at the City University of New York; and

Whereas, The Rent Guidelines Board, in its 2009 *Income and Affordability Study*, acknowledges that the New York City economy is not in good shape, with a stagnant Gross City Product for 2008, and an increased unemployment rate of 5.5 percent, up from 4.9 percent in 2007; and

Whereas, The Consumer Price Index (CPI), which measures the change in the cost of typical household goods, increased 3.9% during 2008 versus 2.8% during 2007; and

Whereas, The rise in the CPI signifies a sharp rise in the rate of inflation and coupled with the rise in unemployment indicates that rent-stabilized tenants are having a hard time making ends meet in these tough economic times; and

Whereas, The Rent Guidelines Board is scheduled to take its final vote on June 23; and

Whereas, By instituting a rent freeze the RGB would provide a helping hand to rent-stabilized tenants and act as a stimulus for the New York City economy; now, therefore; be it

Resolved, That the Council of the City of New York calls upon the New York City Rent Guidelines Board not to approve any rent increase for rent-stabilized apartments due to the state of the economy during the next “rent year” beginning on October 1, 2009.

Referred to the Committee on Housing and Buildings

Int. No. 1029

By Council Members Fidler, Brewer and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use and sale of software for GPS systems that can alert drivers to red-light cameras or police check points.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is amended by adding a new section 10-168 to read as follows:

§10-168 Prohibition on the use and sale of certain software for GPS systems. a. For the purposes of this section, “GPS” shall mean a global positioning system that uses satellites to transmit information to receivers in motor vehicles to identify specific locations in a geographic area.

b. It shall be unlawful for any person to use any software for GPS systems that is capable of alerting and informing the user as to the location of a red-light camera or the location of a police checkpoint.

c. It shall be unlawful for any person to sell, offer or display for sale, or cause any other person to sell, offer or display for sale any software for GPS systems that is capable of alerting and informing the user as to the location of a red-light camera or the location of a police checkpoint.

d. (1) Any person who violates subdivision b of this section shall be liable for a fine of one hundred dollars.

(2) Any person who violates subdivision c of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for the first violation, not less than one thousand dollars nor more than two thousand five hundred dollars for the second violation and not less than two thousand five hundred dollars nor more than five thousand dollars for the third and each subsequent violation.

(3) Each sale, offer or display for sale of software for GPS systems in violation of subdivision c of this section shall be deemed a separate violation and a separate civil penalty shall be imposed for each such violation. A proceeding to recover any civil penalty pursuant to section c shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer affairs.

e. The provisions of this section shall be enforced by the police department and the department of consumer affairs.

§2. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Consumer Affairs

Int. No. 1030

By Council Members Vallone Jr., Jackson, Fidler, Nelson, Stewart, Weprin and Gennaro (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of etching acid legislation.

Be it enacted by the Council as follows:

Section 1. Section 20-616 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-616 Penalties. 1. Any person who violates the provisions of this [section] subchapter shall be guilty of a violation punishable by a fine of not less than one hundred dollars and not more than two hundred fifty dollars.

2. Any person violating this [section] subchapter shall be subject to a civil penalty of not less than one hundred dollars and not more than two hundred fifty dollars. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department.

3. Any person who subsequently violates this [section] *subchapter* within a period of one year of the date of the first violation shall be guilty of a violation, punishable by a fine of not less than five hundred dollars.

§2. This local law shall take effect on the same date that local law number 30 for the year 2009 takes effect.

Referred to the Committee on Consumer Affairs

Res. No. 2031

Resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2010 to the State Board of real property services pursuant to Section 1803-a of the Real Property Tax Law.

By Council Member Weprin.

