

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

TUESDAY, NOVEMBER 13, 2012

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Tuesday, November 13, 2012, 2:47 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Ignizio, Koppell, Koslowitz, Mark-Viverito, Mendez, Palma, Sanders, and Oddo.

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

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

There is one vacancy in the Council pending the swearing-in of the winner of the Special Election held on Tuesday, November 6, 2012 in the 12th Council District (The Bronx).

There were 42 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Joel A. Gibson, Director of Member & Faith Based Services, Federation of Protestant Welfare Agencies, 281 Park Avenue South, NY, NY 10010

As religious or spiritual
or cultural individuals,
we pause before the work begins
to open ourselves
to that which is beyond us,
before and after us, and always with us.
It is our desire
that this power
be here in our midst,
and what we think, say, and do
may be to a purpose
greater than our own needs
or gratification.
First our thoughts and prayers
Go to all those persons afflicted
by the ravages of Hurricane Sandy.
May we commit ourselves
and do everything humanly possible
to relieve their suffering and pain.
And we give thanks
for our first responders,
and for the thousands of others
who have been, and are
in those places of brokenness,
working to make lives whole again.
While being grateful
for whatever relief we enjoy
or comfort we maintained,
may that same reality be
our disease until all those
harmed by this storm
can have their lives
and livelihoods restored.
Today also we turn
our hearts and minds
to the children of this city.
We have been given no greater charge
or more sacred trust.
Do know that we are also a grateful people
and we lift up our thanks.
We thank you for the numerous
and great resources of this city,
both in material and human form,
that make us rich, though at times
we exploit and lose sight of them.
We thank you for pricking our conscience,
it makes us lay the foundation
for a time of charity and justice,
not tomorrow, but today.
We thank you for setting us
at tasks which demand our best,
and for leading us to accomplishments

which make better
the lives of those we serve.
Be among us in ways that barriers
which divide us may crumble,
suspicions disappear and hatreds cease.
Help us to confront one another
without hatred or bitterness,
and to work together
with mutual forbearance and respect,
that being healed of our divisions
we may live in justice and peace.
And finally, may you help us
finish the good work here begun,
strengthen our efforts
to blot out ignorance and prejudice,
to abolish poverty and the sense of want.
Enable those who are elected servants
of all the citizens of this great city
to be willing to listen
and learn and then lead,
and hasten the day when all of us,
with many voices in one united chorus
will affirm our commitment
to the proclamation that all
your children are all one family,
in need of each other.
Amen.

At this point, Council Member Chin moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn), asked all those assembled to rise in a Moment of Silence to remember those who were impacted by Hurricane Sandy; to remember the 113 people in the region, including more than 40 New Yorkers, who had lost their lives; to remember those who are still suffering due to their lost homes and businesses; to remember those who still do not have heat or power; and, the Speaker (Council Member Quinn) continued, to send out much strength, patience and fortitude to those Council Members who themselves who were impacted as well as their families and homes, along with their suffering constituents.

At this point, the Speaker (Council Member Quinn) thanked the Council Members and their staffs for their tireless work, commitment, and leadership during the relief and recovery effort. She also thanked all the Council central staff who helped in this relief and recovery effort, in particular, Edgar Moya, Walter Algarin, Howard Pollack and Ramon Martinez, who staffed the Council's OEM efforts during this crisis.

During this section of the Meeting, the Speaker (Council Member Quinn) congratulated Council Member Ulrich and his wife on the birth of their daughter Lily.

ADOPTION OF MINUTES

Council Member Reyna moved that the Minutes of the Stated Meeting of September 24, 2012 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-940

Communication from the Mayor Withdrawing the name of Nicholas Scoppetta (M 908) from consideration at this time for his appointment to the New York City Conflicts of Interest Board.

November 8, 2012

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

Dear Speaker Quinn:

For scheduling reasons, I hereby request the name of Nicholas Scoppetta, a candidate for appointment to the Conflicts of Interest Board, be withdrawn at this time from consideration by the City Council. I very much look forward to resubmitting his name in the near future.
Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-941

Communication from the Office of Management & Budget – Proposed FY 2013 Appropriation Changes Pursuant to Section 216 of the City Charter.

November 9, 2012

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 216 of the New York City Charter, your approval is requested to amend the Fiscal Year 2013 Capital Budget as detailed in the attached Schedule A.

Very truly yours,

Mark Page

SCHEDULE A			
PROPOSED FY 2013 APPROPRIATION CHANGES PURSUANT TO SECTION 216 OF THE CITY CHARTER			
BUDGET LINE	TITLE	2013	
EDUCATION			
E-2500	(NEW PROJECT)		
	SCHOOL FACILITIES: CONSTRUCTION, RECONSTRUCTION, IMPROVEMENTS, INCLUDING THE PURCHASE OF VEHICLES AND EQUIPMENT, AS A RESULT OF HURRICANE SANDY AND OTHER DISASTERS, CITYWIDE		
		(CN)	200,000,000
HEALTH AND HOSPITALS CORPORATION			
HO-214	ALL BUILDINGS, ALL BOROUGHs, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, MODERNIZATION, FIRE PREVENTION AND ELEVATOR REPLACEMENTS (INCLUDING COMMUNITY MENTAL HEALTH FACILITIES PREVIOUSLY LISTED AS PROJECT MH-36), FOR THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION		
	ELIMINATE	(CN)	0
	SUBSTITUTE	(CN)	300,000,000

Referred to the Committee on Finance.

M-942

Communication from the Office of the Public Advocate – Submitting the Annual Report of Activities for the Office of the Public Advocate.

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

Received, Ordered, Printed and Filed.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Res. No. 1570

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for fiscal 2013 to the state board of real property services pursuant to section 1803-a, real property tax law.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, respectfully

REPORTS:

Introduction. The above-captioned resolution completes the certification procedure required by Section 1803-a, Real Property Tax Law, to establish the class shares used in levying the real property taxes for the adopted Fiscal 2013 budget.

On June 28, 2012, the Council adopted a resolution computing and certifying the current base proportions for Fiscal 2013 (the "CBP Resolution"). After the adoption of the CBP Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 1.5 percent, which altered the calculations contained in the CBP Resolution. Pursuant to this amendment to state law, the Council adopted a resolution on November 13, 2012, restating the CBP Resolution. On June 28, 2012, the Council also adopted a resolution computing and certifying the adjusted base proportion of each class of real property for Fiscal 2013 (the "ABP Resolution"). The above-captioned resolution amends and restates the A B P Resolution to reflect the changes in the November 13, 2012 CB P Resolution.

The current base proportion for each class of real property takes into account the market value changes i n the class occurring between the assessment roll for the base period, 1989, and the latest roll for which the State Board of Real Property Tax Services ("SBRPTS") has established class equalization rates, 2011. The CBP Resolution modified the class shares for the Fiscal 2013 property tax levy accordingly. The remaining step, to be taken i n 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 SBRPTS 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 2013, most property tax classes, save Class 3, see modest increases due to physical change. The Fiscal 2013 adjusted base proportions for Classes 1 and 2 show modest declines of less than one percent from the Fiscal 2013 current base proportions, while Class 4 is marginally up by about half of a percent from the Fiscal 2013 current base proportions. Class 3 on the other hand saw relatively more of a change due to physical increases putting in its adjusted base percentage more than 4 percent over its current base proportions (see exhibit A of the above-captioned resolution).

However, the changes from the adjusted base proportions from Fiscal 2012 to Fiscal 2013, as reported in the table below, show increases for Classes 1 and 4, while Classes 2 and 3 see decreases.

Comparison of Class Shares for Fiscal 2012 and Fiscal 2013			
Class	Fiscal 2012	Fiscal 2013	Percent Change
1	15.3852	15.4619	+0.50
2	37.8064	36.9663	-2.22
3	7.0338	7.0332	-0.01
4	39.7746	40.5386	+1.92
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares shown above for Fiscal 2013 are compared to the Fiscal 2012 tax rates in the following table.

Comparison of Tax Rates for Fiscal 2012 and Fiscal 2013 (Per \$100 Assessed Value)			
Class	Fiscal 2012	Fiscal 2012	\$ Difference
1	18.205	18.569	+0.364
2	13.433	13.181	-0.252
3	12.473	12.477	+0.004
4	10.152	10.288	+0.136

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

Res. No. 1570

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2013 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Members Recchia, Fidler and Koo.

Whereas, On May 25, 2012, 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, 2012 and ending on June 30, 2013 ("Fiscal 2013"), 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 2013 Assessment Rolls"); and

Whereas, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2013 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2013 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), Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services ("SBRPTS"), 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 2013 Assessment Rolls resulting from the additions to or removals from the Fiscal 2013 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2013 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, On June 28, 2012, 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 2013 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, After the June 28th adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 90 of the Laws of New York 2012 to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 1.5 percent; and

Whereas, Pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 13, 2012, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2013 to the SBRPTS pursuant to Section 1803-a, Real Property Tax Law;

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 2013. (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 2013 Assessment Rolls resulting from the additions to or removals from the Fiscal 2013 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 2013 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS 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 SBRPTS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

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

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

Report for Res. No. 1571
Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for fiscal 2013 to the state board of real property services pursuant to section 1803-a, real property law.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, respectfully

REPORTS:

Introduction. Section 1803-a, Real Property Tax Law, requires the City Council to certify to the State Board of Real Property Tax Services (the "SBRPTS") 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 SBRPTS 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 SBRPTS 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 2013 budget will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18, 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 increases in Classes 1 and 4 above the Fiscal 2013 adjusted base proportion, or "class shares" (as shown in column R of SBRPS Form RP-6700 attached to the above-captioned resolution), and decreases in the class shares of Classes 2 and 3. 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. However, pursuant to an amendment to the Real Property Tax Law enacted during the 2012 session and codified in Section 1803- a(1)(x) of the Real Property Tax Law, the City is authorized to limit the increase for Fiscal 2013 so that the current base proportion of any class does not exceed the adjusted base proportion of the previous year by 1.5 percent. Class 1 and 4 exceed this cap. Therefore, in the above-captioned resolution, the excess above 1.5 percent from Classes 1 and 4 is shifted to Classes 2 and 3.

As shown in the chart below, the shift of the increase from Classes 1 and 4 to Classes 2 and 3 will result in the Fiscal 2013 current base proportions of all four classes to show the following changes from their adjusted base proportions in Fiscal 2012.

Class	Percent Change Before Shifting Excess to Classes 2 & 3	Percent Change After Shifting Excess to Classes 2 & 3
1	+ 7.16	+ 1.50
2	- 2.60	- 1.40
3	- 16.77	- 4.25
4	+ 2.66	+ 1.50

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 separately amended and restated 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 2013.

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 SBRPTS 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 SBRPTS has established class equalization rates (in this case, the 2011 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.

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

Res. No. 1571
RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2013 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Members Recchia, Fidler and Koo.

Whereas, On May 9, 2012, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2013 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, 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 SBRPTS 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 2013 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, On June 28, 2012, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2013 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the “June 28th Resolution”); and

Whereas, The June 28th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year’s adjusted base proportion; and

Whereas, After the adoption of the June 28th Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 90 Laws of New York 2012 to lower the percent of increase in the current base proportion as compared with the previous year’s adjusted base proportion to 1.5 percent;

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 2013.

(a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2013 assessment rolls as shown on SBRPTS 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 SBRPTS after the date on which the SBRPTS 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 2013 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect immediately.

ATTACHMENT:

EXHIBIT A		STATE BOARD OF REAL PROPERTY TAX SERVICES (Formerly State Board of Equalization and Assessment) 16 Sheridan Avenue, Albany, NY 12210-2714		Certificate of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 18, RPTL, for the Levy of Taxes on the 2012 Assessment Roll	
RP-6700 (1/95) (Formerly EA6700)		Special Assessing Unit		Check One to Identify Portion: County _____; City, Town, Village _____; Town Outside Village Area _____; School District _____; Special District _____	
Name of Portion _____		SECTION I		Determination of Estimated Market Values	
		(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	
Class					
1		\$7,995,107,684	9.10	\$87,858,326,198	
2		19,169,173,444	45.84	41,817,568,595	
3		7,366,591,774	37.98	19,395,976,235	
4		35,523,026,877	39.69	89,501,201,504	
Total		\$70,053,899,779		\$238,573,072,532	
SECTION II		Determination of Base Percentages			
Class		(D) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Out of Class	(E) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Into Class	(F) 1990 Change in Level of Assessment Factor for Special Assessing Unit Class	(G) Adjustment Factor for Class Change ((E/F)-D)/A)+1
1		\$19,354,077	\$228,360,245	1.0149	1.025724246
2		237,975,755	329,398,302	1.0932	1.0033042596
3		1,368,298,335	0	0.9738	0.8142562562
4		419,700,459	1,581,850,826	1.1086	1.0283531598
Total					\$239,206,138,430
				(H) Adjusted Market Value (C*G)	(I) Base Percentage (H/Sum of H)*100
				\$90,118,255,366	37.5640
				41,955,744,698	17.4884
				15,793,294,995	6.5831
				92,038,843,371	38.3645

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

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

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

Report for Res. No. 1572

Report of the Committee on Finance in favor of approving a Resolution amending and restating the 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, 2012 and ending on June 30, 2013, 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.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, respectfully

REPORTS:

Introduction. On May 3, 2012, the Mayor submitted the executive budget for Fiscal 2013 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2013 pursuant to Section 254 of the Charter (the "Fiscal 2013 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 2013 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2013 (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 2013.

After the final adoption of the Fiscal 2013 Budget, the Governor signed into law Chapter 90 Laws of New York, 2012 ("Chapter 90"). Chapter 90 adds a new paragraph (x) to subdivision 1 of section 1803-a, Real Property Tax Law, which provides that, in any special assessing unit which is a city (a "special assessing city"), for current base proportions to be determined in such special assessing city's fiscal year 2013, the current base proportion of any class shall not exceed the adjusted base proportion of the immediately preceding year by more than 1.5 percent.

In order to effect the provisions of Chapter 90, it is necessary to amend and restate the provisions of this resolution. In the amended and restated resolution, captioned above, fixing the real property tax rates for Fiscal 2013 (the "Tax Fixing Resolution"), the Council amends and restates the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2013.

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 2013, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2013 Budget to be \$68,501,044,477 as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2013 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$50,084,044,477, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2013 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2013 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 \$18,417,000,000, by subtracting the amount of the Fiscal 2013 Revenue Estimate from the Fiscal 2013 Budget Amount.

In order to achieve a real property tax yield of \$18,417,000,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,716,086,179, the Council determines that a real property tax levy of \$20,133,086,179 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 f or 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 2013 Budget in excess of the amount of the Fiscal 2013 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 25, 2012, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable f or taxation in the City in each borough thereof for Fiscal 2013

to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2013 Assessment Rolls"). On November 13, 2012, the Council amended and restated 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 2013 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On November 13, 2012, pursuant to Section 1803-a, Real Property Tax Law, the Council amended and restated a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2013, to reflect the additions to, and full or partial removal from, the Fiscal 2013 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 raised by tax on real property for the Fiscal 2013 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 ½%) 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 Tax Services ("ORPTS"), 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 or 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 2013, pursuant to the amended and restated Adjusted Base Proportion Resolution, to be used in determining the amended and restated Fiscal 2013 tax rates for the f our 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 2013 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	0.18569
All Other Residential Real Property.....	0.13181
Utility Real Property	0.12477
All Other Real Property	0.10288

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	0.11457
All Other Residential Real Property.....	0.08158
Utility Real Property	0.00000
All Other Real Property	0.06374

Authorization of the Levy of Property Taxes for Fiscal 2013. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2013 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 amended and restated Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the amended and restated Tax Fixing motion.

ESTIMATED FISCAL YEAR 2013 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)	\$6,064,000,000
Personal Income (Excluding Transitional Finance Authority Debt)	8,476,000,000
General Corporation	2,530,000,000
Commercial Rent	661,000,000
Utility	405,000,000
Banking Corporation	1,191,000,000
Mortgage Recording	599,000,000
Unincorporated Business	1,765,000,000
Real Property Transfer	948,000,000
Cigarette	67,000,000
Hotel Occupancy	473,000,000
Other:	
Penalty and Interest	42,000,000
Off-Track Betting	0
Off-Track Betting Surtax	1,250,000
Payments in Lieu of Tax	249,000,000
Section 1127 (Waiver)	121,000,000
Beer and Liquor	24,000,000
Auto Use	29,000,000
Commercial Motor Vehicle	50,000,000
Taxicab License Transfer	8,000,000
Liquor License Surcharge	5,000,000
Horse Race Admissions	20,000
Other Refunds	(29,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes.....	824,000,000
	24,503,270,000
Miscellaneous Revenue:	
Licenses, Franchises, etc.....	551,183,994
Interest Income.....	19,210,000
Charges for Services.....	886,793,275
Water and Sewer Charges.....	1,514,540,377
Rental Income.....	280,114,000
Fines and Forfeitures.....	805,041,000
Miscellaneous.....	1,261,469,510
	5,318,352,156

EXHIBIT A

ESTIMATED FISCAL YEAR 2013 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Grants:	
Federal	6,661,597,906
State	11,429,744,462
Provision for Disallowances	(15,000,000)
	<u>18,076,342,368</u>
Unrestricted State and Federal Aid:	
N.Y. State Revenue Sharing	0
Other Unrestricted Aid	0
	<u>0</u>
Transfer from Capital Funds	<u>538,929,446</u>
Tax Audit Revenue and Other Initiatives.....	<u>723,500,000</u>
Tax Program.....	<u>0</u>
Other Categorical Grants.....	<u>923,650,507</u>
Amount of Estimated Revenue other than Real Estate Taxes.....	<u>\$50,084,044,477</u>

FOOTNOTES

(1) Fiscal 2013 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 2013 do not reflect anticipated reductions in amounts to be received by the City from the 4.5 percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. 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.

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

Res. No. 1572

Resolution amending and restating the 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 indebttness thereof, for the fiscal year beginning on July 1, 2012 and ending on June 30, 2013, 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 Recchia.

Whereas, on May 3, 2012, 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, 2012 and ending on June 30, 2013 (“Fiscal 2013”); and

Whereas, on May 25, 2012, 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 2013, 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 2013 Assessment Rolls"); and

Whereas, on June 28, 2012, 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 2013 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 28, 2012, 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 2013, to reflect the additions to, and full or partial removal from, the Fiscal 2013 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 28, 2012, 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 2013 (the "Fiscal 2013 Budget"); and

Whereas, on June 28, 2012, 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 2013 Budget as approved by the Council (the "Fiscal 2013 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2013 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 2013 Revenue Estimate"); and

Whereas, on June 28, 2012, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the “Tax Fixing Resolution”); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2013 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year’s adjusted base proportion from 5.0 percent to 1.5 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

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 2013.

a. Determining the Amount of the Real Property Tax Levy.

(i) The total amount of the Fiscal 2013 Budget as set forth in the Fiscal 2013 Budget Statement is \$68,501,044,477.

(ii) The estimate of the probable amount of receipts into the City treasury during Fiscal 2013 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 2013 Revenue Estimate is \$50,084,044,477.

(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 \$18,417,000,000, which is derived from deducting the amount set forth in the Fiscal 2013 Revenue Estimate from the amount of the Fiscal 2013 Budget.