Whereas, on February 23, 2009, the State Board of Real Property Services (the "SBRPS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, required by Article 18 of the Real Property Tax Law; and

Whereas, Section 1803-a (1) of the Real Property Tax Law, requires the Council to compute and certify, to the SBRPS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, pursuant to Section 1212 of the Real Property Tax Law; and

Whereas, Section 1803-a(1)(c) of the Real Property Tax Law requires that if any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion for such class of property shall exceed five percent, such excess over five percent must be shifted to any other class of property; and

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2010. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2010 assessment rolls as shown on SBRPS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPS after the date on which the SBRPS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2010 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: the "CBP Certificate"

SECTION III		SECTION IV		SECTION I		SECTION II	
Class	2008 Taxable Assessed Value (J)	2008 Class Equalization Rate (K)	Estimated Market Value (L)	1989 Taxable Assessed Value (A)	1989 Class Equalization Rate (B)	1990 Change in Assessed Value (D)	Change in Taxable Assessed Value (E)
1	\$14,574,716,769	3.70	\$393,911,264,027	\$7,995,107,684	9.10	\$19,169,173,444	\$228,360,245
2	46,905,417,292	29.00	161,742,818,218	19,169,173,444	45.84	7,366,591,774	1,095,272,246
3	9,589,112,903	45.00	21,309,137,784	7,366,591,774	37.98	35,523,026,877	329,398,302
4	62,909,170,464	37.25	168,883,679,098	35,523,026,877	39.69	\$20,053,899,279	0
Total	\$133,978,417,428		\$745,846,901,157				

Class	Local Base Proportion (N)	Updated Local Base Proportion (M)	Prospective Current Base Proportion (O)	Adjusted Base Proportion Used for Prior Tax Levy (P)	Percent Difference Between Prior Year Adjusted Base Proportion and Prospective Current Base Proportion ((P)-(M))*100 (R)	Maximum Current Base Proportion (Q = 1.05) (S)	Current Base Proportions for 2009 Roll (T)
1	10.9181	15.3506	18.4831	14.9557	23.58566	15.7035	15.7035
2	25.7608	31.9437	38.4622	37.2143	3.35328	39.0750	38.4622
3	10.3385	4.4868	5.4024	7.3186	-26.18260	7.6845	6.8756
4	52.9826	31.2710	37.6523	40.5114	-7.05752	42.5370	38.9587
Total	100.0000	83.0521	100.0000	100.0000		100.0000	100.0000

Class	1989 Taxable Assessed Value (A)	1989 Class Equalization Rate (B)	Estimated Market Value (C)	1990 Change in Assessed Value (D)	Change in Taxable Assessed Value (E)	1990 Change in Level of Assessment Factor for Special Assessing Unit Class (F)	Adjusted Market Value (G)	Base Percentage (H/Sum of H)*100 (I)
1	\$7,995,107,684	9.10	\$87,888,326,198	\$19,169,173,444	\$228,360,245	1.0149	\$90,118,255,366	37.5640
2	19,169,173,444	45.84	41,817,568,595	7,366,591,774	1,095,272,246	1.0952	41,955,744,698	17.4884
3	7,366,591,774	37.98	19,395,976,235	35,523,026,877	329,398,302	0.9738	15,793,294,995	6.8331
4	35,523,026,877	39.69	89,501,201,504	\$20,053,899,279	0	1.1086	92,038,843,371	38.3645
Total			\$238,823,072,532				\$239,206,138,420	

Adopted by the Council (preconsidered and approved by the Committee on Finance).

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on June 19, 2009 base percentages, current percentages and current base proportions as set forth herein for the assessment roll and portion identified above.

Res. No. 2032

Resolution computing and certifying adjusted base proportion of each class of real property for Fiscal 2010 to the state board of Real Property Services pursuant to Section 1803-a of the Real Property Tax Law.

By Council Member Weprin.

Whereas, on May 29, 2009, pursuant to Section 1514 of the Charter of the City of New York, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for the fiscal year beginning on July 1, 2009 and ending on June 30, 2010 ("Fiscal 2010"), a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2010 Assessment Rolls"); and

Whereas, pursuant to Section 1803-a (1) of the Real Property Tax Law the Council adopts herewith a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2010 (the "Current Base Proportion Resolution"); and

Whereas, Section 1803-a (5) of the Real Property Tax Law requires the Council, subsequent to the filing of the final Fiscal 2010 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2010 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, within five (5) days upon determination of the Adjusted Base Proportions, Section 1803-a (6) of the Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Services ("SBRPS"), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2010 Assessment Rolls resulting from the additions to or removals from the Fiscal 2010 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2010 Assessment Rolls resulting from changes other than those referred to above;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2010. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2010 Assessment Rolls resulting from the additions to or removals from the Fiscal 2010 Assessment Rolls as described in Section 1803-a (5), Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2010 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: the "ABP Certificate"

EXHIBIT A

STATE BOARD OF REAL PROPERTY SERVICES
(Formerly State Board of Equalization and Assessment)
16 Sheridan Avenue, Albany, NY 12210-2714

Certificate of Adjusted Base Proportions Pursuant to Article 18, RPTL,
for the 2009 Assessment Roll

Special Assessing Unit: _____
Check One to Identify Portion: County _____, City _____, Town _____, Village _____, School District _____, Special District _____
Name of Portion: _____
Reference Roll: 2008 _____; Levy Roll: 2009 _____

RP-6702 (1/95) (Formerly EA-6702)

EXHIBIT A

SECTION II
Computation of Portion Class Adjustment Factor

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assessment	(M) Total Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
1	15,155,941,182	\$14,713,820,309	\$0	\$14,713,820,309	\$14,574,716,769	1.00954
2	49,691,515,708	48,100,961,223	0	48,100,961,223	46,905,317,292	1.02549
3	2,095,174,439	2,137,673,526	7,967,299,356	10,104,972,882	9,589,112,903	1.05380
4	67,713,490,810	63,486,377,347	0	63,486,377,347	62,909,170,464	1.00918

SECTION III
Computation of Adjusted Base Proportions

Class	(P) Current Base Proportions	(Q) Current Base Proportions Adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/SUM of Q)*100
1	15,7035	15,8533	15.5642
2	38,4622	39,4426	38.7232
3	6,8756	7,2455	7.1133
4	38,9587	39,3164	38.5993
Total	100,0000	101,8578	100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on June 19, 2009 the adjusted base proportions and the data, procedures and computations used to determine the adjusted base proportions as set forth herein for the assessment roll and portion identified above.

Signature _____
Title _____
Date _____

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases Between Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases Between Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
1	\$15,643,675,338	\$193,469,180	\$57,126,310	\$136,342,870	\$15,586,549,028
2	56,911,996,387	2,551,375,338	1,083,494,522	1,467,880,816	55,828,501,865
3	2,777,486,129	144,666,990	167,349,960	(22,682,970)	2,610,136,169
4	68,845,371,551	2,389,028,378	1,292,982,993	1,096,045,385	67,552,388,538

Class	(F) Total Assessed Value of Equalization Increases Between Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases Between Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)-1
1	\$559,362,938	\$91,025,381	\$468,337,557	1.030048
2	3,531,857,435	1,705,795,944	1,826,061,491	1.033067
3	46,612,800	98,504,595	(51,891,795)	0.980119
4	5,352,561,501	854,713,144	4,497,848,357	1.066583

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 2033

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2009 Expense Budget.

By Council Member Weprin.

Whereas, On June 29, 2008, the Council of the City of New York (the “City Council”) adopted the Fiscal 2009 Expense Budget with various programs and initiatives (the “Adopted Fiscal 2009 Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2009 Budget by approving the new designation; now, therefore, be it

RESOLVED, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organization receiving youth discretionary funding as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence Empowerment Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative, as set forth in Chart 5 attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Neighborhood Youth Alliance Street Outreach Initiative within the Department of Youth and Community Development, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discharge Planning/In-Detention Services Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 10, attached hereto as Exhibit J.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of Exhibits, please see the Attachment to Res No. 2033 printed in the Report of the Committee on Finance for Res No. 2033 in these Minutes).

L.U. No. 1127

By Council Member Katz:

Application no. C 090303 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.6a.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1128

By Council Member Katz:

Application no. 20095663 pursuant to section 1301 (2) (f) of the New York City Charter concerning the proposed lease amendment for the Howland Hook Marine Terminal between the Department of Small Business Services and the Port Authority of New York and New Jersey..

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 1129

By Council Member Katz:

Application no. 20095462 SCQ, a proposed site for the Middle College High School, (Block 249, Lot 1), Council District No. 26, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime use.

L.U. No. 1130

By Council Member Katz:

Application no. 20095685 SCK, a proposed site for the All City Leadership Secondary School with approximately 400 students, (Block 3344, Lot 16), Council District No. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime use.