(iv) In order to achieve a real property tax yield of \$18,417,000,000 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 \$20,133,086,179 will be required, calculated as follows:

<u>Not Subject to the 2 ½ percent Tax Limitation:</u>			
For Debt Service:			
Funded Debt		\$2,649,323,507	
 <u>Amount Required for Debt Service and Financing as:</u>			
Provision for Uncollectible Taxes		\$224,709,325	
Provision for Refunds		\$62,575,649	
Collection of Prior Years’ Levies		(\$40,422,431)	\$2,896,186,050
 <u>Subject to the 2 ½ percent Tax Limitation:</u>			
For Debt Service:			
Temporary Debt			
Interest on Temporary Debt		\$17,472,222	

For General Operating Expenses:			
Funds Required	\$15,750,204,271		
<u>Amount Required for Debt Service and Operating Expenses as:</u>			
Provision for Uncollectible Taxes	\$1,337,376,854		
Provision for Refunds	\$372,424,351		
Collection of Prior Years' Levies	(\$240,577,569)	<u>17,236,900,129</u>	
<i>TOTAL REAL PROPERTY TAX LEVY</i>		<u>\$20,133,086,179</u>	

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:	\$2,649,323,507
(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation:	\$17,472,222
(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 2013 Budget in excess of the amount of revenues estimated in the Fiscal 2013 Revenue Estimate:	\$15,750,204,271

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2013 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	\$773,858,737	\$40,167,505,927	\$4,405,067,261	\$58,961,395,163	\$104,307,827,088
The Bronx	1,372,741,905	3,053,667,431	1,422,593,849	2,988,566,094	8,837,569,279
Brooklyn	4,942,456,109	6,711,020,229	2,448,097,284	6,805,569,639	20,907,143,261
Queens	6,993,666,948	6,167,147,373	2,407,058,102	8,982,379,371	24,550,251,794
Staten Island	2,569,811,936	271,940,747	666,223,010	1,594,454,672	5,102,430,365
TOTAL	\$16,652,535,635	\$56,371,281,707	\$11,349,039,506	\$79,332,364,939	\$163,705,221,787

(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	\$933,941	\$98,793,590	\$0	\$41,015	\$99,768,546
The Bronx	13,904,282	3,889,012	0	23,285	17,816,579
Brooklyn	41,262,837	11,999,863	0	24,022	53,286,722
Queens	77,130,067	35,300,898	0	36,269	112,467,234
Staten Island	47,430,470	984,385	0	10,083	48,424,938
TOTAL	\$180,661,597	\$150,967,748	\$0	\$134,674	\$331,764,019

**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	\$4,344,035	\$194,343,603	\$322,013	\$199,009,651
The Bronx	81,088,230	33,491,365	80,175	114,659,770
Brooklyn	252,372,556	91,137,407	447,832	343,957,795
Queens	372,773,320	165,336,046	561,121	538,670,487
Staten Island	157,282,245	6,054,124	106,318	163,442,687
TOTAL	\$867,860,386	\$490,362,545	\$1,517,459	\$1,359,740,390

(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	\$11,675	\$258	\$11,933
The Bronx	33,305	35,102	0	68,407
Brooklyn	54,680	35,298	1,125	91,103
Queens	64,757	83,753	494	149,004
Staten Island	45,495	18,075	0	63,570
TOTAL	\$198,237	\$183,903	\$1,877	\$384,017

**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 2013 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 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, 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 Tax Services ("ORPTS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2009.....	134,294,731,881	0.1847	727,096,545,106
2010.....	143,334,172,616	0.1977	725,008,460,374
2011.....	149,311,931,232	0.1999	746,933,122,721
2012.....	157,121,003,987	0.2001	785,212,413,728
2013.....	164,036,985,806	0.1911	858,382,971,251
		AVERAGE	\$768,526,702,636

2 ½ percent thereof for Fiscal 2013..... \$19,213,167,566

Less debt service subject to the 2 ½ percent tax limitation:
Temporary debt
Interest on temporary debt (\$17,472,222)

Less aggregate amount of district charges subject to the 2 ½ percent tax Limitation**..... (\$94,307,200)

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..... \$19,101,388,144

**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.*

*** The tax fixing resolution adopted by the New York City Council on June 28, 2012 projected the amount of district charges to be \$93,767,920. Since the adoption of the June 28, 2012 resolution, estimates of Fiscal 2013 district charges have been increased to \$94,307,200.*

(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 2013 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	15.4619
All Other Residential Real Property.....	36.9663
Utility Real Property.....	7.0332
All Other Real Property.....	40.5386
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 2013 (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	0.15885	0.11283	0.10682	0.08808

uncollectible taxes.....				
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.....	0.02684	0.01898	0.01795	0.01480
Decimal rate on adjusted proportion for all purposes.....	0.18569	0.13181	0.12477	0.10288

**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.....	0.10945	0.07794	0.00000	0.06089
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.....	0.00512	0.00364	0.00000	0.00285
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.....	0.11457	0.08158	0.00000	0.06374

**Includes condominiums of three stories or fewer which have always been condominiums.*

Section 2. Authorization of the Levy of Real Property Taxes for Fiscal 2013.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2013 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended and restated 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 2013 Assessment Rolls. the City Clerk shall procure the proper amended and restated 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 2013 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. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect as of the date hereof.

EXHIBIT A

Exhibit A



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

June 28, 2012

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, 2012 and ending June 30, 2013 (Fiscal Year 2013) the amount of appropriation is:

Amounts Appropriated	\$68,501,044,477
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The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2013, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:

Taxes (excluding Real Property Taxes)		\$24,503,270,000
Miscellaneous Revenues	\$5,318,352,156	
Grants:		
Federal	6,661,597,906	
State	11,429,744,462	
Provision for Disallowances	(15,000,000)	
Other Categorical Aid	923,650,507	
Transfer from Capital Funds	538,929,446	
Tax Audit Revenue	<u>723,500,000</u>	\$25,580,774,477

Making the total amount of the Expense Budget for the Fiscal Year 2013 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies):	\$18,417,000,000
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In order to achieve the required Real Property Tax yield of \$18,417,000,000, a Real Property Tax levy of \$20,133,086,179 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	\$17,236,900,129
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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	\$2,896,186,050
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Total amount of Real Property Taxes to be levied for the Fiscal Year 2013 is	<u>\$20,133,086,179</u>
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Very truly yours,

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, 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, 2012.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

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

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

Report for Res. No. 1573

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 in the Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, 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 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2012 Expense Budget”).

Analysis. This Resolution, dated November 13, 2012, amends the description for the Description/Scope of Services for the Seamen's Society for Children and Families, an organization receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$8,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: “Funding will be used for Seaman’s Child Witness Program, which provides therapy to children who witness domestic violence.”

Additionally, this Resolution amends the description for the Description/Scope of Services for Brooklyn Ballers Sports, Youth and Educational Corp., an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$90,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: “Funding will be used for college tours, basketball tournament, food, trophies, supplies and vendors.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Hellenic American Neighborhood Action Committee, Inc. (HANAC), an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$7,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: “Stipends for transportation and lunch for participants in our training program and to obtain a New York State Security Guard license for eligible participants successfully completing HANAC’s Security Guard training.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Rockaway Development and Revitalization Corporation, an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$49,000 within the budget of the Department of Small Business Services. This Resolution changes the Description/Scope of services to read: “Our Business Assistance services will provide individualized counseling services to approximately sixty (60) business owners and entrepreneurs. Our services will be provided by our experienced team and backed by our network of small business service providers. Our services will include assisting owners with developing business plans, financial statements and preparing loan packaging. Our group workshops will cover a range of business-related topics including business incorporation, taxation, and small and disadvantaged business certification programs. In order to provide these services, RDRC will utilize member item funds for staffing, computer equipment (to be utilized by business clients) and office supplies.”

Additionally, this Resolution amends the description for the Description/Scope of Services for Central American Legal Assistance, an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$20,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “Funds will be used to provide direct legal representation for immigrants eligible for legal permanent residency as well as those in need of competent legal orientation and advice.”

Further, this Resolution amends the name and the description for the Description/Scope of Services for Holy Child Jesus Sports, an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the name to “Church of the Holy Child Jesus” and the Description/Scope of services to read: “The funds obtained through this request will be used for the renting of sound and light equipment and other aspects of

the Teen Drama Group's annual theatrical production, both on stage and behind the scenes.”

Additionally, this Resolution amends the description for the Description/Scope of Services for Communities of Maspeth and Elmhurst Together, Inc. (COMET), an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “Monthly meetings and other events, newsletters, fliers, Bookkeeping Vendor Fees (most important) Trophies Refreshments Equipment Postage Consumable Supplies Meeting Expenses.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Riverdale Community Center, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: “Free comprehensive out-of-school time programs which offer a wide variety of academic, remedial, social, cultural and recreational opportunities for over 250 under-served, urban youth in the Northwest Bronx.”

Additionally, this Resolution amends the description for the Description/Scope of Services for Vietnam Veterans of America, Inc. - Queens Chapter #32, an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: “To assists all veterans in presenting Compensation and Pension claims before the VA. Advising on educational benefits as well as referrals to other government agencies. Providing veterans and their dependents benefits information; support of homeless veterans; Annual POW/MIA Ceremony; Indigent Veteran Burials; Dissemination of veterans information; Annual Veterans Information Day; Participation in Veterans Parades; Holiday participation at Veteran Facilities; and Bookkeeping fees.”

Lastly, this Resolution also approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth 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 2013 Expense Budget.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2013 Expense Budget, as described in Charts 4-9.

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 C/ Fiscal 2013 Expense Budget, dated June 28, 2012.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the HIV Faith/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Anti-Gun Violence Initiative (DOHMH) in accordance with the Fiscal 2013 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Anti-Gun Violence Initiative (DOE) in accordance with the Fiscal 2013 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative (DYCD) in accordance with the Fiscal 2013 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2013 Expense Budget.

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 to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

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 2013 Expense Budget. Such Resolution would take effect as of the date of adoption.

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

Res. No. 1573

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Recchia.

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Seamen's Society for Children and Families, *as* described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Brooklyn Ballers Sports, Youth and Educational Corp., *as* described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Hellenic American Neighborhood Action Committee, Inc. (HANAC), as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Rockaway Development and Revitalization Corporation., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Central American Legal Assistance, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Holy Child Jesus Sports, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new

Description/Scope of Services for the Communities of Maspeth and Elmhurst Together, Inc. (COMET) ., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Riverdale Community Center, Inc., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Vietnam Veterans of America, Inc. - Queens Chapter #32, as described in the report attached hereto; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; 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 HIV Faith/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; 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 Domestic Violence and Empowennent Initiative (DoVE) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; 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 Anti-Gun Violence Initiative (DOHMH) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; 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 Anti-Gun Violence Initiative (DOE) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; 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 Anti-Gun Violence Initiative (DYCD) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; 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 HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; 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 Cultural After School Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9.

ATTACHMENT:

CHART 3: HIV/AIDS Faith Based Initiative - Fiscal 2013 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduits/Sponsoring Organization	Fiscal Conduit EIN *
Masly	Computers for Youth Foundation, Inc.	13-3935309	DYCD	(\$5,000.00)	260	312		
Masly	81st Precinct Community Council	11-2517169	DYCD	\$5,000.00	260	312		
Crowley	Holy Child Jesus Sports	11-1638902	DYCD	(\$3,500.00)	260	312	Greater Woodhaven Development Corporation	112568190
Crowley	Church of the Holy Child Jesus	11-1638902	DYCD	\$3,500.00	260	312	Greater Woodhaven Development Corporation	112568190
Williams	Brooklyn Shoppers, Inc., The	27-1220355	DYCD	(\$3,500.00)	260	312		
Williams	Nathan D. Allbrooks Foundation, Inc.	26-3492338	DYCD	\$3,500.00	260	312		
Reyna	Sun of Justice Cadets, Inc.	26-1432017	DYCD	(\$2,500.00)	260	312		
Reyna	Reaching Across the World Ministries	11-3872515	DYCD	\$2,500.00	260	312		

* Indicates pending completion of pre-qualification review.

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Organization			EIN Number	Agcy #	U/A	Amount
Community Health & Awareness Ministry	Community Health Action of Staten Island	DOHMH	27-0043612	DOHMH	\$6,400.00	\$16,112
	Community Health Action of Jackson Heights	DOHMH	13-3556132	DOHMH	\$25,600.00	\$16,112
Concord Baptist Church	Concord Baptist Church	DOHMH	11-1761477	DOHMH	\$6,400.00	\$16,112
	Concord Baptist Church	DOHMH	11-1656533	DOHMH	\$6,400.00	\$16,112
COPE	Coney Island Cathedral of Deliverance	DOHMH	11-2714627	DOHMH	\$6,400.00	\$16,112
	Convent Avenue Baptist Church	DOHMH	13-2780116	DOHMH	\$6,400.00	\$16,112
East Ward Missionary Baptist Church	East Ward Missionary Baptist Church	DOHMH	27-2654975	DOHMH	\$6,400.00	\$16,112
	East Ward Missionary Baptist Church	DOHMH	13-4078762	DOHMH	\$6,400.00	\$16,112
Emmanuel Baptist Church (Bronx)	Emmanuel Baptist Church (Bronx)	DOHMH	13-3421183	DOHMH	\$6,400.00	\$16,112
	Emmanuel Baptist Church (Brooklyn)	DOHMH	11-1666232	DOHMH	\$6,400.00	\$16,112
Evangelical Christian Church	Evangelical Christian Church	DOHMH	11-2528459	DOHMH	\$6,400.00	\$16,112
	Evangelical Christian Church	DOHMH	11-2528459	DOHMH	\$6,400.00	\$16,112
Family Life Development Center	Family Life Development Center	DOHMH	13-1660315	DOHMH	\$6,400.00	\$16,112
	Family Life Development Center	DOHMH	13-1945628	DOHMH	\$6,400.00	\$16,112
First Baptist Church of Crown Heights	First Baptist Church of Crown Heights	DOHMH	11-2030368	DOHMH	\$6,400.00	\$16,112
	First Baptist Church of Far Rockaway	DOHMH	11-2267453	DOHMH	\$6,400.00	\$16,112
First Corinthian Baptist Church	First Corinthian Baptist Church	DOHMH	13-3668242	DOHMH	\$6,400.00	\$16,112
	First Corinthian Baptist Church	DOHMH	13-2967400	DOHMH	\$6,400.00	\$16,112
First Hispanic United Methodist Church of Corona	First Hispanic United Methodist Church of Corona	DOHMH	11-2342098	DOHMH	\$6,400.00	\$16,112
	First Hispanic United Methodist Church of Corona	DOHMH	13-3327445	DOHMH	\$6,400.00	\$16,112
Fortham Manor Church	Fortham Manor Church	DOHMH	13-3896900	DOHMH	\$6,400.00	\$16,112
	Fortham Manor Church	DOHMH	11-3857224	DOHMH	\$6,400.00	\$16,112
FOY HIV/AIDS Ministry (Mt. Calvary Baptist Church)	FOY HIV/AIDS Ministry (Mt. Calvary Baptist Church)	DOHMH	13-3597820	DOHMH	\$9,400.00	\$16,112
	FOY HIV/AIDS Ministry (Mt. Calvary Baptist Church)	DOHMH	13-3597820	DOHMH	\$9,400.00	\$16,112
Friendship Baptist Church	Friendship Baptist Church	DOHMH	20-1486693	DOHMH	\$6,400.00	\$16,112
	Friendship Baptist Church	DOHMH	03-0570727	DOHMH	\$6,400.00	\$16,112
Godsloping Christian Church	Godsloping Christian Church	DOHMH	11-2527706	DOHMH	\$6,400.00	\$16,112
	Godsloping Christian Church	DOHMH	44-0577767	DOHMH	\$6,400.00	\$16,112
Grace Baptist Church	Grace Baptist Church	DOHMH	11-3405938	DOHMH	\$6,400.00	\$16,112
	Grace Baptist Church	DOHMH	22-3862111	DOHMH	\$6,400.00	\$16,112
Greater Allen AME Cathedral of New York	Greater Allen AME Cathedral of New York	DOHMH	13-4894650	DOHMH	\$6,400.00	\$16,112
	Greater Allen AME Cathedral of New York	DOHMH	13-4894650	DOHMH	\$6,400.00	\$16,112
Holy Assembly Church	Holy Assembly Church	DOHMH	13-3597820	DOHMH	\$9,400.00	\$16,112
	Holy Assembly Church	DOHMH	13-3597820	DOHMH	\$9,400.00	\$16,112
Iglesia De Dios "Roca de Salvacion" (Church of God, Brooklyn)	Iglesia De Dios "Roca de Salvacion" (Church of God, Brooklyn)	DOHMH	20-1486693	DOHMH	\$6,400.00	\$16,112
	Iglesia De Dios "Roca de Salvacion" (Church of God, Brooklyn)	DOHMH	03-0570727	DOHMH	\$6,400.00	\$16,112
Iglesia Evangelica Libre Remanente	Iglesia Evangelica Libre Remanente	DOHMH	11-2527706	DOHMH	\$6,400.00	\$16,112
	Iglesia Evangelica Libre Remanente	DOHMH	44-0577767	DOHMH	\$6,400.00	\$16,112
Iglesia Metodista Unida de Jamaica	Iglesia Metodista Unida de Jamaica	DOHMH	11-3405938	DOHMH	\$6,400.00	\$16,112
	Iglesia Metodista Unida de Jamaica	DOHMH	22-3862111	DOHMH	\$6,400.00	\$16,112
Iglesia Metodista Unida Remanente (United Methodist Church of Jamaica)	Iglesia Metodista Unida Remanente (United Methodist Church of Jamaica)	DOHMH	13-4894650	DOHMH	\$6,400.00	\$16,112
	Iglesia Metodista Unida Remanente (United Methodist Church of Jamaica)	DOHMH	13-4894650	DOHMH	\$6,400.00	\$16,112

* Indicates pending completion of pre-qualification review.

CHART 3: HIV/AIDS Faith Based Initiative - Fiscal 2013 (Continued)

Organization	EIN Number	Agency	Amount	Agg #	U/A *
Immanuel & First Spanish United Methodist Church	11-1881138	DOHMH	\$6,400.00	816	112 *
Its House - A Center for Women Living with HIV/AIDS	13-3995201	DOHMH	\$25,600.00	816	112
Jamaica Service Program for Older Adults	51-0204121	DOHMH	\$12,800.00	816	112
Just A Friend Away of Staten Island	27-0026154	DOHMH	\$6,400.00	816	112 *
Latino Commission on AIDS, Inc.	13-3629466	DOHMH	\$163,173.60	816	112
Love Alive International Inc.	28-4819108	DOHMH	\$6,400.00	816	112 *
Macedonia Baptist Church	11-2522629	DOHMH	\$6,400.00	816	112
Masjid Sabur Worship, Educational & Referral Center	13-3921329	DOHMH	\$6,400.00	816	112 *
Memorial Baptist Church	13-2674792	DOHMH	\$6,400.00	816	112
Metropolitan Community Church of New York	51-0152981	DOHMH	\$6,400.00	816	112
Ministerio Rescate, Inc. (Rescue Ministries Church)	32-0052760	DOHMH	\$6,400.00	816	112 *
More Grace Redemptive Center	11-3360284	DOHMH	\$6,400.00	816	112
Mount Carmel Baptist Church	11-3968975	DOHMH	\$6,400.00	816	112 *
Mount Carmel Youth Development Corporation	13-3968802	DOHMH	\$6,400.00	816	112 *
Mount Horeb Baptist Church	11-2074467	DOHMH	\$6,400.00	816	112 *
Mount Moriah AME	20-8427029	DOHMH	\$6,400.00	816	112 *
Mount Paran Baptist Church	11-3099533	DOHMH	\$6,400.00	816	112 *
Mount Snail Baptist Church	11-2222518	DOHMH	\$6,400.00	816	112 *
Muslim Women's Institute for Research and Development	80-0010627	DOHMH	\$8,400.00	816	112 *
National Black Leadership Commission on AIDS, Inc.	80-0010627	DOHMH	\$6,400.00	816	112 *
National Black Leadership Commission on AIDS, Inc. (MWIRD)	13-3530740	DOHMH	\$255,655.40	816	112
National Black Leadership Commission on AIDS, Inc.	13-3530740	DOHMH	\$19,200.00	816	112
New Hope for the World Ministries	26-0434061	DOHMH	\$6,400.00	816	112 *
New Mount Zion Baptist Church	13-3976609	DOHMH	\$6,400.00	816	112 *
New Testament Baptist Church	13-3771238	DOHMH	\$6,400.00	816	112 *
Paradise Baptist Church	11-1712480	DOHMH	\$6,400.00	816	112 *
Pentecostal Church "El Eden"	11-2590699	DOHMH	\$6,400.00	816	112 *
Pleasant Grove Full Gospel Tabernacle	03-0416163	DOHMH	\$6,400.00	816	112 *
Power, Praise and Del	84-1850246	DOHMH	\$6,400.00	816	112 *
Powerful Praise Tabernacle	06-1530040	DOHMH	\$6,400.00	816	112 *

* Indicates pending completion of pre-qualification review.

CHART 4: Domestic Violence and Empowerment (DoVE Initiative) - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agg #	U/A *
Queens Comprehensive Perinatal Council	11-2870422	OCJC	(\$46,625.00)	098	002
Safe Space, Inc.	11-1711014	OCJC	\$46,625.00	098	002

* Indicates pending completion of pre-qualification review.