L.U. No. 1131

By Council Member Katz:

Application no. 20095673 HAM submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption located at 21 Avenue C, Council District no. 2, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1132

By Council Member Katz:

Application no. 20095674 HAM submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption located at 209 East 7th Street, Council District no. 2, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1133

By Council Member Katz:

Application no. 20095675 HAK, an Urban Development Action Area Project known as Van Siclen Warwick, located in Community Board 5, Council District no. 37, Borough of Brooklyn.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Monday, June 22, 2009

Committee on **IMMIGRATION** jointly with the
Committee on **HEALTH** and
Committee on **PUBLIC SAFETY** and
Committee on **WOMEN’S ISSUES** **1:00 P.M.**
Oversight - How Can New York City Better Address Sexual and Domestic Violence Against Immigrant Women?
Council Chambers – City Hall Kendall Stewart, Chairperson
..... Joel Rivera, Chairperson
..... Peter Vallone, Chairperson
..... Darlene Mealy, Chairperson

★ *Note Time and Location Change*
Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES**..... ★ **2:00 P.M.**
Oversight - Mental Health Clinic Reimbursement Restructuring
★ Committee Room – City G. Oliver Koppell, Chairperson

Tuesday, June 23, 2009

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall
Committee Room – City Hall Tony Avella, Chairperson

★ *Note Topic Addition*
Committee on **CONSUMER AFFAIRS****10:00 A.M.**
Int 995 - By Council Member Garodnick, the Speaker (Council Member Quinn) and Council Members Comrie, Jackson, Brewer, Dickens, Fidler, James, Liu, Mealy, Nelson, Reyna, Sanders Jr. and Stewart - A Local Law to amend the administrative code of the city of New York, in relation to disclosure of tenant screening reports.
★ Int 1030 - By Council Member Vallone (in conjunction with the Mayor) – A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of etching acid legislation.
Council Chambers – City Hall.....Leroy Comrie, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall
Committee Room – City HallJessica Lappin, Chairperson

★ *Note Location Change*
Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Thursday, June 18, 2009, in Room 5 City Hall
★ Hearing Room – 250 Broadway, 16th FloorDaniel Garodnick, Chairperson

Committee on **SMALL BUSINESS** **1:00 P.M.**
Oversight – Using Workforce Development as a Tool to Diversify the Economy

Hearing Room – 250 Broadway, 14th Floor David Yassky, Chairperson

★ *Deferred*
Committee on **TRANSPORTATION**.....**1:00 P.M.**
~~Agenda to be announced~~
Council Chambers – City Hall..... John C. Liu, Chairperson

★ *Note Location Change*
Committee on **COMMUNITY DEVELOPMENT** **1:00 P.M.**
Oversight - Access to Fresh Food in NYC Neighborhoods and Associated Health, Economic, and Community Impacts
★ Committee Room – City Hall Albert Vann, Chairperson

Wednesday, June 24, 2009

★ *Deferred*
Committee on **EDUCATION****10:00 A.M.**
~~Agenda to be announced~~
Council Chambers – City Hall Robert Jackson, Chairperson

Committee on **PARKS AND RECREATION****10:00 A.M.**
Oversight - Update on Community Gardens
Preconsidered Int____ - By (The Speaker) Council Member Quinn and Council Members Arroyo, Barron, Comrie, Crowley, de Blasio, Dickens, Gentile, Gerson, Martinez, Mitchell, Recchia, Jr., Rivera, Sanders, Jr., Sears, Ulrich, and Weprin - A Local Law - In relation to the naming of 41 thoroughfares and public places, Police Officer Deon Taylor Way, Borough of the Bronx, Sgt. Kimel L. Watt Way, Borough of Brooklyn, Run DMC Way, Borough of Queens, Nancy Cataldi Way, Borough of Queens, Frederick T. Haller, Jr. Way, Borough of Queens, Frank J. Verderame Way, Borough of Brooklyn, Sugar Ray Robinson Way, Borough of Manhattan, James Weldon Johnson Plaza, Borough of Manhattan, Robert M. Buonvino Place, Borough of Brooklyn, Frank Durkan Way, Borough of Manhattan, Dr. Thomas Tam Way, Borough of Manhattan, Professor Juan Bosch Way, Borough of Manhattan, Mr. Joe Marotta Way, Borough of Staten Island, John A. Nappi Flag Way, Borough of Staten Island, Sgt. Kenneth C. Amatrudo Way, Borough of Staten Island, James “Skippy” Prior Way, Borough of Staten Island, Jimmy O’ Hanlon Way, Borough of Staten Island, NYPD Sgt. Ned Thompson Way, Borough of Staten Island, Lisa Moudatsos Way, Borough of Staten Island, Pfc. Ronald Jones Way, Borough of Staten Island, Police Officer Gerard L. Carter Avenue, Borough of Staten Island, Monsignor John T. Servodidio Way, Borough of Staten Island, Arielle Newman Run, Borough of Staten Island, Firefighter Bobby Beddia Way, Borough of Manhattan, Robert “Mr. Lou” Williams Way, Borough of Brooklyn, Thomas L. Guess Place, Borough of the Bronx, Hector Lavoe Boulevard, Borough of the Bronx, Henry McKenzie Place, Borough of the Bronx, Donnette and Sean Sanz Place, Borough of the Bronx, Vincent Jackson Way, Borough of the Bronx, Rev. James B. Staggers Place, Borough of the Bronx, PFC Le Ron A. Wilson, Borough of Queens, Corporal Jonathan Rivadeneira Corner, Borough of Queens, Judge Ralph Sherman Way, Borough of Queens, Major Jeffery Ray Calero Way, Borough of Queens and renaming six thoroughfares in the Borough of Queens, 163rd Road, 163rd Drive, 164th Avenue, 164th Road, 164th Drive, 165th Avenue and to amend the official map of the city of New York accordingly and the repeal of sections 36 and 38 of local law number 64 for the year 2008 and local law number 54 for the year 2008.

Res 1890 - By Council Members Foster, Barron, Jackson and James - Resolution calling on the Department of City Planning, pursuant to New York City Charter section 197-c, to commence the process to change the official New York City Map to designate Parks Department GreenThumb Community Gardens as City Parks.
Committee Room – City HallHelen Foster, Chairperson

★ *Deferred*
Committee on **TECHNOLOGY IN GOVERNMENT**.....**10:00 A.M.**
~~Int 991 – By Council Member Brewer, Lappin, Gonzalez, James and Liu – A Local Law to amend the administrative code of the city of New York, in relation to creating open data standards.~~
Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★ *Deferred*
Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**
~~Agenda to be announced~~
Council Chambers – City Hall Erik Martin Dilan, Chairperson

Committee on **GENERAL WELFARE**..... **1:00 P.M.**
Oversight - DHS’ Implementation of the Family Income Contribution Requirement and Client Conduct and Responsibility Procedure
Res 2002 - By The Speaker (Council Member Quinn) and Council Member de Blasio - Resolution calling on the New York State Legislature to pass legislation

such as S. 5605/A.8353-A, which would amend the social services law, in relation to financial contributions by recipients of temporary housing assistance.
Hearing Room – 250 Broadway, 14th Floor Bill de Blasio, Chairperson

★ *Deferred*
Committee on **ECONOMIC DEVELOPMENT**.....**1:00 P.M.**
Agenda to be announced
Committee Room – City Hall Thomas White, Chairperson

★ *Deferred*
Committee on **ENVIRONMENTAL PROTECTION**.....**1:00 P.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor..... James F. Gennaro, Chairperson

Thursday, June 25, 2009

★ *Addition*
Committee on **CONTRACTS**.....**10:00 A.M.**
Res 1977 - By Council Members Comrie, Seabrook, Dickens, Fidler, Gonzalez, Mealy, Reyna and Sanders Jr. - Resolution calling upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid.
Hearing Room – 250 Broadway, 14th Floor Letitia James, Chairperson

Committee on **LAND USE**.....**10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall Melinda R. Katz, Chairperson

★ *Deferred*
Committee on **PUBLIC SAFETY**.....**10:00 A.M.**
Agenda to be announced
Council Chambers – City..... Peter Vallone, Chairperson

★ *Deferred*
Committee on **HEALTH**.....**1:00 P.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor Joel Rivera, Chairperson