CHART 3: HIV/AIDS Faith Based Initiative - Fiscal 2013 (Continued)

Organization	EIN Number	Agency	Amount	Agg #	U/A *
Primera Iglesia Menonita de Brooklyn	23-2101926	DOHMH	\$6,400.00	816	112 *
Project Street Beat	13-2821497	DOHMH	\$6,400.00	816	112 *
Reaching Across the World Ministries	11-3672515	DOHMH	\$6,400.00	816	112
Renoboth Church International	11-2716044	DOHMH	\$6,400.00	816	112 *
River of Living Faith Ministries	45-2453438	DOHMH	\$6,400.00	816	112 *
Saint Edward the Martyr	13-2873155	DOHMH	\$6,400.00	816	112 *
Salt and Sea Mission	11-3012147	DOHMH	\$6,400.00	816	112
Siloam Presbyterian Church	11-2799119	DOHMH	\$6,400.00	816	112 *
St. Albans Congregational Church	11-2077266	DOHMH	\$6,400.00	816	112
St. Augustin Church & Our Lady of Victory	13-1740183	DOHMH	\$6,400.00	816	112 *
St. George's Episcopal Church	11-1821131	DOHMH	\$6,400.00	816	112 *
St. Jerome's Church RC	13-1740204	DOHMH	\$6,400.00	816	112
St. John's Baptist Church	13-3539498	DOHMH	\$6,400.00	816	112 *
St. Luke's AME Church	52-0206966	DOHMH	\$6,400.00	816	112 *
St. Luke's Episcopal Church	13-2747442	DOHMH	\$6,400.00	816	112 *
St. Margaret's Episcopal Church	13-1773642	DOHMH	\$6,400.00	816	112 *
St. Matthew's AME Church	53-0204696	DOHMH	\$6,400.00	816	112 *
St. Paul's Community Baptist Church	11-2453951	DOHMH	\$6,400.00	816	112
St. Simon Stock Roman Catholic	13-1740377	DOHMH	\$6,400.00	816	112 *
Staten Island Deliverance Temple	33-1110319	DOHMH	\$6,400.00	816	112 *
Steinway Child and Family Services	11-2326974	DOHMH	\$32,000.00	816	112
Survivors Fountain of Hope Wellness Initiative	02-0675428	DOHMH	\$6,400.00	816	112 *
African-American Muslim Commission on HIV/AIDS, The	11-2457188	DOHMH	\$6,400.00	816	112 *
Child Center of New York, The	11-1735454	DOHMH	\$6,400.00	816	112 *
Transfiguration Church	11-2306447	DOHMH	\$6,400.00	816	112 *
Trind Stone Baptist Church	13-2506932	DOHMH	\$6,400.00	816	112 *
Trinity Lutheran Parish	13-1987477	DOHMH	\$6,400.00	816	112 *
United Methodist Church "Broadway Temple"	13-1656641	DOHMH	\$6,400.00	816	112 *
Unity Fellowship Church Breaking Ground	13-3703707	DOHMH	\$6,400.00	816	112 *
Vanguard Urban Improvement Association	11-2442042	DOHMH	\$6,400.00	816	112 *
Young Women of Color HIV/AIDS Coalition	20-4824981	DOHMH	\$12,800.00	816	112
You're Eligible Too (VET)	13-3845592	DOHMH	\$9,400.00	816	112 *

* Indicates pending completion of pre-qualification review.

CHART 5: Anti-Gun Violence Initiative (DOHMH) - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agg #	U/A *
Anti-Gun Violence Initiative	13-6400434	DOHMH	(\$50,000.00)	816	114
Central Family Life Center	13-3626127	DOHMH	\$50,000.00	816	114

* Indicates pending completion of pre-qualification review.

CHART 7: Anti-Gun Violence Initiative (DYCD) - Fiscal 2013

Organization	EIN Number	Agency	Amount	Aggr #	U/A *
Anti-Gun Violence Initiative **	13-6400434	DYCD	(\$388,800.00)	260	005
New Yorkers Against Gun Violence	13-3760848	DYCD	\$30,000.00	260	005
Fund for the City of New York, Inc. - Center for Court Innovation **	13-2612524	DOP	\$129,400.00	781	003
Fund for the City of New York, Inc. - Man Up **	13-2612524	DOP	\$129,400.00	781	003
Department of Health and Mental Hygiene **	13-6400434	DOHMH	\$100,000.00	816	114

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the changes to take effect

CHART 6: Anti-Gun Violence Initiative (DOE) - Fiscal 2013

Organization	EIN Number	Agency	Amount	Aggr #	U/A *
Anti-Gun Violence Initiative	13-6400434	DOE	(\$144,800.00)	040	454
Fund for the City of New York, Inc. - Life Camp	13-2612524	DOE	\$48,200.00	040	402
Fund for the City of New York, Inc. - Life Camp	13-2612524	DOE	\$48,200.00	040	402
Morningside Center for Teaching Social Responsibility, Inc.	13-3765340	DOE	\$48,200.00	040	402
Man Up, Inc.	03-0553092	DOE	(\$48,200.00)	040	402
Fund for the City of New York, Inc. - Man Up	13-2612524	DOE	\$48,200.00	040	402

* Indicates pending completion of pre-qualification review.

CHART 8: HIV/AIDS Communities of Color - Fiscal 2013 (Continued)

Organization	EIN Number	Agency	Amount	Aggr #	U/A *
Community Healthcare Network, Inc.	13-3053068	DOHMH	\$28,800.00	816	112
Community Research Initiative on AIDS, Inc. (d/b/a AIDS Community Research Initiative of America)	13-3632234	DOHMH	\$28,800.00	816	112
Community Resource Exchange, Inc. (CRE)	13-3048638	DOHMH	\$96,000.00	816	112
Covenant House New York/Under 21, Inc.	13-3076376	DOHMH	\$28,800.00	816	112
Exponents, Inc.	13-3672677	DOHMH	\$9,175.00	816	112
FACES NY, Inc.	13-3449067	DOHMH	\$28,800.00	816	112
Gay Men's Health Crisis, Inc.	13-3130146	DOHMH	\$28,800.00	816	112
It's House - A Center For Women Living with HIV/AIDS, Inc.	13-3699201	DOHMH	\$9,175.00	816	112
Latino Commission on AIDS, Inc.	13-3629466	DOHMH	\$28,800.00	816	112
Love Heals, Inc.	13-3693776	DOHMH	\$9,175.00	816	112
Momentum Project, Inc., The	13-3656768	DOHMH	\$28,800.00	816	112
Public Health Solutions - network administrator	13-5669201	DOHMH	\$112,500.00	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$28,800.00	816	112
Clergy United for Community Empowerment, Inc. (formerly SQOCE)	11-3030795	DOHMH	\$28,800.00	816	112
Voces Latina Corp.	20-2312651	DOHMH	\$9,175.00	816	112
Community Health Action of Staten Island (formerly St AIDS Taskforce)	13-3556132	DOHMH	\$28,800.00	816	112

* Indicates pending completion of pre-qualification review.

CHART 8: HIV/AIDS Communities of Color - Fiscal 2013

Organization	EIN Number	Agency	Amount	Aggr #	U/A *
HIV/AIDS Communities of Color Initiative	13-6400434	DOHMH	(\$1,125,000.00)	816	112
Bronx AIDS Services, Inc.	13-3696121	DOHMH	\$9,175.00	816	112
Bronx Community Pride Center, Inc.	06-1552651	DOHMH	\$28,800.00	816	112
Citizens Harm Reduction Program, Inc.	13-4009817	DOHMH	\$9,175.00	816	112
Health People, Inc.	51-0419243	DOHMH	\$28,800.00	816	112
New York Harm Reduction Educators, Inc.	13-3678499	DOHMH	\$28,800.00	816	112
St Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$9,175.00	816	112
Vocational Instruction Project Community Services, Inc.	13-3224700	DOHMH	\$28,800.00	816	112
After Hours Project, Inc.	33-1007278	DOHMH	\$28,800.00	816	112
Amethyst Women's Project, Inc.	11-3605513	DOHMH	\$28,800.00	816	112
Arthur Ashe Institute for Urban Health	11-3185372	DOHMH	\$9,175.00	816	112
Bedford Stuyvesant Family Health Center, Inc. (Watchful Eye)	11-2412205	DOHMH	\$28,800.00	816	112
Black Veterans for Social Justice	11-2609893	DOHMH	\$9,175.00	816	112
Brooklyn AIDS Task Force, Inc.	11-3031208	DOHMH	\$28,800.00	816	112
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$28,800.00	816	112
Gay Men of African Descent (GMAAD)	13-3697820	DOHMH	\$9,175.00	816	112
Haitian Centers Council, Inc.	11-2646501	DOHMH	\$28,800.00	816	112
Housing Works Health Services III, Inc.	13-3626364	DOHMH	\$28,800.00	816	112
La Nueva Esperanza, Inc.	20-4393724	DOHMH	\$9,175.00	816	112
Make the Road New York	11-3344389	DOHMH	\$28,800.00	816	112
Osborne Association, Inc., The	13-5653028	DOHMH	\$28,800.00	816	112
United Community Centers, Inc.	11-1950787	DOHMH	\$9,175.00	816	112
African Services Committee	13-3749744	DOHMH	\$28,800.00	816	112
AIDS Service Center of Lower Manhattan, Inc.	13-3652071	DOHMH	\$28,800.00	816	112
All Family Center	30-0104507	DOHMH	\$28,800.00	816	112
Asian & Pacific Islander Coalition on HIV/AIDS, Inc.	13-3705865	DOHMH	\$28,800.00	816	112
Bailey House, Inc.	13-3165161	DOHMH	\$28,800.00	816	112

* Indicates pending completion of pre-qualification review.

CHART 9: Cultural After School Adventure - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agg #	UJA *
Williams	Creative Outlet Dance Theatre of Brooklyn Inc - Public School 268	11-3307754	DCLA	(\$20,000.00)	126	003
Williams	Brooklyn Arts Council (BAC) - Public School 268	23-7072915	DCLA	\$20,000.00	126	003
Mealy	Circuit Productions, Inc - P.S. 398	13-2881858	DCLA	(\$20,000.00)	126	003
Mealy	Circuit Productions, Inc - P.S. 12	13-2881858	DCLA	\$20,000.00	126	003
Halloran	Flushing Council on Culture and the Arts - PS 94 David D. Porter	11-2652182	DCLA	(\$20,000.00)	126	002
Halloran	Flushing Council on Culture and the Arts - PS 169	11-2652182	DCLA	\$20,000.00	126	002
Levin	Brooklyn Conservatory of Music - PS 110	11-1532426	DCLA	(\$20,000.00)	126	003
Levin	Center for Arts Education, Inc. - PS 110	13-3938090	DCLA	\$20,000.00	126	003

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

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

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

Report for M-941

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget – Proposed FY 2013 Appropriation Changes Pursuant to Section 216 of the City Charter.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on November 13, 2012, the Committee on Finance received a communication, dated November 9, 2012 from the Office of Management and Budget of the Mayor of The City of New York, of a proposed request, (the "Modification"), to modify the Fiscal 2013 Capital Budget and Capital Program (as defined below) pursuant to Section 216 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”) and appropriations for capital projects (the “capital budget”) and capital program covering appropriations for capital projects for the ensuing three years (“capital program”) pursuant to Section 254 of the Charter. On June 28, 2012, the Council adopted the expense budget and capital budget for fiscal year 2013 (the "Fiscal 2013 Adopted Budget"), as well as the capital program. At the request of the City Council and pursuant to section 216 of the Charter, the Office of Management and Budget submitted a request to the Council for amendment of the Fiscal 2013 Capital Budget and capital program.

This modification would represent an increase in City funded appropriations in the Fiscal Year 2013 Capital Budget to the School Construction Authority and the Health and Hospitals Corporation in the amounts of \$200,000,000 and \$300,000,000, respectively. Such funds would be used to fund the construction, reconstruction, repair, improvement of school facilities and hospital facilities affected by Hurricane Sandy.

Appropriations will be funded by City debt, and pursuant to section 250 (16) of the New York City Charter, the Mayor’s debt certificate originally issued on June 28, 2012, has been amended to reflect the appropriation changes set forth in this modification. It is important to note that while the Mayor’s debt certificate has been amended to reflect the appropriation changes, the City expects reimbursement for a significant share of the expenditures from the U.S. Department of Homeland Security's Federal Emergency Management Agency (“FEMA”) Public Assistance Grant Program, which provides assistance to State, Tribal and local governments affected by major disasters or emergencies declared by the President.

Use of Funds: The storm surge of Hurricane Sandy resulted in flooding of the basement and first floor of many buildings. This resulted in some structural damage as well as the destruction of boilers, electrical systems, and other equipment located in flooded portions of buildings. In addition to damage directly from flooding, some buildings experienced damage from fires caused by flooding and damage to roofs and outdoor facilities due to high winds.

School Construction Authority (\$200,000,000)

Funds would be used to construct, reconstruct, and improve facilities as a result of Hurricane Sandy and other disasters, citywide.

Health and Hospitals Corporation (\$300,000,000)

Funds would be used for the construction, reconstruction, rehabilitation, modernization, fire prevention and elevator replacements of buildings throughout the city as a result of Hurricane Sandy, and other disasters.

In connection herewith Council Member Recchia offered the following resolution:

Res. No. 1585

RESOLUTION APPROVING THE MODIFICATION OF THE FISCAL 2013 CAPITAL BUDGET AND CAPITAL PROGRAM PROPOSED BY THE MAYOR PURSUANT TO SECTION 216 OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on November 13, 2012, the Committee on Finance received a communication, dated November 9, 2012, 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 the fiscal year 2013 capital budget and the Capital Program as adopted by the Council on June 28, 2012, pursuant to Section 216 of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section of the Charter, upon receipt of a recommendation from the mayor or a Borough President, the City Council may amend the capital budget or capital program in the manner provided in such section;

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 216 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.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by The Council of The City of New York on November 13, 2012 on file in this office.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

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

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

Report for L.U. No. 724
Report of the Committee on Finance in favor of approving Creston Avenue Apartments, Block 3171, Lot 37, Block 3172, Lots 25 & 28, Bronx, Community District No. 5. Council District No. 14.

The Committee on Finance, to which the annexed resolution was referred on November 13, 2012, respectfully

REPORTS:

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

November 13, 2012

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

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of November 13, 2012 - Resolution approving tax exemptions for one preconsidered Land Use Items (Council District 14).

HPD has submitted a request to the Council to approve property tax exemptions for the following property: Creston Avenue Apartments, located in Council Member Cabrera’s district.

Creston Avenue Apartments (Block 3171, Lot 37 and Block 3172, Lots 25 & 28) in the Bronx consists of four buildings with 120 units of rental housing for low income families and two superintendent units. The HP Creston Housing Development Fund Company, Inc. (“HDFC”) has acquired the referenced property (“Exemption Area”) and WFHA Creston Avenue LP, a limited partnership (“Partnership”), is the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership (collectively, “Owner”) will finance the rehabilitation of the property with loans from a private lender and the City of New York Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently does not receive any exemption from real property taxation. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Cabrera.

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

Res. No. 1577
Resolution approving a full exemption from real property taxes for property located at (Block 3171, Lot 37), (Block 3172, Lots 25 & 28) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 724).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 10, 2012 that the Council take the following action regarding a housing project to be located at (Block 3171, Lot 37), (Block 3172, Lot 25 & 28) The Bronx (“Exemption Area”):

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

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

WHEREAS, the Council has considered the financial implications relating to

the Tax Exemption;

RESOLVED:

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

- For the purposes hereof, the following terms shall have the following meanings:
 - “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement;
 - "Exemption" shall mean the exemption from real property taxation provided hereunder;
 - “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3171, Lot 37 and Block 3172, Lots 25 and 28 on the Tax Map of the City of New York;
 - “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-three (33) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company;
 - “HDFC” shall mean HP Creston Housing Development Fund Company, Inc.;
 - “HPD” shall mean the Department of Housing Preservation and Development of the City of New York;
 - “Owner” shall mean, collectively, the HDFC and the Partnership;
 - "Partnership" shall mean WFHA Creston Avenue LP;
 - "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- Notwithstanding any provision hereof to the contrary:
 - The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
 - Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- In consideration of the Exemption, the Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, JAMES G. VAN BRAMER; Committee on Finance, November 13, 2012.

Coupled on GO

Report of the Committee on Land Use

Report for L.U. No. 708

Report of the Committee on Land Use in favor of approving Application no. 20135026 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d.b.a Juicerie, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare Street, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3700), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 220135026 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d/b/a Juicerie, for a revocable consent to establish, maintain and use an unenclosed sidewalk café located at 19 Kenmare Street.

INTENT

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

PUBLIC HEARING

DATE: October 3, 2012

Witnesses in Favor: TwoWitnesses Against: None

SUBCOMMITTEE RECOMMENDATION No. 1

DATE: October 23, 2012

The Subcommittee recommended that the Land Use Committee approve the Petition, as amended, to limit the unenclosed sidewalk café to no more than ten (10) table and twenty (20) chairs, and to otherwise comply with all DCA requirements, rules and regulations.

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

COMMITTEE ACTION No. 1

DATE: October 25, 2012

The Committee recommended that the Council approve a resolution to amend the Petition pursuant to the recommendation of the Subcommittee.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

Amended and Re-referred to the Subcommittee on Zoning and Franchises.

Report for L.U. No. 710

Report of the Committee on Land Use in favor of approving Application No. N 120142 ZRM submitted by Jamestown Premier Chelsea Market, LP pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), Borough of Manhattan Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3700), respectfully

REPORTS:

(For updated Report, please see the Report of the Committee on Land Use for LU No. 710 & Res No. 1581 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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. 711

Report of the Committee on Land Use in favor of approving Application No. C 120143 ZMM submitted by Jamestown Premier Chelsea Market, LP

pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3701), respectfully

REPORTS:

(For updated Report, please see the Report of the Committee on Land Use for LU No. 711 & Res No. 1582 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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. 715

Report of the Committee on Land Use in favor of approving Application No. C 120309 ZMM 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. 3b and 6a, Borough of Manhattan, Community Board 9, Council District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3702), respectfully

REPORTS:

(For updated Report, please see the Report of the Committee on Land Use for LU No. 715 & Res No. 1583 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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. 716

Report of the Committee on Land Use in favor of approving Application No. N 120310 ZRM 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, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Borough of Manhattan, Community Board 9, Council District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3702), respectfully

REPORTS:

(For updated Report, please see the Report of the Committee on Land Use for LU No. 716 & Res No. 1584 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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. 721

Report of the Committee on Land Use in favor of approving Application no. C 20120267 PPM submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning, Borough of Manhattan, Community Board 1, Council District 1 . This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 11, 2012 (Minutes, page 4029), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1C 120267 PPM

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning.

INTENT

To dispose of the subject properties to the New York City Land Development Corporation (NYCLDC), which will dispose of the subject properties to the New York City Economic Development Corporation (EDC) or any successor thereto. EDC intends to dispose of the properties to the private sector pursuant to a Request for Proposal.

PUBLIC HEARING

DATE: November 13, 2012

Witnesses in Favor: SevenOneWitnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: November 13, 2012

The Subcommittee recommends that the Land Use Committee (a) approve the decision of the City Planning Commission with respect to the disposition of the

property located at 49-51 Chambers Street and (b) disapprove the decision of the City Planning Commission with respect to the disposition of the property located at 22 Reade Street.

In Favor:	Against:	Abstain:
Levin	None	
None		
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: November 13, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
Koo		
Levin		
Weprin		
Williams		
Halloran		

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

Res. No. 1578

Resolution approving ULURP No. C 120267 (A) PPM and denying ULURP No. C 120267 PPM, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), Borough of Manhattan, pursuant to zoning (L.U. No. 721).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on September 21, 2012 its decision dated September 19, 2012 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services (“DCAS”), for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning (application No. C 120267 PPM), Community District 1, Borough of Manhattan (the "Original Application");

WHEREAS, DCAS subsequently filed an amendment to the Original Application with the New York City Department of City Planning (“DCP”) seeking the approval of the disposition of 49-51 Chambers Street (Block 153, Lot 1) Borough of Manhattan (hereinafter referred to as the “49-51 Chambers Street Application”, and collectively with the Original Application, hereinafter referred to as the “Applications”);

WHEREAS, DCP has assigned the 49-51 Chambers Street Application ULURP No. C 120267 (A) PPM;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Applications on November 13, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration as set forth in the Negative Declaration issued on April 19, 2012 (the “Negative Declaration”) (CEQR No. 12DME006M);

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and the Applications, and based on the environmental determination and consideration described the City Planning Commission report for ULURP Nos. C 120267 (A) PPM and C 120267 PPM, incorporated by reference herein, the Council:

(a) approves the Decision of the City Planning Commission for the 49-51 Chambers Street Application (referenced by DCP as ULURP No. C 120267 (A) PPM) for the disposition of the property located at 49-51 Chambers Street (Block 153, Lot 1), Borough of Manhattan; and

(b) disapproves the Decision of the City Planning Commission for the Original Application (referenced by DCP as ULURP No. C 120267 PPM).