★ *Deferred*
Committee on **CIVIL SERVICE AND LABOR**.....**1:00 P.M.**
Agenda to be announced
Committee Room – City Hall Miguel Martinez, Chairperson

★ *Addition*
Committee on **ECONOMIC DEVELOPMENT**..... **1:00 P.M.**
Int 890 - By Council Members White Jr., Comrie, James and Palma - A Local Law to amend the administrative code of the city of New York, in relation to regionally significant projects and empire zones.
Committee Room – City Hall Thomas White, Chairperson

Friday, June 26, 2009

★ *Addition*
Committee on **ENVIRONMENTAL PROTECTION**.....**10:00 A.M.**
Proposed Int 476-A - By Council Members Mark-Viverito, Recchia Jr., Avella, Brewer, Fidler, Gentile, James, Liu, Martinez, Nelson, Seabrook, Weprin, White Jr., Garodnick, Lappin and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to benchmarking the energy and water efficiency of buildings.
Proposed Int 564-A - By Council Members Garodnick, Brewer, Fidler, Gonzalez, James, Koppell, Martinez, Sanders Jr., Seabrook, Weprin, White Jr., Gerson, Lappin. and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to establishing a New York city energy code.
Int 967 - By Council Members Gennaro, Brewer, Comrie, Dickens, Fidler, Garodnick, Gioia, James, Koppell, Lappin, Martinez, Mitchell, Palma, Recchia Jr., Reyna, Rivera, Stewart Weprin, Nelson, Liu and Yassky - A Local Law to amend

the administrative code of the city of New York, in relation to requiring energy audits, retro-commissioning and retrofits of building systems.

Int 973 - By Council Members Recchia, Jr., Comrie, Dickens, Fidler, Garodnick, Gioia, James, Lappin, Martinez, Mitchell, Nelson, Reyna, Rivera, Stewart, Liu and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in existing buildings greater than 50,000 gross square feet.

Council Chambers – City Hall James Gennaro, Chairperson

★ *Addition*
Committee on **LOWER MANHATTAN REDEVELOPMENT****10:00 A.M.**
Oversight - Update on Rebuilding of the World Trade Center Site
Committee Room – City Hall Alan Gerson, Chairperson

★ *Addition*
Committee on **GOVERNMENTAL OPERATIONS** **2:00 P.M.**
Int 1022 - By Council Member Oddo - A Local Law to provide for the establishment of a panel on regulatory review.
Res 1891 - By Council Members Ignizio, Sears and Oddo - Resolution calling upon the New York State Legislature to pass Bill No. A06138, which would authorize the City of New York to privately sell certain property that cannot be independently developed.
Committee Room – City Hall Helen Sears, Chairperson

Monday, June 29, 2009

★ *Addition*
Committee on **CONSUMER AFFAIRS****10:00 A.M.**
Preconsidered Int____ - By the Speaker (Council Member Quinn) - A Local Law - To amend the administrative code of the city of New York, in relation to pedicab licensing.
Council Chambers – City Hall Leroy Comrie, Chairperson

Committee on **PUBLIC SAFETY** **10:00 A.M.**
Proposed Int 960-A - By Council Members Koppell, Felder, Garodnick, Brewer, James and Stewart - A Local Law to amend the administrative code of the city of New York, in relation to mandating bullet-resistant barriers and necessary security inside bank buildings.
Committee Room – City Hall Peter F. Vallone Jr., Chairperson

★ *Addition*
Committee on **AGING** **12:30 P.M.**
Proposed Res 1783-A - By Council Members Nelson, Avella, Comrie, Felder, Fidler, Foster, Gerson, Jackson, James, Koppell, Mealy, Seabrook, White Jr., Brewer, Barron, Gentile, Stewart, Liu, Gonzalez, Yassky, Baez, Arroyo, Vacca, Mark-Viverito, Palma and the Public Advocate (Ms. Gotbaum) - Resolution calling upon the United States Congress to pass and the President to sign H.R. 1670/S.683, legislation known as “The Community Choice Act,” which would reduce reliance by senior citizens and persons with disabilities on nursing home care by increasing their access to community-based services.
Hearing Room – 250 Broadway, 16th Floor ..Maria del Carmen Arroyo, Chairperson