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, November 13, 2012

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

Report for L.U. No. 722

Report of the Committee on Land Use in favor of approving Application no. C 090002 ZSM submitted by 54 Greene Street Realty Corp. pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and Section 42-14D(2)(b) to allow Use Group 6 (retail uses) on portions of the ground floor and cellar, of an property located at 54 Greene Street, Borough of Manhattan, Community Board 2, Council District 1 . This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 11, 2012 (Minutes, page 4030), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2C 090002 ZSM

City Planning Commission decision approving the application submitted by 54 Greene Street Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
2. Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District.

INTENT

To convert the second and fourth floors of an existing six-story loft building to Use Group 17D Joint Living Work Quarters for Artists (JLWQA) space, and to allow retail space on the ground floor and in the cellar.

PUBLIC HEARING

DATE: October 23, 2012

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012

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

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

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders		
Cont’d		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 1579

Resolution approving the decision of the City Planning Commission on ULURP No. C 090002 ZSM (L.U. No. 722), for the grant of a special permit to modify the use regulations of Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors and Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on

portions of the ground floor and cellar of an existing 6-story building on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 5, 2012 its decision dated October 3, 2012 (the "Decision"), on the application submitted by 54 Greene Street Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

- 1.Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
- 2.Section 42-14D(2)(b) to allow use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, (ULURP No. C 090002 ZSM), Community District 2, Borough of Manhattan (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, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 23, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 09DCP030M) issued on July 9, 2012 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090002 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following terms and conditions:

- 1
- The property that is the subject of this application (C 090002 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Christoph Riedner, Architect, filed with this application and incorporated in this resolution:

Dwg.No.	Title	Last Date Revised
Z-1	Site Plan	5/9/2011
Z-2	Zoning Analysis	5/4/2011
PR-0	Cellar Plan Proposed	5/4/2011
PR-1	1 st Floor Plan Proposed	1/17/2011
PR-1M	1 st Floor Mezzanine Plan Proposed	1/17/2011
PR-2	2 nd Floor Plan Proposed	10/19/2010
PR-3	3 rd Floor Plan Proposed	6/3/2010
PR-4	4 th Floor Plan Proposed	10/19/2010
PR-5	5 th Floor Plan Proposed	11/29/2010
PR-6	6 th Floor Plan Proposed	12/28/2010
PR-7	Roof Plan Proposed	2/16/2011
PR-9	Section A-A Proposed	6/3/2010
PR-10	Section B-B Proposed	6/3/2010

- 2.Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this

- resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3.Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4.In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 5.All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
- 6.Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 19, 2012, executed by 54 Greene Street Realty Corp., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
- 7.Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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

Report for L.U. No. 723

Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20125755 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of MCSR Restaurant Corp., d.b.a Bar 30 Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 34-19 30th Avenue, Borough of Queens, Community Board 1, Council District 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 11, 2012 (Minutes, page 4030), respectfully

REPORTS:

SUBJECT

QUEENS CB - 120125755 TCQ

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of MCSR Restaurant Corp., d/b/a Bar 30 Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 34-19 30th Avenue.

By letter dated October 15, 2012, and submitted to the City Council on October 23, 2012, the applicant withdrew its application for the revocable consent.

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

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

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 1580

Resolution approving a motion to file pursuant to withdrawal for the petition for a revocable consent for an unenclosed sidewalk café located at 34-19 30th Avenue, Borough of Queens (20125755 TCQ; L.U. No. 723).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 2, 2012 its approval dated October 2, 2012 of the petition of MCSR Restaurant Corp., d/b/a Bar 30 Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 34-19 30th Avenue, Community

District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, by letter dated October 15, 2012, and submitted to the City Council on October 23, 2012, the applicant withdrew its application for the revocable consent.

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

Coupled to be Filed pursuant to a Letter of Withdrawal.

GENERAL ORDER CALENDAR

L.U. No. 710 & Res 1581

Application No. N 120142 ZRM submitted by Jamestown Premier Chelsea Market, LP pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), Borough of Manhattan Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3700), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4 **N 120142 ZRM**

City Planning Commission decision approving the application submitted by Jamestown Premier Chelsea Market, LP, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District).

INTENT

To facilitate the expansion of the existing Chelsea Market complex, located on a full block bounded by West 15th Street, West 16th Street, Ninth Avenue and Tenth Avenue (Block 713, Lot 1).

PUBLIC HEARING

DATE: October 23, 2012

Witnesses in Favor: Nineteen
Twenty-five

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012, recessed to October 25, 2012

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

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

Comrie
Jackson
Vann
Vacca
Ignizio

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders
Rivera		Mendez
Reyna		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on October 25, 2012. The City Planning Commission filed a letter with the Council on November 9, 2012, dated November 9, 2012, referring to its November 5, 2012 Review Session, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1581

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 120142 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) in Community District 4, Borough of Manhattan (L.U. No. 710).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2012 its decision dated September 5, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Jamestown Premier Chelsea Market, LP, for an amendment of the text of the Zoning Resolution of the City of New York relating to Article IX, Chapter 8 (Special West Chelsea District). The zoning text amendment, along with its related action, would facilitate the expansion of the existing Chelsea Market complex, located on a full block bounded by West 15th Street, West 16th Street, Ninth Avenue and Tenth Avenue (Block 713, Lot 1), Community District 4, Borough of Manhattan (Application No. N 120142 ZRM), (the "Application");

WHEREAS, the Application is related to ULURP Application C 120143 ZMM (L.U. 711), an amendment to the Zoning Map to include the subject block in the Special West Chelsea District (WCh);

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 October 23, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 11DCP120M) issued on April 9, 2012 and the Technical Memorandum which was issued on August 31, 2012 which describes and analyzes the modifications to the proposed actions made by the City Planning Commission and finds that the previous Negative Declaration is still valid (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the terms of the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120142 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

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 in [] is deleted by City Council;
- Matter in **bold double underline** is new, added by City Council;
- Matter within # # is defined in Section 12-10;
- * * * indicate where unchanged text appears in the Zoning Resolution
- Article IX – Special Purpose Districts

Chapter 8
Special West Chelsea District

* * *

98-03
District Plans and Maps

The regulations of this Chapter are designed to implement the #Special West Chelsea# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, ~~and~~ E and F:

* * *

Appendix E – Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus Within Subarea J

* * *

98-04
Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, ~~nine~~ ten Subareas (A through ~~I~~ J), and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply within the remainder of the #Special West Chelsea District#. The locations of the ~~nine~~ ten Subareas are shown in Appendix A of this Chapter.

* * *

98-14
Ground Floor Use and Transparency Requirements on Tenth Avenue

Except in Subarea J, the ~~The~~ special ground floor #use# and glazing regulations of this Section apply to that portion of a #building# or other #structure# fronting on Tenth Avenue in the #Special West Chelsea District.# Ground floor #uses# in

Subarea J shall be governed by the underlying #use# regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts).

* * *

98-142
High Line Level Wall Requirements Within Subarea J

Any additions to the windows or other glazing located on the wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

* * *

98-21
Maximum Floor Area Ratio outside of Subareas

For all #zoning lots#, or portions thereof, located outside of Subareas A through ~~I~~ J, the maximum #floor area ratios# of the applicable underlying districts shall apply.

* * *

98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through ~~I~~ J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying zoning districts shall not apply.

* * *

Maximum Floor Area Ratio by Subarea

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (max)
				FAR required to be transferred (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
* * *						
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	<u>5.0</u>	<u>NA</u>	<u>2.5</u>	<u>NA</u>	<u>NA</u>	<u>7.5</u>

6- Bonus contribution subject to provisions of 98-25 governing first contribution to Affordable Housing Fund

* * *

98-23
Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

* * *

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with an increase in the basic maximum #floor area ratio# of a #zoning lot#, pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area#.

98-25
High Line Improvement Bonus

For #zoning lots# located between West 46th 15th and West 19th Streets over which the #High Line# passes, the applicable maximum #floor area ratio# of the

#zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

- (1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F, at the Chairperson’s direction, provided that, in lieu of deposit to the High Line Improvement Fund, the contribution for the first 80,000 square feet of #floor area#, shall be deposited to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section. Such contribution shall be made in accordance with the provisions of Appendix D, ~~or~~ E or F of this Chapter, as applicable;

* * *

- (3) all additional requirements of Appendix D, ~~or~~ E or F, as applicable with respect to issuance of a building permit, have been met.

* * *

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished a certification by the Chairperson, that

- (1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F, and
- (2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

* * *

98-33

Transfer of Development Rights from the High Line Transfer Corridor

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, ~~and H, and J~~, #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

* * *

98-421

Obstruction over the High Line

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on [INSERT EFFECTIVE DATE OF THE ZONING TEXT AMENDMENT].

* * *

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #developments# and #enlargements#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through ~~(f)~~ (g) of this Section.

* * *

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# developed pursuant to the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph, (g), shall apply.

(i) Midblock Zone.

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(ii) Ninth Avenue Zone.

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(iii) Tenth Avenue Zone.

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Building Height (in feet)
* * *			
Subarea J Midblock Zone	NA	110 ⁶	130 ⁶
Subarea J Ninth Avenue Zone	NA	130 ⁶	135 ⁶
Subarea J Tenth	NA	185 ⁶	230 ⁶

Avenue Zone			
-------------	--	--	--

* * *

6 see Section 98-423, paragraph (g)

* * *

98-55

Requirements for Non-Transparent Surfaces on the East Side of the High Line

Except in Subarea J, any ~~Any~~ portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork.

* * *

98-61

High Line Access Or Support Easement Volumes Requirement

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25, this provision does not apply.

* * *

98-62

High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume other than a #zoning lot# developed pursuant to Section 98-25, as follows:

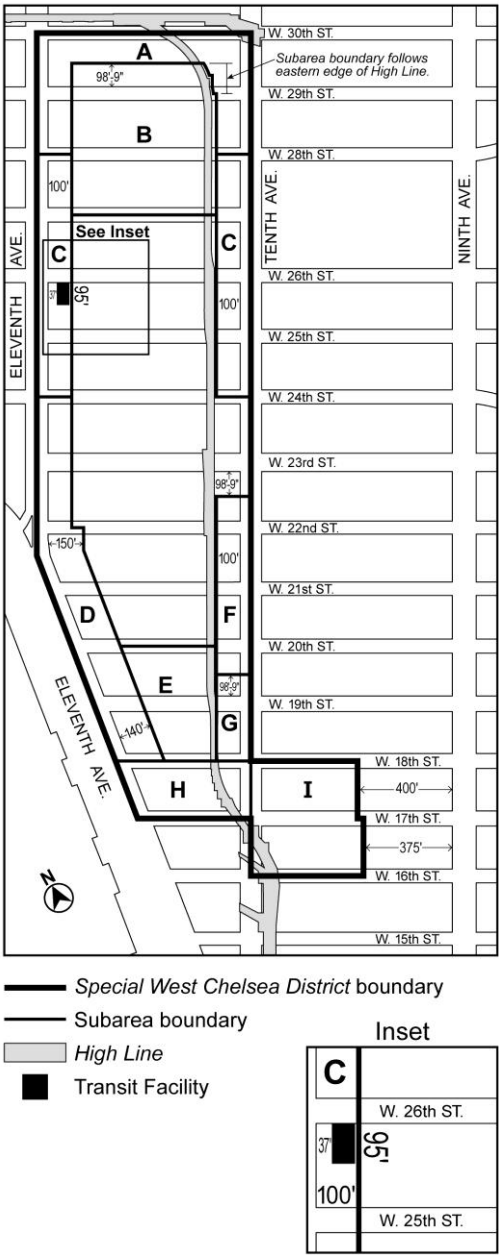
* * *

Appendix A

Special West Chelsea District and Subareas

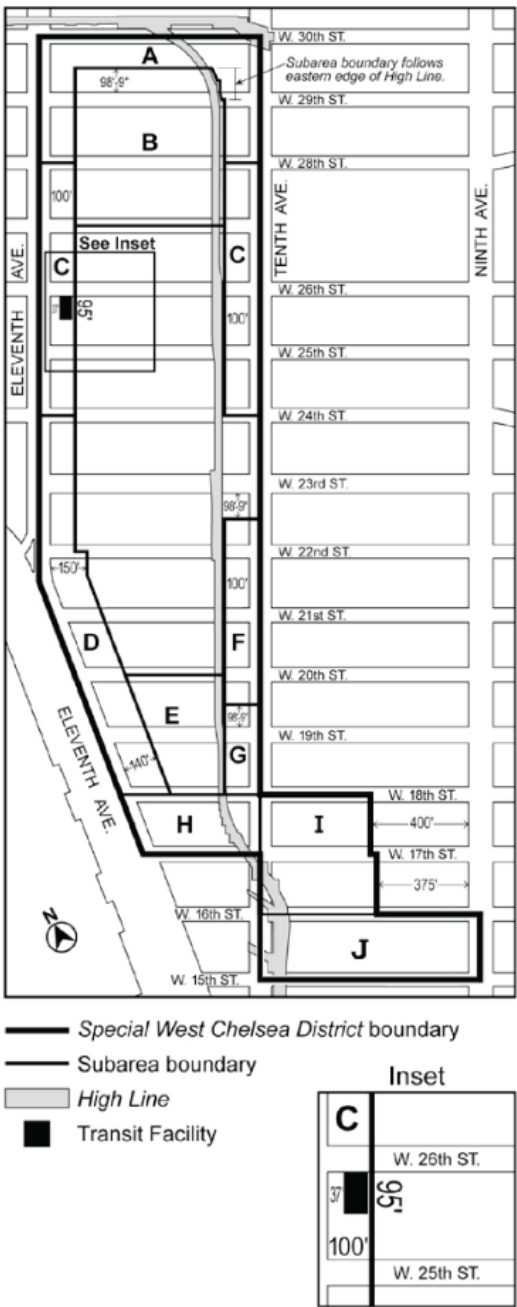
EXISTING

(TO BE DELETED)



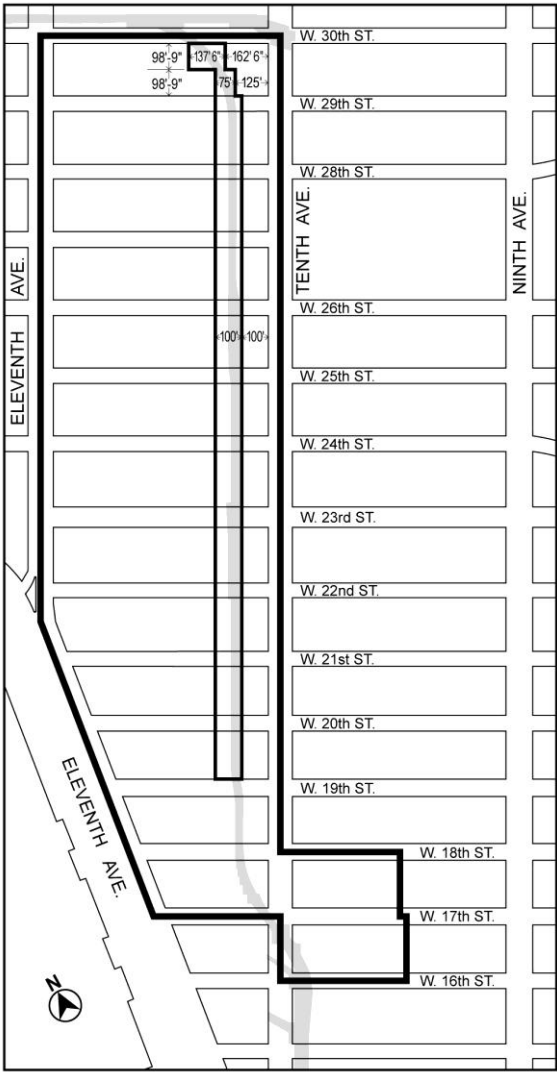
PROPOSED

(TO REPLACE EXISTING)

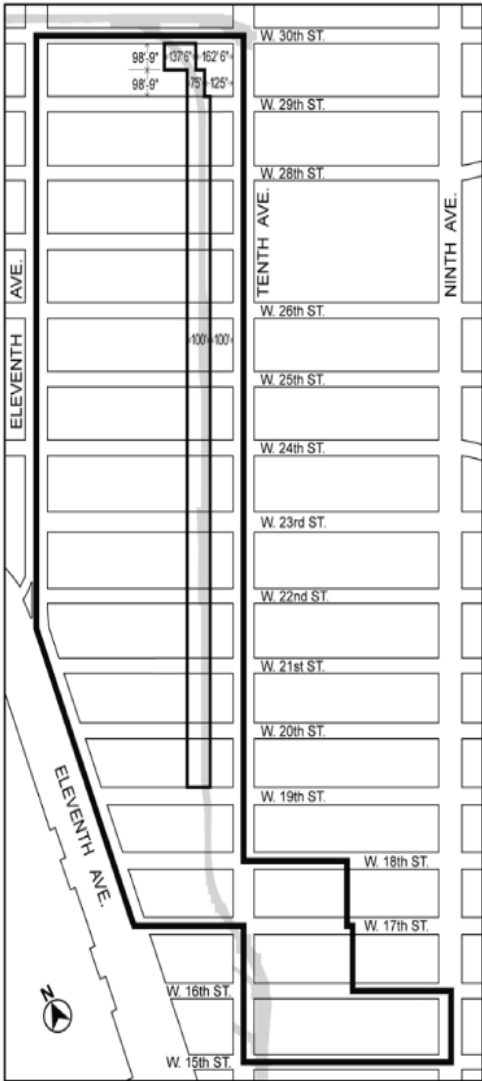


Appendix B
High Line Transfer Corridor Location

EXISTING
(TO BE DELETED)



PROPOSED
(TO REPLACE EXISTING)



* * *

APPENDIX F
Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas): The additional requirements are set forth in this Appendix, F, in paragraphs (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and paragraph (c), the option of the Owner to offer to the City an additional #High Line# Support Easement Volume. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT], up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the Owner shall:

- a. for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section; and
- b. for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be \$59.07 per square foot of #floor area# as of [EFFECTIVE DATE OF THE AMENDMENT], which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

(ii) All parties-in-interest shall execute that restrictive declaration, dated [September 5, 2012] **October 25, 2012**, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR #11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing buildings and structures and related matters;

(iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the city addressing the terms described in this paragraph, (a)(1)(iii):

(a) Hotel Use

No #development# or #enlargement# developed pursuant to Section 98-25 shall include a #transient hotel#;

(b) Retail Concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, owner

shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and Dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii):

(1) Exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;

(2) Exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;

(3) Exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);

(4) Exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at street level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F; and

(5) Non-exclusive easements for:

(i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and

(ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(ii)(b) of this Appendix, F;

(d) #Use# of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement

<p>of the #High Line# Support Easement Volumes), except that:</p> <ol style="list-style-type: none">1. <u>the public may use the public restrooms;</u>2. <u>up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and</u>3. <u>if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#. The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J. The #High Line# support spaces described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;</u> <p>(e) <u>Effective Date of the #High Line# Support Easement Volumes</u></p> <p><u>The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix, F, or in the event of default of the Owner in accordance with paragraph (c) of this Appendix, F, the date that the City has notified the Owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and</u></p> <p>(f) <u>Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix, F, shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT];</u></p> <p>(iv) <u>The Owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix, F, that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;</u></p> <p>(v) <u>Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the Owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its</u></p>	<p>designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(ii)(c) of this Appendix, F;</p> <p>(2) <u>The location of #floor area# which would cause the #floor area ratio# of a zoning lot to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the Owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.</u></p> <p>(b) <u>Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25:</u></p> <p>(1) <u>#High Line# Support Work Pursuant to Paragraph (d) of Section 98-25</u></p> <p>(i) <u>The Owner shall perform #High Line# Support Work subject to the provisions of this paragraph, (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.</u></p> <p>(ii) <u>The #High Line# Support Work shall consist of the following:</u></p> <p>(a) <u>the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(ii)(a)(1) of this Appendix, F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.</u></p> <p>(b) <u>the construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, including the provision of and access to separately metered gas, ventilation, water, sewers, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the Owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix, F. The Owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and</u></p> <p>(c) <u>the construction of the dedicated freight elevator described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F, with a minimum capacity of 3,000 pounds;</u></p> <p>(iii) <u>Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix, F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the Owner; provided that the Owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;</u></p>
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- (iv)

The cost to the Owner of the #High Line# Support Work pursuant to the plans approved pursuant to paragraph (a)(1) (iv) shall be estimated at the time of such approval by a licensed engineer selected by Owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed \$2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by ENR for New York City commencing as of [FIRST DAY OF FIRST MONTH FOLLOWING EFFECTIVE DATE OF ENACTMENT]. In the event that the City requests the Owner to perform any additional work in conjunction with the #High Line# Support Work and the Owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, F;
- (v)

Except as set forth in paragraph (b)(1)(v) of this Appendix, F, no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F shall have been substantially completed or finally completed, as applicable;
- (vi)

Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d) for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:

(a)

The Owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, which letter of credit or other security may be drawn or exercised by the City in the event of a default by the Owner in accordance with paragraph (c)(ii) of this Appendix F; and

(b)

The Owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the Owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix, F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.
- (c)

In the event the Owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix, F:

(1)

The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(i)(a) of this Appendix, F, and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the Owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix, F;

(2)

The City shall return to the Owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);

- (3)

No additional building permit may be issued pursuant to Section 98-25, paragraph (a) with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT].
- (d)

Option to offer an additional #High Line# Support Easement Volume:

(1)

The Owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the Owner’s first request for certification by the Chairperson described in paragraph (a) of Section 98-25 that relates to a #building# or portion of a #building# within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);

(2)

If the Owner elects to exercise such option, the Owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term “fair market value” shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm’s length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.

(3)

If such option is exercised by the Owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix, F, to irrevocably accept or decline the exercise of the option by written notice to the Owner. If the City does not so accept or decline the option within said 60 day period, then the option shall be deemed declined and neither the City nor Owner shall have any further rights or obligations under this paragraph, (d), inclusive;

(4)

If such option is exercised by the Owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(5)

In the event that the City requests the Owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the Owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the Owner.

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL

PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012.

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

L.U. No. 711 & Res 1582

Application No. C 120143 ZMM submitted by Jamestown Premier Chelsea Market, LP pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3701), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4C 120143 ZMM

City Planning Commission decision approving the application submitted by Jamestown Premier Chelsea Market, LP, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2012.

INTENT

To facilitate the expansion of the existing Chelsea Market complex, located on a full block bounded by West 15th Street, West 16th Street, Ninth Avenue and Tenth Avenue (Block 713, Lot 1).

PUBLIC HEARING

DATE: October 23, 2012

Witnesses in Favor: NineteenTwenty-fiveWitnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012, recessed to October 25, 2012

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

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

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders
Rivera		Mendez
Reyna		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 1582

Resolution approving the decision of the City Planning Commission on ULURP No. C 120143 ZMM, a Zoning Map amendment (L.U. No. 711).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 13, 2012 its decision dated September 5, 2012 (the "Decision"), on the application submitted by Jamestown Premier Chelsea Market, LP, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, which along with its related action, would facilitate the expansion of the existing Chelsea Market complex, located on a full block bounded by West 15th Street, West 16th Street, Ninth Avenue and Tenth Avenue (Block 713, Lot 1), (ULURP No. C 120143 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application N 120142 ZRM (L.U. No. 710), an amendment to the text of the Zoning Resolution of the City of New York relating to Article IX, Chapter 8 (Special West Chelsea District);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 23, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 11DCP120M) issued on April 9, 2012 and the Technical Memorandum which was issued on August 31, 2012 which describes and analyzes the modifications to the proposed actions made by the City Planning Commission and finds that the previous Negative Declaration is still valid (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the terms of the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120143 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2012, Community District 4, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012.

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

L.U. No. 715 & Res 1583

Application No. C 120309 ZMM 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. 3b and 6a, Borough of Manhattan, Community Board 9, Council District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3702), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9C 120309 ZMM

City Planning Commission decision approving an application 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. 3b and 6a.

INTENT

To facilitate the West Harlem Rezoning, an area-wide 90-block rezoning of northern West Harlem.

PUBLIC HEARING

DATE: October 3, 2012

Witnesses in Favor: TenWitnesses Against: Thirteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012

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

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

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders
Rivera		
Reyna		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Levin		
Cont’d		
Weprin		
Williams		
Ignizio		
Koo		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on October 25, 2012. The City Planning Commission filed a letter with the Council on November 9, 2012, dated November 9, 2012, referring to its November 5, 2012 Review Session, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1583

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 120309 ZMM, a Zoning Map amendment (L.U. No. 715).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 7, 2012 its decision dated September 5, 2012 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, which along with its related action, would facilitate the West Harlem Rezoning, an area-wide 90-block rezoning of northern West Harlem, Community District 9 (ULURP No. C 120309 ZMM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application N 120310 ZRM (L.U. No. 716), an amendment to the text of the Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 3, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on August 24, 2012, and the Technical Memorandum dated September 5, 2012 and October 26, 2012 (collectively, the “Technical Memoranda”) (CEQR No. 12DCP070M);

RESOLVED:

Having considered the FEIS and the Technical Memoranda, with respect to the Decision and Application, the Council finds that:

- (1)The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2)Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved, as modified herein, is one which minimizes

or avoids adverse environmental impacts to the maximum extent practicable;

- (3)The adverse environmental impacts disclosed in the FEIS and the Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the proposed action, as modified herein, those mitigative measures that were identified as practicable; and
- (4)The Decision together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120309 ZMM, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing Zoning Map, Section Nos. 3b and 6a:

Matter in ~~strikeout~~ is old, deleted by the City Council;
Matter in double underline is new, added by the City Council.

- 1.eliminating from within an existing R8 District a C1-4 District bounded by a line midway between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;
- 2.changing from an R7-2 District to an R6A District property bounded by:

a. West 153rd Street, a line 100 feet westerly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Broadway;

b. a line 100 feet southerly of West 155th Street, St. Nicholas Avenue, West 153rd Street, St. Nicholas Place, West 152nd Street, St. Nicholas Avenue, a line 75 feet northerly of West 152nd Street, a line 475 feet easterly of Amsterdam Avenue, West 152nd Street, Convent Avenue, West 151st Street, a line 125 feet easterly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Amsterdam Avenue;

c. a line midway between West 151st Street and West 150th Street, a line 100 feet westerly of Amsterdam Avenue, West 147th Street, and a line 100 feet easterly of Broadway;

d. West 150th Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149th Street and West 148th Street, Convent Avenue, West 149th Street, St. Nicholas Avenue, West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144th Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, West 141st Street, Convent Avenue, West 140th Street, Amsterdam Avenue, West 145th Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147th Street and West 148th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;

e. a line 100 feet southerly of West 145th Street, Bradhurst Avenue, the westerly center line prolongation of West 143rd Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and

f. West 143rd Street, a line 500 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 450 feet easterly of Broadway, West 141st Street, and a line 100 feet easterly of Broadway;
- 3.changing from an R8 District to an R6A District property bounded by:

a. West 148th Street, a line 100 feet westerly of Broadway, West 145th Street, a line 315 feet westerly of Broadway, a line midway between West 146th Street and West 145th Street, a line 250 feet westerly of Broadway, West 146th Street, a line 225 feet westerly of Broadway, a line midway between West 147th Street and West 146th Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147th Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line

midway between West 148th Street and West 147th Street, and a line 105 feet easterly of Riverside Drive;

- b. a line midway between West 143rd Street and West 142nd Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142nd Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and
- c. a line midway between West 139th Street and West 138th Street, a line 100 feet westerly of Broadway, a line midway between West 138th Street and West 137th Street, a line 455 feet westerly of Broadway, West 138th Street, and a line 400 feet westerly of Broadway;
- 4.changing from an R7-2 District to an R7A District property bounded by:

a. West 155th Street, a line 100 feet easterly of Amsterdam Avenue, West 152nd Street, a line 125 feet easterly of Amsterdam Avenue, West 151st Street, Convent Avenue, West 152nd Street, a line 475 feet easterly of Amsterdam Avenue, a line 75 feet northerly of West 152nd Street, St Nicholas Avenue, West 152nd Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145th Street, St. Nicholas Avenue, West 149th Street, Convent Avenue, a line midway between West 149th Street and West 148th Street, a line 100 feet westerly of Convent Avenue, West 150th Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, Amsterdam Avenue, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, West 147th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151st Street and West 150th Street, a line 100 feet easterly of Broadway, West 152nd Street, a line 100 feet westerly of Amsterdam Avenue, West 153rd Street, and Amsterdam Avenue;

b. a line 150 feet southerly of West 155th Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153rd Street, and St. Nicholas Avenue;

c. a line midway between West 148th Street and West 147th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;

d. a line 100 feet southerly of West 145th Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130th Street, Amsterdam Avenue, West 133rd Street, a line 200 feet easterly of Broadway, West 135th Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138th Street and West 136th Street, Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 141st Street, a line 450 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 500 feet easterly of Broadway, West 143rd Street, and a line 100 feet easterly of Broadway;

e. West 145th Street, St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143rd Street, Bradhurst Avenue and its southerly centerline prolongation, Edgecombe Avenue, West 141st Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144th Street, and a line 100 feet westerly of St. Nicholas Avenue; and

f. West 130th Street, St. Nicholas Terrace, West 127th Street, a line 100 feet westerly of St. Nicholas Avenue, West 126th Street, a line 100 feet westerly of Morningside Avenue, West 127th Street, a line 100 feet westerly of Convent Avenue, West 129th Street, and Convent Avenue;
- 5.changing from an R7-2 District to an R7D District property bounded by a line 100 feet northerly of West 145th Street, Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet easterly of Amsterdam Avenue, West 145th Street, Amsterdam Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Broadway;
- ~~5.~~ 6.changing from an R7-2 District to an R8A District property bounded by:

a. West 155th Street, St. Nicholas Avenue, a line 100 feet southerly of West 155th Street, and a line 100 feet easterly of Amsterdam Avenue; and

- b.

Edgecombe Avenue, West 145th Street, Bradhurst Avenue, a line 100 feet southerly of West 145th Street, St. Nicholas Avenue, a line 100 feet northerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152nd Street, St. Nicholas Place, West 153rd Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a line 150 feet southerly of West 155th Street, a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street, a line 100 feet southerly of West 155th Street, St. Nicholas Place, and West 155th Street; ~~and~~
- c.

~~a line 100 feet northerly of West 145th Street, Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet easterly of Amsterdam Avenue, West 145th Street, Amsterdam Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Broadway;~~
- ~~6- 7.~~

changing from a C8-3 District to an R8A District property bounded by West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street;
- ~~7- 8.~~

changing from an R8 District to a C6-3X District property bounded by a line midway between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;
- ~~8- 9.~~

changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;
- ~~9- 10.~~

establishing within a proposed R6A District a C1-4 District bounded by:

a.

a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Broadway, West 145th Street, and a line 315 feet westerly of Broadway; and

b.

a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Convent Avenue, West 145th Street, Convent Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Amsterdam Avenue;
- ~~10- 11.~~

establishing within a proposed R7A District a C1-4 District bounded by:

a.

a line midway between West 146th Street and West 145th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;

b.

a line 100 feet northerly of West 141st Street, a line 100 feet westerly of Amsterdam Avenue, West 141st Street, and Hamilton Place; and

c.

a line midway between West 140th Street and West 139th Street, a line 100 feet easterly of Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 139th Street, and Hamilton Place;
- ~~11- 12.~~

establishing within an existing R8 District a C1-4 District bounded by West 145th Street, a line 100 feet westerly of Broadway, a line midway between West 145th street and West 144th Street, and a line 270 feet westerly of Broadway;
- ~~12- 13.~~

establishing within a proposed R8A District a C2-4 District bounded by West 155th Street, Edgecombe Avenue, a line 150 feet southerly of West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street; and

- ~~13- 14.~~

establishing a Special Mixed Use District (MX-15) bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

Borough of Manhattan, Community District 9, as shown in a diagram (for illustrative purposes only) dated May 7, 2012, modified by the City Planning Commission on September 5, 2012, modified by the City Council on November 13, 2012, and subject to the conditions of CEQR Designation E-284.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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

L.U. No. 716 & Res 1584
Application No. N 120310 ZRM 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, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Borough of Manhattan, Community Board 9, Council District 7.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3702), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9N 120310 ZRM

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, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts.

INTENT

To facilitate the West Harlem Rezoning, an area-wide 90-block rezoning of northern West Harlem.

PUBLIC HEARING

DATE: October 3, 2012

Witnesses in Favor: TenWitnesses Against: Thirteen

SUBCOMMITTEE RECOMMENDATION

DATE: October 23, 2012

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

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

COMMITTEE ACTION

DATE: October 25, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	Sanders
Rivera		
Reyna		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Levin		

Cont’d

Weprin
Williams
Ignizio
Koo

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on October 25, 2012. The City Planning Commission filed a letter with the Council on November 9, 2012, dated November 9, 2012, referring to its November 5, 2012 Review Session, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1584

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 120310 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Community District 9 in the Borough of Manhattan (L.U. No. 716).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on September 7, 2012 its decision dated September 5, 2012 (the "Decision"), pursuant to Section

201 of the New York City Charter, regarding an application submitted by New York City Department of City Planning, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Community District 9. This action in conjunction with the related application for the proposed zoning map amendment would facilitate the West Harlem Rezoning, an area-wide 90-block rezoning of northern West Harlem (Application No. N 120310 ZRM), Community District 9, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 120309 ZMM (L.U. No. 715), an amendment to the Zoning Map;

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 October 3, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on August 24, 2012, and the Technical Memorandum dated September 5, 2012 and October 26, 2012 (collectively, the “Technical Memoranda”) (CEQR No. 12DCP070M);

RESOLVED:

Having considered the FEIS and the Technical Memoranda, with respect to the Decision and Application, the Council finds that:

- (1)

The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2)

Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, as modified herein, to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3)

The adverse environmental impacts disclosed in the FEIS and the Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the proposed actions, as modified herein, those mitigative measures that were identified as practicable; and
- (4)

The Decision together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120310 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

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

Article II
Residence District Regulations

* * *

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-142
In R6, R7, R8 or R9 Districts

R6 R7 R8 R9	
Except as otherwise provided in the following Sections:	
Section 23-144	(In designated areas where the Inclusionary Housing Program is applicable)
Section 23-145	(For Quality Housing buildings)
Section 23-146	(Optional provisions for certain R5 and R6 Districts in Brooklyn)
Section 23-147	(For non-profit residences for the elderly); and
Section 23-148	(For tower-on-a-base buildings in R9 Districts); <u>and</u>
<u>Section 23-149</u>	<u>(Special floor area regulations for certain sites in Community District 9, Borough of Manhattan)</u>

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

* * *

23-144
In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
<u>Community District 9, Manhattan</u>	<u>[R8A] R7D R9X</u>
Community District 1, Queens	R7A
Community District 2, Queens	R7X

* * *

23-149
Special floor area regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

* * *

23-636
Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

23-952
Floor area compensation in Inclusionary Housing designated areas

* * *

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6*	2.20	2.42
R6** R6A R7-2*	2.70	3.60
R7A R7-2**	3.45	4.60
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
<u>R9X</u>	<u>7.3</u>	<u>9.7</u>
R10	9.00	12.00

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

24-523
Special height and setback regulations

R5D R8 R10

(a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) R5D Districts

In R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

* * *

33-433
Special height and setback regulations

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District7, Borough of Manhattan).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements of Section 23-60.

* * *

Article XII
Special Purpose Districts

Chapter 3
Special Mixed Use District

* * *

123-662

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings# or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

- (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL
DISTRICTS
(in feet)

District	Maximum Base Height	Maximum #Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

- (2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (1) of this Section shall not apply. In lieu thereof, the following height and setback regulations shall apply. A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.
- (4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY CONTEXTUAL
DISTRICTS
(in feet)

Minimum Base District	Maximum Base Height	Maximum #Building# Height	Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

* -----
That portion of a district which is within 100 feet of a #wide street#

** That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#

*** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a

maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 14:
Third Avenue/Tremont Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15:
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

* * *

APPENDIX F: Inclusionary Housing Designated Areas

* * *

Manhattan

* * *

Manhattan Community District 9, 10 and 11

* * *

In the [R8A] **R7D** and R9X Districts within the areas shown on the following Map 2:

Map 2



Portions of Community District 9, Manhattan

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R.

GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, October 25, 2012

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant’s Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Mojdeh Rubin	1435 Lexington Avenue #11E New York, N.Y. 10128	4
Abigail Pena	1590 Undercliff Avenue #PHG Bronx, N.Y. 10453	16
Doris L. Gonzalez-LoGiudice	695 East 133 rd Street Bronx, N.Y. 10454	17
Frank Mesa	474 48 th Avenue Long Island City, N.Y. 11109	26
Michelle Woodling	4720 Center Blvd #2703 Queens, N.Y. 11109	26
Ysmerlyn Baez	145-04 Arlington Terrace Queens, N.Y. 11435	28
Michael Acampora	84 Newel Street #2R Brooklyn, N.Y. 11222	33
Katherine Jackson	289 Essex Street #1 Brooklyn, N.Y. 11208	37
LaKiesha T. Reese	672 Ralph Avenue #1E Brooklyn, N.Y. 11212	41
Kathryn Filbert	576 BayRidge Pkwy Brooklyn, N.Y. 11209	43

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COUNCIL MINUTES — STATED MEETING November 13, 2012 CC39

COUNCIL MINUTES — STATED MEETING November 13, 2012 CC39

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Katherine Sostre	18 South Street #10J New York, N.Y. 10038	1
Rosalynne Krivitzky	300 East 33 rd Street #4P New York, N.Y. 10016	2
Jeanmarie Weber	201 East 17 th Street #30F New York, N.Y. 10003	2
Dilys G. Rubizzi	107 Christopher Street New York, N.Y. 10014	3
Helen F. Kurzner	35 Sutton Place #1C New York, N.Y. 10022	5
Mina Amador	330 East 104 th Street #6G New York, N.Y. 10029	8
Lillian B. Smith	55 West 100 th Street #3A New York, N.Y. 10025	8
Margene C. Bowman	140 Benchley Place #24B Bronx, N.Y. 10475	12
David Lockwood	140 Elgar Place #22B Bronx, N.Y. 10475	12
Vernice McMillian	1175 East 225 th Street Bronx, N.Y. 10466	12
Kenneth Price	4319 Bronxwood Avenue Bronx, N.Y. 10466	12
Mario Calandruccio	3875 Dudley Avenue Bronx, N.Y. 10461	13
Regina V. Dillard	1747 Clay Avenue #2G Bronx, N.Y. 10457	14
Heidy Alonzo	729 Prospect Avenue #1A Bronx, N.Y. 10455	17
Gladys Ramirez-Roman	1117 Manor Avenue 46H Bronx, N.Y. 10472	18
Lisette Reyes	31-10 137 th Street Flushing, N.Y. 11354	20
Uba Udogwu	43-08 28 th Avenue #22 Astoria, N.Y. 11103	22
Joyce D. Nunez	221-28 64 th Avenue #B Bayside, N.Y. 11364	23
Vivian Shapiro Kochanoff	77-37 168 th Street #2 Fresh Meadow, N.Y. 11366	24
Pamela Robinson	104-10 191 st Street Hollis, N.Y. 11412	27
Vicente A. Brown	137-24 132 nd Avenue Queens, N.Y. 11436	28
Yvonne Rosado	90-02 101 St Avenue Ozone Park, N.Y. 11417	32
Lynn Gripper	217 Carlton Avenue Brooklyn, N.Y. 11205	35
Ruby W. Allen	738 Dekalb Avenue Brooklyn, N.Y. 11216	36
Michael P.A. Ramoutar	224 Jefferson Avenue Brooklyn, N.Y. 11216	36
Myra Salmond	1670 Fulton Street Brooklyn, N.Y. 11213	36
Michael Amzel	4701 12 th Avenue Brooklyn, N.Y. 11219	39
Evangeline Wilson	9507 Kings Highway #5E Brooklyn, N.Y. 11212	41
Dayne E. Banks	1426 Loring Avenue #55C Brooklyn, N.Y. 11208	42
Juanita England	215 Wortman Avenue #4C Brooklyn, N.Y. 11207	42
Lena Ham	106-22 Farragut Road #2D Brooklyn, N.Y. 11236	42
Marilyn Thornton-Chase	185 Ardsley Loop #11A Brooklyn, N.Y. 11239	42
Valerie Woodford	225 Conklin Avenue Brooklyn, N.Y. 11236	42
Denise Handal	924 Newkirk Avenue Brooklyn, N.Y. 11230	44
Tzvi Scher	903 Avenue M	44