★ *Addition*
Committee on **SMALL BUSINESS** **1:00 P.M.**
Proposed Int 847 - A - By Council Members Jackson, Barron, Foster, James, Liu, Mark-Viverito, Martinez, Monserrate, Seabrook, Vann - A LOCAL LAW - o amend the administrative code of the city of New York, in relation to creating a small business lease program for establishing an environment for fair negotiations in the commercial lease renewal process in order to determine reasonable lease terms.
Council Chambers – City Hall David Yassky, Chairperson

★ *Addition*
Committee on **TECHNOLOGY IN GOVERNMENT** **1:00 P.M.**
Int 991 - By Council Member Brewer, Lappin, Gonzalez, James and Liu - A Local Law to amend the administrative code of the city of New York, in relation to creating open data standards.
Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★ *Addition*
Committee on **TRANSPORTATION**..... **1:00 P.M.**
Oversight - MTA Progress in Hardening Subway System against attack
Committee Room – City Hall John C. Liu, Chairperson

Tuesday, June 30, 2009

★ *Addition*

Committee on **RULES, PRIVILEGES & ELECTIONS**11:00 A.M.
M-1433 - Communication from the Mayor - Submitting the name of Burton Lehman to the Council for its advice and consent regarding his appointment to the New York City Conflicts of Interest Board, Pursuant to Section 2602 of the City Charter.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Council Chambers – City Hall..... Diana Reyna, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.

Wednesday, July 1, 2009

★ *Addition*

Subcommittee on **ZONING & FRANCHISES**10:00 A.M.
See Land Use Calendar Available in Room 5 City Hall
Council Chambers – City Hall..... Tony Avella, Chairperson

Whereupon on motion of the Speaker (Council Member Quinn) the President Pro Tempore (Council Member Rivera) declared the Meeting in recess.

THE COUNCIL

*Minutes of the
RECESSED MEETING*

*of
Wednesday, June 10, 2009
held on*

Tuesday, June 30, 2009, 2:25 p.m.

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

Council Members

Christine C. Quinn, Speaker

- | | | |
|-------------------------|-----------------------|-------------------------|
| Maria del Carmen Arroyo | Vincent J. Gentile | James S. Oddo |
| Tony Avella | Alan J. Gerson | Annabel Palma |
| Maria Baez | Eric N. Gioia | Domenic M. Recchia, Jr. |
| Charles Barron | Sara M. Gonzalez | Diana Reyna |
| Gale A. Brewer | Vincent M. Ignizio | Joel Rivera |
| Leroy G. Comrie, Jr. | Robert Jackson | James Sanders, Jr. |
| Elizabeth S. Crowley | Letitia James | Larry B. Seabrook |
| Bill DeBlasio | Melinda R. Katz | Helen Sears |
| Inez E. Dickens | G. Oliver Koppell | Kendall B. Stewart |
| Erik Martin Dilan | Jessica S. Lappin | Eric A. Ulrich |
| Mathieu Eugene | John C. Liu | James Vacca |
| Simcha Felder | Melissa Mark-Viverito | Peter F. Vallone, Jr. |
| Julissa Ferreras | Darlene Mealy | Albert Vann |
| Lewis A. Fidler | Rosie Mendez | David I. Weprin |
| Helen D. Foster | Kenneth C. Mitchell | Thomas White, Jr. |
| Daniel R. Garodnick | Michael Nelson | David Yassky |
| James F. Gennaro | | |

Excused on June 30, 2009: Council Member Martinez.

The presence of a quorum was announced by the City Clerk and Clerk of the Council (Mr. McSweeney).

There were 50 Council Members present at this Recessed Meeting held on June 30, 2009.

The Public Advocate (Ms. Gotbaum) was not present at this Recessed Meeting. The Majority Leader (Council Member Rivera) assumed the chair as the President Pro Tempore and Acting Presiding Officer.

Whereupon on motion of the Speaker (Council Member Quinn), the Clerk of the Council adjourned this Recessed Meeting of June 10, 2009 held on June 30, 2009 in order to immediately open the regularly scheduled Stated Council Meeting of Tuesday, June 30, 2009.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

END OF PART I