	Brooklyn, N.Y. 11230	
Solomon Schlafrig	1723 45 th Street	44
	Brooklyn, N.Y. 11204	
Ericka Fields	198 East 57 th Street	45
	Brooklyn, N.Y. 11203	
Margie Jordan	3028 West 29 th Street	47
	Brooklyn, N.Y. 11224	
Anna Maria Walsh	189 Bay 43 rd Street	47
	Brooklyn, N.Y. 11214	
Eva Wong	2675 West 36 th Street #6A	47
	Brooklyn, N.Y. 11224	
Albert D. George	188 Harbor Road	49
	Staten Island, N.Y. 10303	
John C. Kempczynski	165 Wright Street	49
	Staten Island, N.Y. 10304	
Gigi L. Semaan	1064 Rockland Avenue	50
	Staten Island, N.Y. 10314	
Elia Murphy	763 Barlow Avenue #1	51
	Staten Island, N.Y. 10312	
John M. Picozzi	159 Preston Avenue	51
	Staten Island, N.Y. 10312	

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

(1)	M 941 & Res 1585 -	Communication from the Office of Management & Budget – Proposed FY 2013 Appropriation Changes Pursuant to Section 216 of the City Charter.
(2)	Res 1570 -	Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for fiscal 2013.
(3)	Res 1571 -	Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for fiscal 2013.
(4)	Res 1572 -	Resolution amending and restating the 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, 2012 and ending on June 30, 2013, 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 (Tax Fixing Resolution, Amendment and Restatement November 13, 2012).
(5)	Res 1573 -	Designation of funding in the Expense Budget (Transparency Resolution).
(6)	L.U. 710 & Res 1581 -	App. N 120142 ZRM , Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), Borough of Manhattan Community Board 4, Council District 3.
(7)	L.U. 711 & Res 1582 -	App. C 120143 ZMM , amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, Borough of Manhattan, Community Board 4, Council District 3.
(8)	L.U. 715 & Res 1583 -	App. C 120309 ZMM amendment of the Zoning Map, Section Nos. 3b and 6a, Borough of Manhattan, Community Board 9, Council District 7.
(9)	L.U. 716 & Res 1584 -	App. N 120310 ZRM , amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 3 , Article II,

- (10)

L.U. 721 & Res 1578 -

Chapter 4, Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts in Borough of Manhattan, Community Board 9, Council District 7.
- (11)

L.U. 722 & Res 1579 -

App. C 20120267 PPM, pursuant to zoning, Borough of Manhattan, Community Board 1, Council District 1 .
- (12)

L.U. 723 & Res 1580 -

App. C 090002 ZSM, 54 Greene Street, Borough of Manhattan, Community Board 2, Council District 1.
- (13)

L.U. 724 & Res 1577 -

App. 20125755 TCQ, 34-19 30th Avenue, Borough of Queens, Community Board 1, Council District 22 (Coupled to be Filed pursuant to a Letter of Withdrawal).
Creston Avenue Apartments, Block 3171, Lot 37, Block 3172, Lots 25 & 28, Bronx, Community District No. 5. Council District No. 14
- (14)

Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Lander, Lappin, Levin, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **42**.

The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Res Nos. 1570, 1571, and 1572**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Lander, Lappin, Levin, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **39**.

Abstention – Halloran, Ulrich, and Vallone, Jr - **3** .

The following was the vote recorded for **LU No 710 & Res No. 1581, LU No. 711& Res No. 1584 , LU No. 715 & Res No. 1585, LU No. 716 & Res No. 1586**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Lander, Lappin, Levin, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **41**.

Negative – Barron - **1**.

INTRODUCTION AND READING OF BILLS

Res. No. 1563

Resolution calling on the Mayor of the City of New York to sever or alter the concession agreement regarding the Downtown Manhattan Heliport in order to ban commercial tourism flights from the New York City area.

By Council Members Brewer, Levin, Chin, James and Rodriguez.

Whereas, There have been 28 helicopter crashes around Manhattan in the last 30 years and 5 in the last 4 years; and
Whereas, The 1997 city ban on tourist helicopters from the 34th Street helipad cut helicopter traffic in that area by 65 percent; and

Whereas, The Federal Aviation Administration (FAA) announced that it would tighten rules governing commercial sightseeing tours after a helicopter and light plane collided over the Hudson in 2009, killing 9 people; and
Whereas, Helicopter noise and traffic has substantially increased in the lower Manhattan and Brooklyn areas over the past two years due to the closure of the West 30th Street helipad to sightseeing helicopters, as these have all relocated to the Downtown Manhattan Heliport (DMH) near South Street Seaport; and
Whereas, DMH now has approximately 200 takeoffs and landings per day, 70 percent of which are sightseeing flights; and
Whereas, In 2010, the City banned tourist helicopter flights over Brooklyn and the East River due to the noise complaints, but many tourism companies have been blatantly ignoring the ban; and
Whereas, In April 2010, the New York City Economic Development Corporation (EDC) released a Helicopter Sightseeing Plan to address the problems presented by tourist helicopter flights; and
Whereas, The FAA Modernization and Reform Act of 2012 was passed by both houses of Congress and signed into law by President Obama on February 14, 2012, and it includes language regarding the reduction of helicopter traffic and noise over residential areas such as Long Island; and
Whereas, Commercial air tour companies are limited only to the DMH near Wall Street and are only authorized to fly specific routes; and
Whereas, EDC granted a concession to operate the DMH to FirstFlight, Inc. in November 2008 for a term of 10 years for commercial purposes, including tourism; and
Whereas, The terms of the concession to FirstFlight are severable and therefore the City can renegotiate the concession to change the terms; now, therefore, be it
Resolved, That the Council of the City of New York calls on the Mayor of the City of New York to sever or alter the concession agreement regarding the Downtown Manhattan Heliport in order to ban commercial tourism flights from the New York City area.

Referred to the Committee on Transportation.

Res. No. 1564

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation banning the practice of “curative therapy,” also known as “reparative” or “conversion” therapy, or any attempt by a licensed professional to change, alter, or “correct” a minor’s sexual orientation.

By Council Members Dromm, Brewer, Ferreras, Foster, James, Lander, Rose, Van Bramer and Lappin.

Whereas, The American Psychological Association (APA) defines a mental disorder as a “clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom”; and
Whereas, Lesbian, gay, bisexual, and other orientations are not mental disorders; and
Whereas, Homosexuality has been documented in many different cultures and historical eras; and
Whereas, Findings by the APA reveal that the longstanding consensus of the health and mental health professions is that homosexuality is a normal and positive variation of human sexual orientation; and
Whereas, Research by the APA shows that gay men, lesbians, and bisexual individuals form stable, committed relationships and form families that are equivalent to heterosexual relationships and families in essential respects; and
Whereas, Therapies aimed at changing sexual orientation are referred to as curative, reparative, or conversion therapy; and
Whereas, Currently, minors can be forced to undergo conversion therapy by parents and ministers who refuse to accept that they are gay; and
Whereas, A common technique used in curative therapies involves tying homosexual desires to emotional wounds in early childhood and, in some cases, to early sexual abuse; and
Whereas, According to the APA, all major national mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation; and
Whereas, For example, the American Psychoanalytic Association believes that efforts to repair an individual’s sexual orientation are against the fundamental principles of psychoanalytic treatment and often result in substantial psychological pain; and
Whereas, The promotion of curative therapies reinforces stereotypes and contributes to a negative climate for the lesbian, gay, bisexual, and transgender (LGBT) community; and
Whereas, The Human Rights Campaign, the nation’s largest LGBT rights organization, has reported significant evidence of harm to LGBT youth resulting from attempts to change their sexual orientation; and

Whereas, For example, LGBT youth whose families reject their sexual orientation are eight times more likely to have attempted suicide, six times more likely to report high levels of depression, three times more likely to use illegal drugs, and three times more likely to be at high risk for HIV and STDs; and

Whereas, A 2007 APA task force, Appropriate Therapeutic Responses to Sexual Orientation, reviewed existing research on the efficacy of reparative therapy and found that there was very little methodologically sound research on sexual orientation change efforts and that it is unlikely these efforts would be able to reduce same-sex attraction; and

Whereas, The APA task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, and a feeling of being dehumanized; and

Whereas, According to the APA, beneficial responses by a therapist treating an individual who is troubled about his or her same-sex attraction include helping that person cope with social prejudice against homosexuality, and successfully resolving issues associated with and resulting from internal conflicts; and

Whereas, The state of California recently became the first in the nation to enact legislation that would prohibit dangerous and discredited efforts by licensed mental health providers to change the sexual orientation of minor patients; and

Whereas, Furthermore, mental health professional organizations, such as the APA, call on their members to respect a person’s right to self-determination; be sensitive to a client’s race, culture, ethnicity, age, gender, gender identity, sexual orientation, religion, socioeconomic status, language, and disability status when working with that client; and eliminate biases based on these factors; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation banning the practice of “curative therapy,” also known as “reparative” or “conversion” therapy, or any attempt by a licensed professional to change, alter, or “correct” a minor’s sexual orientation.

Referred to the Committee on Health.

Res. No. 1565

Resolution calling on the United States Congress to pass and the President to sign H.R. 2638/S. 1109, known as the “Military Families Act,” which would allow the parents, children, and spouses of members of the Armed Forces to obtain lawful permanent residency and would abolish numerical limitations for immigrant visas for Filipino sons and daughters of parents who were naturalized under the Immigration Act of 1990.

By Council Members Dromm, Eugene, Brewer, Chin, Dilan, Ferreras, Fidler, Foster, James, Koo, Lander, Williams and Rodriguez.

Whereas, According to the 2010 United States Census, more than a third of all residents of New York City, approximately three million people, are foreign born, representing countries throughout the world; and

Whereas, According to a report by the Immigration Policy Center, entitled *Immigrants in the Military Eight Years After 9/11*, as of 2009, nationally, more than 100,000 immigrants were in active duty in the United States Armed Forces; and

Whereas, Furthermore, of those 100,000 immigrants, approximately 12 percent were undocumented; and

Whereas, According to the United States Citizenship and Immigration Services, members of the United States Armed Forces include those serving in the Army, Navy, Marine Corps, Air Force, Coast Guard, certain Reserve components of the National Guard, or the Selected Reserve of the Ready Reserve; and

Whereas, Thousands of immigrants join the United States Armed Forces each year, serving in Iraq, Afghanistan and other locations across the globe; and

Whereas, On May 26, 2011, Senator Robert Menendez introduced S.1109/H.R.2638, known as the “Military Families Act,” which would authorize the adjustment of status for immediate family members of individuals who served honorably in the United States Armed Forces during the Afghanistan and Iraq wars; and

Whereas, The bill seeks to “amend the Immigration and Nationality Act to direct the Secretary of Homeland Security to adjust the status of an eligible immigrant to that of an immigrant lawfully admitted for permanent residence if the immigrant: (i) applies for adjustment; (ii) is admissible to the United States as an immigrant; and (iii) is physically present in the United States”; and

Whereas, Additionally, the bill applies to immigrants who are a parent, spouse, child, or the legal guardian of a child of a living Armed Forces member or of a deceased Armed Forces member who died as a result of service-incurred injury or disease; and

Whereas, Also, this bill creates several exceptions to allow immigrants to apply for permanent residency where, under current immigration laws, they would not be eligible; and

Whereas, Furthermore, the bill would amend the Immigration and Nationality Act to exempt from numerical limitations on immigrant visas the sons and daughters

of Filipino World War II veterans who were naturalized under the Immigration Act of 1990 or other specified federal law; and

Whereas, If enacted, the Military Families Act would allow the parents, children, and spouses of members of the Armed Forces who have served overseas to obtain lawful permanent residency; and

Whereas, Such a bill would be of great assistance to many undocumented immigrants in New York City and beyond, especially in the absence of federal immigration reform; and

Whereas, Those who have served nobly and sacrificed for our nation should not live in fear that their families may be deported; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R. 2638/S. 1109, known as the “Military Families Act,” which would allow the parents, children, and spouses of members of the Armed Forces, who have served this great country, to obtain lawful permanent residency and would abolish numerical limitations for immigrant visas for Filipino children of parents who were naturalized under the Immigration Act of 1990.

Referred to the Committee on Veterans.

Res. No. 1566

Resolution calling upon the United States Congress to oppose H.R. 1164, also known as the “National Language Act of 2011,” which would drastically reduce the ability of non-English speakers to meaningfully interact with their government and legal system by making English the official language of the United States.

By Council Members Dromm, Arroyo, Barron, Brewer, Chin, Ferreras, Lander and Rodriguez.

Whereas, The United States and New York City have historically been beacons of hope and opportunity for people around the world; and

Whereas, According to the 2010 U.S. Census, New York City is home to approximately three million immigrants; and

Whereas, Furthermore, according to the report entitled *Translation Woes: Language Barriers at New York City’s Human Resources Administration*, New Yorkers speak as many as 170 different languages, and one in four New Yorkers identifies themselves as limited English proficient; and

Whereas, New York City has taken steps to address the need for greater language diversity in delivery of government services; and

Whereas, In 2003, Local Law 73 was passed to ensure that immigrant New Yorkers would have equal access to city services; and

Whereas, Additionally, in 2008, Mayor Bloomberg issued Executive Order 120 which requires city agencies to implement language access plans; and

Whereas, Together these measures help alleviate language barriers many New Yorkers face when interacting with the City’s agencies and other institutions; and

Whereas, On March 17, 2011, Congressman Peter T. King introduced H.R. 1164, also known as the “National Language Act of 2011,” which would make English the official language of the United States government; and

Whereas, If enacted, the National Language Act would require the U.S. government to: (i) conduct its official business in English, including publications, income tax forms and informational materials; (ii) preserve and enhance the role of English as the official language of the United States; and (iii) provide that no person has a right, entitlement, or claim to have the government act, communicate, perform, or provide services or materials in any other language, unless specifically stated in applicable law; and

Whereas, If enacted, the National Language Act would effectively disenfranchise citizens who are not fluent in English; and

Whereas, If enacted, such requirements would disadvantage non-native English speakers’ ability to participate in society; and

Whereas, The United States, especially New York City, is a heterogeneous society whose people are united by their shared ideals and not a common linguistic or ethnic identity; and

Whereas, The cultural and linguistic diversity of our nation and city are great sources of strength and not weaknesses; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to oppose H.R. 1164, also known as the “National Language Act of 2011,” which would drastically reduce the ability of non-English speakers to meaningfully interact with their government and legal system by making English the official language of the United States.

Referred to the Committee on Immigration.

Int. No. 952

By Council Members Garodnick, Wills, Barron, Brewer, Chin, Fidler, Gentile, James, Koo, Lander, Mealy, Rose, Williams, Halloran and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to permitting interested parties to receive notification of rulemaking and legislative actions.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision b of section 1043 of chapter 45 of the New York city charter is amended to read as follows:

4. In addition to the requirements set forth in paragraph one of this subdivision, each agency shall provide information regarding the public hearing to be held with regard to a proposed rule in a prominent location on such agency's website at least seven days prior to the date set for such hearing. Each agency shall further provide, in a prominent location on such agency's website, a link to the NYC Rules online portal or any successor city website or page that is substantially similar in form or function. Each agency shall, to the greatest extent practicable, and in addition to the electronic transmissions required by paragraph two of this subdivision, publicize upcoming public hearings via electronic means that are likely to reach interested members of the public. *Such means shall include giving individuals, through the NYC Rules online portal or any successor city website or page that is substantially similar in form or function, the ability to sign up online to receive voice, text message, and/or e-mail rulemaking notifications when notice relating to new or amended rules is published in the city record. Such e-mail notifications shall include, at a minimum, all information related to such rulemaking published in the city record. Voice and text message notifications shall provide notice that new or amended rules have been proposed, and shall direct the receiving individual to where they can find further information for no cost. Individuals shall be permitted to limit their receipt of such notifications to one or more rulemaking agencies or entities. The notification sign up website shall include a short description of the core functions of each available agency and entity.* This paragraph shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this paragraph shall not result in the invalidation of any rule.

§2. Chapter 1 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-107 to read as follows:

§23-107 Notifying interested parties of council actions. a. The department of information technology and telecommunications shall allow individuals to sign up online to receive voice, text message, and/or e-mail notifications relating to certain categories of council actions described in subdivision b of this section.

b. Council action notifications shall be sent out when any of the following events occur: (i) legislation is referred to a committee; (ii) any public hearing is scheduled in a committee; (iii) a vote occurs in a committee; (iv) legislation approved by a committee is scheduled for action by the full council; (v) legislation approved by a committee is voted on by the full council, and; (vi) legislation approved by a committee is scheduled to be acted upon by the mayor in a bill signing ceremony. The department of information technology and telecommunications shall allow individuals to limit their receipt of such notifications to one or more council committees. The notification sign up website shall include a short description of each committee's jurisdiction. Such notifications shall briefly describe the action they represent, and shall direct the receiving individual to additional information about the event, if any, that exists elsewhere.

§3. This local law shall take effect six months after its enactment.

Referred to the Committee on Technology.

Int. No. 953

By Council Members Garodnick, Wills, Barron, Brewer, Chin, Dickens, Eugene, Ferreras, Gentile, James, Koo, Lander, Mealy, Rose, Williams, Lappin, Rodriguez and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to notifying businesses when the city has received a complaint about its operation.

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

CHAPTER 7

NOTIFICATION OF COMPLAINTS AGAINST BUSINESSES

§23-701 Notifying businesses of complaints. The department of information technology and telecommunications shall allow business owners to sign up online to receive voice, text message, and/or e-mail notifications of all complaints received via 311 or 311 online against such business. Such notifications shall briefly explain the nature of the complaint, shall be sent out in the requested format within seventy-two hours of when the complaint is made, and shall not include the name or other identifying information of the complainant.

§2. This local law shall take effect six months after its enactment.

Referred to the Committee on Technology.

Int. No. 954

By Council Members Greenfield, Wills, Eugene, Fidler, Garodnick and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to permissible standing at fire hydrants.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York, is amended by adding a new section 19-162.3 to read as follows:

§19-162.3 Standing near fire hydrants permitted. Notwithstanding any other provisions of this code or the rules of the city of New York, it shall be lawful for a motor vehicle to stand adjacent to or within fifteen feet of such fire hydrant, so long as a motorist capable of moving such vehicle away from such fire hydrant at any time at the direction of an authorized New York city employee or other authorized law enforcement personnel is seated within such vehicle at all times.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation

Res. No. 1567

Resolution calling upon the New York State Comptroller to grant shared authority to the New York City Comptroller for purposes of auditing the Metropolitan Transit Authority.

By Council Members Halloran, James, Koo, Rose and Williams.

Whereas, The great majority of riders who use the Metropolitan Transit Authority (“MTA”) for transportation are New York City residents; and

Whereas, The MTA suffers from significant budgetary problems, including \$32 billion in outstanding long-term debt and a history of operating shortfalls numbering in the hundreds of millions of dollars; and

Whereas, Due to the above stated budget gaps, the MTA has raised fares three times in the last four years, made significant cuts in service, particularly in New York City, and is planning to raise fares by 14 percent over the next 3 years; and

Whereas, In 2010 the New York State Comptroller (“NYS Comptroller”) published its annual audit of the MTA, which found significant abuses in the use of overtime, and identified \$56 million in annual savings if unnecessary overtime were cut; and

Whereas, Despite the fact that this audit noted that overtime abuses at the MTA had persisted for years, such abuses were only discovered in 2010, even though the NYS Comptroller is required by law to conduct audits of the MTA on an annual basis; and

Whereas, This is an indication that greater resources are required to oversee the MTA properly, thus ensuring that wasteful practices are identified and corrected at the outset, and thereby reducing the need to raise fares; and

Whereas, The NYS Comptroller can leverage these additional resources from the New York City Comptroller (“NYC Comptroller”) by granting the NYC Comptroller authority to audit the MTA; and

Whereas, Granting audit authority to the NYC Comptroller would also ensure that the MTA is more accountable to New York City residents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Comptroller to grant shared authority to the New York City Comptroller for purposes of auditing the Metropolitan Transit Authority.

Referred to the Committee on Governmental Operations.

Int. No. 955

By Council Members James, Wills, Barron, Chin, Gonzalez, Rose, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the disposal of ammunition shell casings.

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

Chapter 3

Personal Property

§4-209. Disposal of ammunition shell casings; reporting of.

a. Definitions. For the purposes of this section, “agency” means a city, county, borough, or other office, position, administration, department, division, bureau,

board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

b. The City shall submit to the Council by July 1 of each year a report detailing the manners in which its agencies disposed of ammunition shell casings during the preceding fiscal year. If any such casings were sold at auction, such report shall set forth the name and address of each purchaser.

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

Referred to the Committee on Public Safety.

Res. No. 1568

Resolution calling upon the Mayor of the City of New York to take necessary steps to ensure that ammunition casings generated by the City are disposed of in a way that neither perpetuates nor increases the threat of gun violence in New York City.

By Council Members James, Barron, Chin, Fidler, Gentile, Gonzalez, Rose, Williams, Wills and Rodriguez.

Whereas, New York City is a national leader in gun safety and policy initiatives designed to increase public safety; and

Whereas, New York City has strict regulations surrounding the sale and possession of firearms and ammunition in order to protect our residents, workers and visitors; and

Whereas, a 2009 report issued by the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding firearms trace data, the most recent such report pertaining to New York City, indicates that a significant percentage of firearms recovered in connection with crimes committed in New York City can be traced to gun sales from other jurisdictions, many of which have less stringent regulations surrounding the sale and possession of firearms and ammunition; and

Whereas, According to various reports, in June 2012, New York City sold 28,800 pounds of New York City Police Department spent shell casings to Georgia Arms, an ammunition store located in Villa Rica, Georgia, rather than a scrap metal company, as it has done in the past; and

Whereas, Spent shell casings can be reloaded and sold as bullets; and

Whereas, The state of Georgia requires no questioning, identification or registration of an individual before he or she may purchase firearms or ammunition; and

Whereas, ATF identified Georgia as a top source state for firearms recovered in connection with New York City crimes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York to take necessary steps to ensure that ammunition casings generated by the City are disposed of in a way that neither perpetuates nor increases the threat of gun violence in New York City.

Referred to the Committee on Public Safety.

Int. No. 956

By Council Members Koslowitz, Barron, Chin, Fidler, Gentile, James, Gonzalez, Koo, Rose, Van Bramer, Williams, Wills and Rodriguez.

A Local Law to amend the New York city charter, in relation to distribution of the business owner’s bill of rights.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 15 of the New York city charter, as added by local law number 18 for the year 2010, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes [and] *an* appropriate referral; and vi) an inspector with a sound knowledge of the applicable laws, rules and regulations.

2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of *a physical copy* of the bill of rights to business

owners or managers [prior to, during, or after]*at the time of an inspection, except that if the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, then a copy of the bill of rights shall be provided as soon as practicable.*

3. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§2. This local law shall take effect thirty days following enactment.

Referred to the Committee on Governmental Operations.

Int. No. 957

By Council Members Lappin, Barron, Brewer, Chin, Ferreras, James, Koo, Mealy, Rose, Williams and Rodriguez.

A Local Law to amend the New York city charter, in relation to the establishment and development of school gardens.

Be it enacted by the Council as follows:

Section 1. Section 20 of the New York city charter is amended by adding a new subdivision j to read as follows:

j. *School gardens. 1. There is hereby established within the office an interagency school gardens team under the management of the director or the director’s designee to support the creation and maintenance of school gardens.*

2. *The interagency school gardens team shall include as members the commissioners of buildings, education, environmental protection, health and mental hygiene, parks and recreation, and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate.*

3. *The interagency school gardens team shall:*

i. *identify and catalogue existing school garden locations and potential school garden locations;*

ii. *develop and administer incentive programs to encourage public or private entities to help schools identify and develop school garden locations;*

iii. *promote community participation and community assistance in the identification and development of school garden locations;*

iv. *disseminate information to all principals about the resources that are available for identifying and developing school garden locations;*

v. *facilitate interactions among city agencies, community based organizations, environmental experts, and schools regarding school gardens;*

vi. *support the efforts of principals to obtain and utilize federal, state, and private incentives to identify and develop school garden locations;*

vii. *take other such actions as may be necessary to facilitate the identification and development of school garden locations.*

4. *No later than April twenty-second, two thousand thirteen, and no later than every April twenty-second thereafter, the interagency school gardens team shall prepare and submit to the mayor and the speaker of the city council a report on the city’s school gardens, disaggregated by community district and council district, where possible. Such report may be included in the office’s annual report on the city’s long-term planning and sustainability efforts. The report shall include, but not be limited to:*

i. *locations of existing school gardens;*

ii. *potential locations for future school gardens; and*

iii. *the ways in which schools have implemented school garden programs, such as whether the gardens are part of the curriculum or extra-curricular activities and whether the gardens serve as a source of food to the school and/or surrounding community.*

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

Referred to the Committee on Education.

Res. No. 1569

Resolution calling upon Governor Cuomo to maintain a moratorium on horizontal drilling and high volume hydraulic fracturing in New York State until additional studies have been drafted, reviewed and commented on by the public, and published.

By Council Members Mark Viverito, Barron, Brewer, Chin, James, Lander, Rose and Rodriguez.

Whereas, Allowing for the extraction of natural gas through horizontal drilling and high volume hydraulic fracturing (“hydrofracking”) from deep rock structures in

New York State is currently under consideration, and a Draft Environmental Impact Statement has been released regarding this issue and a Final Environmental Impact Statement and decision on whether or not to move forward on hydrofracking is expected shortly; and

Whereas, The potential to extract natural gas from the Marcellus Shale, a black shale formation that extends deep underground through parts of Ohio, Pennsylvania, West Virginia, and New York, could lead to large-scale and intensive hydrofracking across the region, including across a wide swath of New York State; and

Whereas, Hydrofracking requires injecting large quantities of water, sand, and chemicals into deep wells in order to fracture shale rock, which releases natural gas that can then flow up through the well and thus be captured; and

Whereas, Along with this gas, a tremendous amount of wastewater containing natural pollutants such as salts, radioactive materials, and carcinogens, as well as chemicals used in the hydrofracking process, also flows out of the well; and

Whereas, Hydrofracking wastewater must be disposed of and has the potential to impact human health and the environment; and

Whereas, Additional wastewater remains in the ground and has the potential to move through natural and human-made fractures to underground water supplies, thereby polluting water that is meant to be consumed by humans; and

Whereas, Through faulty wells or other means, natural gas released through hydrofracking can migrate to water supplies, thereby polluting them; and

Whereas, Wells associated with hydrofracking have been shown to cause seismic activity, including small earthquakes; and

Whereas, Hydrofracking is an intensive industrial process that causes noise and air pollution, requires building roads that will carry heavy truck traffic, and leads to other land use issues that will impact areas that are largely rural, thereby altering the very nature of the landscape, quality of life, and the health of humans and the environment in the areas where hydrofracking would take place; and

Whereas, The state, in its Draft Environmental Impact Statement and elsewhere, failed to analyze all of the potential impacts from hydrofracking, and specifically should have conducted a comprehensive human health assessment of the shale gas extraction process; a thorough analysis of all potential negative socioeconomic impacts from hydrofracking; and a thorough analysis of the cumulative impacts from hydrofracking on the environment, including impacts to the rural landscape, water resources, air quality, and greenhouse emissions; and

Whereas, At a minimum such analyses should be undertaken, and the public should be given the opportunity to review and comment on such analyses, prior to any decision to end the moratorium on hydrofracking in New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Governor Cuomo to maintain a moratorium on horizontal drilling and high volume hydraulic fracturing in New York State until additional studies have been drafted, reviewed and commented on by the public, and published.

Referred to the Committee on Environmental Protection.

Int. No. 958

By Council Members Oddo, Ignizio, Recchia, Barron, Brewer, Cabrera, Dickens, Eugene, Ferreras, Gentile, James, Koo, Rose, Van Bramer, Vann, Williams, Wills, Crowley and Halloran .

A Local Law to amend the administrative code of the city of New York, in relation to the creation and publication of a brochure explaining the New York City property tax system.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-135 to read as follows:

§ 11-135 *Informational brochure.* 1. The department of finance shall publish on its website, and make publicly available, a brochure, or brochures, written in plain English that contain the following information:

(a)A description of the way in which the department determines market value and assessed value for all class one, class two, and class four property in the city of New York, and the way in which the property tax assessment determined by such values affect a property owner’s property tax bill.

(b)A description of the statement of account, notice of property value or similar document provided by the department that provides a property owner with a description of his or her property, applied exemptions, and the taxable value, market value, and assessed value of such property, and an explanation of the content contained therein.

(c)A description of property tax exemptions and property tax abatements provided by the department, and the eligibility requirements and application deadlines of such property tax exemptions and property tax abatements.

(d)A timeline of important dates in the fiscal year as it relates to property tax assessment and payment of property taxes.

(e)A detailed description of the process specified in sections one hundred

sixty four, one hundred sixty-four a, and one hundred sixty-four b of the new york city charter to dispute assessments determined by the department.

2. For class one properties, the brochure or brochures required by this section shall be published no later than January first two thousand thirteen; for class two properties, the brochure or brochures required by this section shall be published no later January first two thousand fourteen; and for class four properties, the brochure or brochures required by this section shall be published no later than July first two thousand fourteen.

3. Such brochure or brochures shall be updated by the department on a periodic basis.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 959

By Council Members Palma, Arroyo, Eugene, Ferreras, Fidler, James, Koo and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the publication of concept reports regarding requests for proposals.

Be it enacted by the Council as follows:

Section 1. Section 6-111.2 of chapter 1 of title 6 of the administrative code of the city of New York is amended to read as follows:

§ 6-111.2 Client services contracts. No request for proposal for new client services program contracts shall be released to the public unless at least 45 days prior to such release a concept report regarding such request for proposal is released to the public. Prior to the release of concept reports, the city shall publish a notification of the release in five consecutive editions of the city record and electronically on the city's website in a location that is accessible to the public, and upon release, concept reports shall be posted on the city's website in a location that is accessible by the public. For purposes of this subdivision, the term, "new client services program" shall mean any program that differs substantially in scope from an agency's current contractual client services programs, including, but not limited to, substantial differences in the number or types of clients, geographic areas, evaluation criteria, service design or price maximums or ranges per participant if applicable. For purposes of this subdivision, the term, "concept report", shall mean a document outlining the basic requirements of a request for proposal for client services contracts and shall include, but not be limited to, statements explaining:

(i) the purpose of the request for proposal;

(ii) the planned method of evaluating proposals, including the extent to which criteria such as job history, experience providing like services in the proposed geographic area(s), and cultural competency will factor into an evaluation;

(iii) the proposed term of the contract;

(iv) the procurement timeline, including, but not limited to, the expected start date for new contracts, expected request for proposal release date, approximate proposal submission deadline and expected award announcement date;

(v) funding information, including but not limited to, total funding available for the request for proposal and sources of funding, anticipated number of contracts to be awarded, average funding level of contracts, anticipated funding minimums, maximums or ranges per participant, if applicable, and funding match requirements;

(vi) program information, including, but not limited to, as applicable, proposed model or program parameters, site, service hours, participant population(s) to be served and participant minimums and/or maximums; [and]

(vii) the scope of existing services provided and a detailed description comparing the proposed services with such existing services, including but not limited to the ways in which the proposed services expand, reduce, supplement, or replace existing services;

(viii) the method used to determine the need for the level of proposed services, how such method was selected, and, to the extent that alternative methods exist, why such method is more advantageous than such alternatives; and

[(vii)](ix) proposed vendor performance reporting requirements.

b. Notwithstanding the issuance of a concept report, the agency may change the above-required information at any time after the issuance of such concept report. Non-compliance with this section shall not be grounds to invalidate a contract.

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

Referred to the Committee on Contracts.

Int. No. 960

By Council Members Palma, Arroyo, Chin, Dromm, Eugene, Ferreras, Foster, James, Koo, Lander, Rose, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Human Resources Administration to report information regarding its immigrant sponsor recoupment policy.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 21 of the administrative code of the city of New York is amended by adding a new section 21-133 to read as follows:

a. Definitions. For purposes of this section, the following definitions shall apply:

- “Department” shall mean the Human Resources Administration of the Department of Social Services of the city of New York.
- “Initial repayment letter” shall mean the first letter sent by the department notifying a sponsor of its recoupment efforts.
- “Recoupment” shall mean the department’s policy of seeking reimbursement from sponsors of safety net related expenditures made on sponsored immigrants’ behalf.
- “Safety net assistance” shall mean allowances pursuant to section 131-a of the state social services law.
- “Sponsor” shall mean an individual who has completed a sponsor’s affidavit of support pursuant to section 213A of the Immigration and Nationality Act.
- “Sponsored immigrant” shall mean an individual who has applied for a green card or visa under certain family-related provisions of the Immigration and Nationality Act that require a sponsor’s affidavit and who has subsequently been a recipient of safety net assistance.

b. Reporting. Six months from the effective date of this local law, and annually on April 1 thereafter, the department shall prepare and submit to the city council a report containing the following information regarding recoupment:

- As to sponsored immigrants, at a minimum, the report shall contain:
 - the number of sponsored immigrants sent notice of the intent to pursue recoupment;
 - of those sponsored immigrants sent such notice, the number who, according to the department’s existing records, are disabled, over age 60, domestic violence survivors, and/or homeless;
 - the number of sponsored immigrants who respond to such notice;
 - the number of sponsored immigrants who respond to such notice and indicate that they do not want their sponsor contacted because of domestic violence;
 - the number of sponsored immigrants who respond to such notice and ask that their safety net assistance case be closed and, of those the number who also ask that their Medicaid and/or SNAP case be closed;
 - the number of sponsored immigrants who do not respond to such notice and a description of the action taken on those cases by the department;
 - the number of such notices sent to individuals that the department incorrectly identified as sponsored immigrants; and
 - the number of such notices to sponsored immigrants that are returned by the U.S. Postal Service as undeliverable.
- As to the sponsors, at a minimum, the report shall contain:
 - the number of sponsors who were sent an initial letter demanding repayment;
 - the number of such initial repayment letters that were returned by the U.S. Postal Service as undeliverable;
 - the amounts sought from each sponsor and the amount ultimately collected from each sponsor within the reporting period;
 - the states and zip codes of the sponsors who were sent such an initial repayment letter;
 - the number of sponsors who paid the total amount due and the amount that was paid;
 - the number of sponsors who (i) responded to indicate that they are unable to make a payment of any amount; (ii) made a partial payment; and (iii) requested a payment plan;
 - the number of sponsors who are exempt from recoupment because their income is less than 250 percent of the poverty level;
 - the number of sponsors who are joint sponsors for a sponsored immigrant;
 - the installment payment amounts and sponsor income for all sponsors who are given a payment plan;
 - the number of sponsors who became delinquent in a payment plan, and the length of time given to each delinquent sponsor before such sponsor was turned over to a collection agency;
 - the number of sponsors who are deemed unresponsive because they fail to respond to any communication from the department seeking repayment;
 - the length of time given to each unresponsive sponsor prior to being turned over to a collection agency by the department;
 - the number of sponsors from whom the agency did not pursue recoupment due to domestic violence;
 - the number of sponsors from whom the agency did not pursue recoupment because the sponsor is on public assistance or can demonstrate economic hardship;

(o) the number of sponsors against whom a lawsuit was filed to achieve recoupment;

(p) a list of amount(s) owed by each sponsor against whom a lawsuit was filed to achieve recoupment;

(q) the number of sponsors against whom a lawsuit was filed to achieve recoupment who settled their cases by entering into a payment plan;

(r) the number of sponsors against whom a lawsuit was filed to achieve recoupment who settled their cases by paying a reduced lump sum;

(s) the number of sponsors against whom a lawsuit was filed to achieve recoupment who settled their cases by paying the full debt as a lump sum;

(t) the number of cases in which a lawsuit was filed to achieve recoupment and the sponsor successfully defended against the recovery action and the types of defenses raised by the successful sponsors; and

(u) the number of initial repayment letters sent to sponsors that are returned by the U.S. Postal Service as undeliverable.

3. As to services provided to sponsors and sponsored immigrants: copies of the materials used by the department to ensure language access for sponsored immigrants and sponsors who are limited English proficient.

4. As to costs to the department: the cost of city expenditures on collection agency efforts and/or collection-related litigation.

§2. This local law shall take effect immediately upon its enactment into law and shall be deemed repealed four years after it shall have become law.

Referred to the Committee on General Welfare.

Int. No. 961

By Council Members Palma, Chin, Eugene, Ferreras, Foster, Gentile, James, Koo, Lander, Rose, Vann and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the distribution of recycling outreach and education materials to residents by the department of sanitation.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-311 of the administrative code of the city of New York is amended to read as follows:

§16-311[.] Recycling outreach and education. a. The department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, in order to improve compliance with the provisions of this chapter. *The department shall provide a phone number and website through which any resident may request recycling outreach and education materials and shall distribute such materials to any such resident within a reasonable time of a request.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 962

By Council Members Palma, Arroyo, Barron, Cabrera, Chin, Eugene, Ferreras, Fidler, Foster, James, Gonzalez, Lander, Rose, Vann, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report information regarding veterans entering and exiting shelter.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. Veterans in shelter report. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. “Permanent housing” shall mean stable and habitable housing provided to or acquired by homeless adults, adult families, and families with children who exit the shelter system;

2. “Shelter” shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;

3. “Supportive housing” shall mean affordable housing, combined with recovery-oriented services, where tenants pay up to thirty percent of their income towards rent and utilities; and

4. “Veteran” shall mean a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.

b. Beginning no later than January 1, 2013 and on the first day of each succeeding calendar quarter thereafter, the department shall submit to the city council a report and post such report on its website detailing the following information relating to the previous calendar quarter:

1. Total number of veterans entering shelter, disaggregated by number and percent of veterans who are new to the shelter system and those who have had prior shelter stays;

2. For the total number of veterans staying in shelter, average length of stay, disaggregated by male and female veterans; and

3. Total number and percent of veterans placed in permanent housing, disaggregated by type including but not limited to supportive housing, subsidized housing, residential rehabilitation facilities and veterans who return to their family or to independent living.

§2. This local law shall take effect one hundred and twenty days after it shall become a law except that city agencies, officers and employees shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 963

By the Public Advocate (Mr. de Blasio) and Council Members Crowley, Rose, Koppell, Vallone, Jr., Koo, Vacca, Dromm, Halloran, Rodriguez , James, Garodnick, Barron, Foster, Gentile, Lander and Wills.

A Local Law to amend the administrative code of the city of New York in relation to the department of environmental protection imposing late fees and penalties.

Be it enacted by the Council as follows:

Section 1. Section 24-335 of the administrative code of the city of New York is amended to read as follows:

§ 24-335 Charges where supply is metered. a. No charge for the supply of water other than a meter charge, minimum charge or annual service charge shall be made against any houses or lots or any portion or portions thereof where a water meter may have been or shall be placed. In all cases where a water meter may have been or shall be placed, the charge for supply of water shall be determined only by the quantity of water actually used, as shown by such meters, except for a minimum charge or an annual service charge and except as provided by subdivision four of section seven hundred thirty-four of the charter.

b. No late fees or liens shall be imposed upon any house or lot or any portion or portions thereof, nor shall the department sell a lien previously imposed during the pendency of an appeal to contest a water bill of such house or lot or any portion or portions thereof.

§2. This local law shall take effect ninety days after its enactment, except that the department of environmental protection shall take such measures necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 964

By Council Members Recchia, Arroyo, James and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-424.1 to read as follows:

§ 25-424.1 Myrtle Avenue business improvement district; amendment to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Myrtle Avenue business improvement district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Myrtle Avenue business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and modification of existing services authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of October 1, 2011.

Referred to the Committee on Finance.

Int. No. 965

By Council Members Recchia, Arroyo, Cabrera, James and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Hub Third Avenue business improvement district to add services and capital improvements and modify existing services in the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 the administrative code of the city of New York is amended by adding a new section 25-434.1 to read as follows:

§ 25-434.1 Hub Third Avenue business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and capital improvements and modify existing services in the Hub Third Avenue business improvement district and to authorize a change in the method of assessment upon which the district charge in the Hub Third Avenue business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Hub Third Avenue business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Hub Third Avenue business improvement district such change as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and capital improvements and modification of existing services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2012.

Referred to the Committee on Finance.

Res. No. 1570

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2013 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Members Recchia, Fidler and Koo.

Whereas, On May 25, 2012, 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, 2012 and ending on June 30, 2013 ("Fiscal 2013"), 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 2013 Assessment Rolls"); and

Whereas, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2013 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2013 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), Real Property Tax Law, requires the Council to

certify, to the State Board of Real Property Tax Services (“SBRPTS”), 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 2013 Assessment Rolls resulting from the additions to or removals from the Fiscal 2013 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2013 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, On June 28, 2012, 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 2013 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, After the June 28th adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 90 of the Laws of New York 2012 to lower the percent of increase in the current base proportion as compared with the previous year’s adjusted base proportion to 1.5 percent; and

Whereas, Pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 13, 2012, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2013 to the SBRPTS pursuant to Section 1803-a, Real Property Tax Law;

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 2013. (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 2013 Assessment Rolls resulting from the additions to or removals from the Fiscal 2013 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 2013 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS 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 SBRPTS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect immediately.

Adopted by the Council (preconsidered by the Committee on Finance).

Res. No. 1571

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2013 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Members Recchia, Fidler and Koo.

Whereas, On May 9, 2012, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2013 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, 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 SBRPTS 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 2013 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, On June 28, 2012, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2013 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the “June 28th Resolution”); and

Whereas, The June 28th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year’s adjusted base proportion; and

Whereas, After the adoption of the June 28th Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 90 Laws of New York 2012 to lower the percent of increase in the current base proportion as compared with the previous year’s adjusted base proportion to 1.5 percent;

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 2013. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2013 assessment rolls as shown on SBRPTS 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 SBRPTS after the date on which the SBRPTS 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 2013 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect immediately.

Adopted by the Council (preconsidered by the Committee on Finance).

Res. No. 1572

Resolution amending and restating the 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 indebttness thereof, for the fiscal year beginning on July 1, 2012 and ending on June 30, 2013, 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 Recchia.

Whereas, on May 3, 2012, 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, 2012 and ending on June 30, 2013 (“Fiscal 2013”); and

Whereas, on May 25, 2012, 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 2013, 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 2013 Assessment Rolls"); and

Whereas, on June 28, 2012, 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 2013 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 28, 2012, 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 2013, to reflect the additions to, and full or partial removal from, the Fiscal 2013 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 28, 2012, 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 2013 (the "Fiscal 2013 Budget"); and

Whereas, on June 28, 2012, 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 2013 Budget as approved by the Council (the "Fiscal 2013 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2013 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 2013 Revenue Estimate"); and

Whereas, on June 28, 2012, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the “Tax Fixing Resolution”); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2013 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year’s adjusted base proportion from 5.0 percent to 1.5 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

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 2013.

b. Determining the Amount of the Real Property Tax Levy.

(v) The total amount of the Fiscal 2013 Budget as set forth in the Fiscal 2013 Budget Statement is \$68,501,044,477.

(vi) The estimate of the probable amount of receipts into the City treasury during Fiscal 2013 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 2013 Revenue Estimate is \$50,084,044,477.

(vii) 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 \$18,417,000,000, which is derived from deducting the amount set forth in the Fiscal 2013 Revenue Estimate from the amount of the Fiscal 2013 Budget.

(viii) In order to achieve a real property tax yield of \$18,417,000,000 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 \$20,133,086,179 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:			
For Debt Service:			
Funded Debt	\$2,649,323,507		
Amount Required for Debt Service and Financing as:			
Provision for Uncollectible Taxes	\$224,709,325		
Provision for Refunds	\$62,575,649		
Collection of Prior Years’ Levies	(\$40,422,431)	\$2,896,186,050	
Subject to the 2 ½ percent Tax Limitation:			
For Debt Service:			
Temporary Debt			
Interest on Temporary Debt	\$17,472,222		
For General Operating Expenses:			
Funds Required	\$15,750,204,271		
Amount Required for Debt Service and Operating Expenses as:			
Provision for Uncollectible Taxes	\$1,337,376,854		
Provision for Refunds	\$372,424,351		
Collection of Prior Years’ Levies	(\$240,577,569)	17,236,900,129	
TOTAL REAL PROPERTY TAX LEVY		\$20,133,086,179	

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: \$2,649,323,507

(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation: \$17,472,222

(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 2013 Budget in excess of the amount of revenues estimated in the Fiscal 2013 Revenue Estimate: \$15,750,204,271

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2013 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	\$773,858,737	\$40,167,505,927	\$4,405,067,261	\$58,961,395,163	\$104,307,827,088
The Bronx	1,372,741,905	3,053,667,431	1,422,593,849	2,988,566,094	8,837,569,279
Brooklyn	4,942,456,109	6,711,020,229	2,448,097,284	6,805,569,639	20,907,143,261
Queens	6,993,666,948	6,167,147,373	2,407,058,102	8,982,379,371	24,550,251,794
Staten Island	2,569,811,936	271,940,747	666,223,010	1,594,454,672	5,102,430,365
TOTAL	\$16,652,535,635	\$56,371,281,707	\$11,349,039,506	\$79,332,364,939	\$163,705,221,787

(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	\$933,941	\$98,793,590	\$0	\$41,015	\$99,768,546
The Bronx	13,904,282	3,889,012	0	23,285	17,816,579
Brooklyn	41,262,837	11,999,863	0	24,022	53,286,722
Queens	77,130,067	35,300,898	0	36,269	112,467,234
Staten Island	47,430,470	984,385	0	10,083	48,424,938
TOTAL	\$180,661,597	\$150,967,748	\$0	\$134,674	\$331,764,019

*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	\$4,344,035	\$194,343,603	\$322,013	\$199,009,651
The Bronx	81,088,230	33,491,365	80,175	114,659,770
Brooklyn	252,372,556	91,137,407	447,832	343,957,795
Queens	372,773,320	165,336,046	561,121	538,670,487
Staten Island	157,282,245	6,054,124	106,318	163,442,687
TOTAL	\$867,860,386	\$490,362,545	\$1,517,459	\$1,359,740,390

(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	\$11,675	\$258	\$11,933
The Bronx	33,305	35,102	0	68,407
Brooklyn	54,680	35,298	1,125	91,103
Queens	64,757	83,753	494	149,004
Staten Island	45,495	18,075	0	63,570
TOTAL	\$198,237	\$183,903	\$1,877	\$384,017

**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 2013 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 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, 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 Tax Services ("ORPTS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2009.....	134,294,731,881	0.1847	727,096,545,106
2010.....	143,334,172,616	0.1977	725,008,460,374
2011.....	149,311,931,232	0.1999	746,933,122,721
2012.....	157,121,003,987	0.2001	785,212,413,728
2013.....	164,036,985,806	0.1911	858,382,971,251
		<i>AVERAGE</i>	<i>\$768,526,702,636</i>

2 ½ percent thereof for Fiscal 2013..... \$19,213,167,566

Less debt service subject to the 2 ½ percent tax limitation:
Temporary debt
Interest on temporary debt (\$17,472,222)

Less aggregate amount of district charges subject to the 2 ½ percent tax
Limitation** (\$94,307,200)

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..... \$19,101,388,144

**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.*

*** The tax fixing resolution adopted by the New York City Council on June 28, 2012 projected the amount of district charges to be \$93,767,920. Since the adoption of the June 28, 2012 resolution, estimates of Fiscal 2013 district charges have been increased to \$94,307,200.*

(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 2013 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	15.4619
All Other Residential Real Property.....	36.9663
Utility Real Property.....	7.0332
All Other Real Property.....	<u>40.5386</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 2013 (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.....	0.15885	0.11283	0.10682	0.08808
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>0.02684</u>	<u>0.01898</u>	<u>0.01795</u>	<u>0.01480</u>
Decimal rate on adjusted proportion for all purposes.....	<u>0.18569</u>	<u>0.13181</u>	<u>0.12477</u>	<u>0.10288</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.....	0.10945	0.07794	0.00000	0.06089
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>0.00512</u>	<u>0.00364</u>	<u>0.00000</u>	<u>0.00285</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>0.11457</u>	<u>0.08158</u>	<u>0.00000</u>	<u>0.06374</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 2013.

- a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2013 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended and restated 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 2013 Assessment Rolls. the City Clerk shall procure the proper amended and restated 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 2013 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. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect as of the date hereof.

EXHIBIT A

Exhibit A



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

June 28,2012

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, 2012 and ending June 30, 2013(Fiscal Year 2013) the amount of appropriation is:

Amounts Appropriated \$68,501,044,477

The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2013, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:

Taxes (excluding Real Property Taxes)	\$24,503,270,000
Miscellaneous Revenues	\$5,318,352,156
Grants:	
Federal	6,661,597,906
State	11,429,744,462
Provision for Disallowances	(15,000,000)
Other Categorical Aid	923,650,507
Transfer from Capital Funds	538,929,446
Tax Audit Revenue	<u>723,500,000</u>
	\$25,580,774,477

Making the total amount of the Expense Budget for the Fiscal Year 2013 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies): \$18,417,000,000

In order to achieve the required Real Property Tax yield of \$18,417,000,000, a Real Property Tax levy of \$20,133,086,179 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	\$17,236,900,129
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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	\$2,896,186,050
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Total amount of Real Property Taxes to be levied for the Fiscal Year 2013 is	<u>\$20,133,086,179</u>
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Very truly yours,



Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, 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, 2012.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

Adopted by the Council (preconsidered by the Committee on Finance).

Res. No. 1573

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia and Koo.

Whereas, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Seamen's Society for Children and Families, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Brooklyn Ballers Sports, Youth and Educational Corp., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Hellenic American Neighborhood Action Committee, Inc. (HANAC), as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Rockaway Development and Revitalization Corporation., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Central American Legal Assistance, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for Holy Child Jesus Sports, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Communities of Maspeth and Elmhurst Together, Inc. (COMET)., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Riverdale Community Center, Inc., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the Vietnam Veterans of America, Inc. - Queens Chapter #32, as described in the report attached hereto; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; 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 HIV Faith/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; 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 Domestic Violence and Empowerment Initiative (DoVE) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; 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 Anti-Gun Violence Initiative (DOHMH) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; 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 Anti-Gun Violence Initiative (DOE) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; 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 Anti-Gun Violence Initiative (DYCD) in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; 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 HIV/AIDS

Communities of Color Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; 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 Cultural After School Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for exhibits, please see the attachments to the resolution following the Report of the Committee on Finance for Res. No. 1573 printed in these Minutes).

Res. No. 1574

Resolution calling upon the United States Congress to enact and the President to sign H.R. 4191, the Credit Union Small Business Lending Act.

By Council Members Sanders, Dickens, James, Koo, Lander, Mealy, Rose, Vann, Williams and Rodriguez.

Whereas, The Credit Union Small Business Lending Act, H.R. 4191, was introduced on March 8, 2012 in the United States House of Representatives to enhance the 7(a) loan program; and

Whereas, The 7(a) loan program assists qualifying small business borrowers by providing loan guarantees, which would limit the lenders’ losses in the event a borrower defaults; and

Whereas, This legislation would establish a process through which credit unions participating in the 7(a) loan program may receive approvals and repurchasing loan guarantees; and

Whereas, The Act would create a 7(a) loan guarantee program which would guaranty up to 85 percent of each loan issued by credit unions to its’ members on loans that do not exceed \$250,000 if the member resides or plans to locate their business in an underserved area; and

Whereas, The legislation would amend the Small Business Act and establish a credit union outreach program for the purposes of increasing credit union participation in the 7(a) loan program; and

Whereas, According to a recent report by the United States Small Business Administration’s Office of Advocacy, small business loans issued by credit unions under \$1 million have risen substantially over the last decade when compared to total loans issued by both community banks and commercial banks; and

Whereas, This report also found that small business loans issued at credit unions has offset the decline in small business loans issued at commercial banks; and

Whereas, The number of credit unions reporting business loans increased from 5 percent in 1986 to 30 percent in 2010; and

Whereas, Passage of the Credit Union Small Business Act would aide entrepreneurs seeking to start or expand their businesses; and

Whereas, According to a Survey of the Citizens Budget Commission and the Federal Reserve Bank of New York, small businesses account for approximately two-thirds of the City’s private sector jobs; and

Whereas, Credit unions are filling a critical void in the marketplace for small businesses which are the business lifeline of New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact and the President to sign H.R. 4191, the Credit Union Small Business Lending Act.

Referred to the Committee on Small Business.

Res. No. 1575

Resolution calling on the New York State Assembly to pass A.10748, the New York State Senate to pass companion bill S.7254, and the Governor to sign such legislation, which would increase the penalty for assaulting a school crossing guard while on duty to a Class D felony of assault in the second degree.

By Council Members Vallone Jr., Arroyo, Cabrera, Dromm, Gentile, Koo, Mealy, Nelson, Recchia and Halloran.

Whereas, School crossing guards are charged with ensuring the safety of school children; and

Whereas, There are approximately 2,100 school crossing guards serving over 1.1 million public school children in New York City; and

Whereas, In addition to being the most populous city in the country, New York City’s thoroughfares are among the nation’s busiest; and

Whereas, New York City relies on school crossing guards to provide additional safety to our City’s youth as they travel to and from school; and

Whereas, There have been instances when school crossing guards have been the subject of physical and verbal threats as well as assaults that have resulted in serious injuries; and

Whereas, School crossing guards should be given greater protections to deter individuals from harassing or assaulting them; and

Whereas, A.10748, currently pending in the New York State Assembly, and companion bill S.7254, currently pending in the New York State Senate, seek to increase the penalty for assaulting a school crossing guard while on duty or otherwise on school grounds to a Class D felony of assault in the second degree; and

Whereas, A.10748/S.7254 would enhance the protections afforded to crossing guards in order to help prevent harassment and assault and increase their safety; and

Whereas, New York State needs to better protect crossing guards, who play a vital role in helping children safely cross busy intersections on their way to and from school as well as making sure our children are not struck and killed by passing motorists; and

Whereas, Individuals who assault crossing guards should be punished appropriately; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.10748, the New York State Senate to pass companion bill S.7254, and the Governor to sign such legislation, which would increase the penalty for assaulting a school crossing guard while on duty to a Class D felony of assault in the second degree.

Referred to the Committee on Public Safety.

Res. No. 1576

Resolution in support of S.5880-A/A.9018-A, which would amend the New York State Public Health Law by (i) designating tramadol as a schedule III narcotic drug, (ii) moving hydrocodone from the list of schedule III narcotic drugs to schedule II controlled substance to enhance existing penalties for possession or sale of large quantities of hydrocodone, and (iii) providing that certain compounds containing hydrocodone shall continue to be handled by licensed distributors in the manner applicable to schedule III controlled substances.

By Council Members Vallone Jr., Fidler, Gentile, Koo and Nelson.

Whereas, According to the Office of National Drug Control Policy, prescription drug abuse is the Nation’s fastest-growing drug problem; and

Whereas, In 2011, the U.S. Centers for Disease Control and Prevention determined that prescription drug abuse had reached epidemic levels; and

Whereas, Prescription drugs being abused include painkillers: hydrocodone, which is sold as Vicodin, Norco and Lortab; and tramadol; and

Whereas, In order to place restrictions on prescription drugs, the federal and state governments maintain controlled substances lists that are divided into five schedules; and

Whereas, Controlled prescription medications are drugs classified by federal or state law that are illegal to sell or use, but may be dispensed under a physician's prescription; and

Whereas, Currently, hydrocodone is classified by the federal government and New York State as a schedule III drug, which means it has a potential for abuse less than those substances found in schedules I or II and abuse of it may lead to moderate or low physical dependence or high psychological dependence; and

Whereas, Furthermore, pharmacists are authorized to provide those with prescriptions with five refills of substances listed under schedule III without the need of a doctor’s visit; and

Whereas, Tramadol, on the other hand, is not on the federal or New York State schedule of controlled substances and is classified as a non-controlled substance; and

Whereas, In order to ensure sufficient safeguards against improper access to painkillers, S.5880-A/A.9018-A were introduced and would amend the New York State Public Health Law by (i) designating tramadol as a schedule III narcotic drug, (ii) eliminating hydrocodone from the list of schedule III narcotic drugs; and (iii) providing that such compounds shall continue to be handled by licensed distributors in the same manner as schedule III controlled substances; and

Whereas, S.5880-A/A.9018-A would make tramadol a controlled substance by adding it as a schedule III drug, thereby limiting the number of refills to five without a doctor’s visit; and

Whereas, S.5880-A/A.9018-A would eliminate the automatic five refills for hydrocodone by elevating the drug to schedule II; and

Whereas, By removing the references in schedule III to drugs containing hydrocodone, all such medication would be classified in the more restrictive schedule II; and

Whereas, Moving the drug to a schedule II controlled substance would enhance existing penalties for possession or sale of large quantities of hydrocodone; and

Whereas, S.5880-A/A.9018-A would exempt the relevant forms of hydrocodone from the storage, reporting ordering, record keeping and physical security control requirements for schedule II drugs; and

Whereas, On February 13, 2012, the New York State Senate passed S.5880-A and S.9018-A is now pending in the New York State Assembly; and

Whereas, New York State should act swiftly to pass this legislation in order to restrict access to highly addictive prescription drugs; now, therefore, be it

Resolved, That the Council of the City of New York supports S.5880-A/A.9018-A, which would amend the New York State Public Health Law by (i) designating

tramadol as a schedule III narcotic drug, (ii) moving hydrocodone from the list of schedule III narcotic drugs to schedule II controlled substance to enhance existing penalties for possession or sale of large quantities of hydrocodone, and (iii) providing that certain compounds containing hydrocodone shall continue to be handled by licensed distributors in the manner applicable to schedule III controlled substances.

Referred to the Committee on Health.

Int. No. 966

By Council Members Williams, Cabrera, Ferreras, Fidler, James, Koo, Mealy, Rose, Van Bramer, Vann and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to filing semi-annual reports on catch basin cleanup and maintenance.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that maintenance of catch basins is an important function of storm water management and ultimately wastewater treatment in New York City. With more than 144,000 catch basins, inspection and maintenance is a formidable responsibility. The Department of Environmental Protection Bureau of Water and Sewer Operations is responsible for regularly inspecting catch basins. However it would be useful for the public to know how often the catch basins are inspected and cleaned, the number of complaints the department receives of clogged or malfunctioning catch basins and how long it takes for a complaint of a clogged catch basin to be resolved.

Therefore the Council finds that it is appropriate to require semi-annual reporting of catch basin inspection, cleanup and maintenance, including the number of clogged and broken catch basin reports received, by community board, and the time it takes to resolve the complaint.

§2. Section 24-503 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The commissioner of environmental protection shall submit semiannual reports of the citywide catch basin inspection, cleanup, maintenance and repair, disaggregated by community board, to the mayor and the council. Such reports shall include the number of catch basins inspected, the number of clogged catch basins identified, the number of catch basins unclogged or repaired, whether the inspection was responsive to any complaints in the community board and the response time for resolution of any complaints. The commissioner shall also ensure that catch basins are inspected, at a minimum of once every year and are repaired or unclogged at least three days after the receipt of a complaint about a clogged or malfunctioning catch basin.

§3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

L.U. No. 724

By Council Member Recchia:

Creston Avenue Apartments, Block 3171, Lot 37, Block 3172, Lots 25 & 28, Bronx, Community District No. 5. Council District No. 14

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 725

By Council Member Comrie:

Application No. N 120305 ZRM submitted by Clinton Park Holdings pursuant to Section 201of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 726

By Council Member Comrie:

Application No. N 120384 (A) ZRK 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 X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District, Borough of Brooklyn, Community Board 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 727

By Council Member Comrie:

Application No. 20105658 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new approximately 800-seat primary school facility located on the east side of 98th Street between 50th and Christie Avenues (Block 1891, Lots 1, 12, 15, 20 and 22), Borough of Queens, Community School District No. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 728

By Council Member Comrie:

Application No. 20125527 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new approximately 444-seat primary school facility located at 360 Seneca Avenue (Block 3425, Lot 7), Borough of Queens, Community School District No. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 729

By Council Member Comrie:

Application No. 20135155 HAQ submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 730

By Council Member Comrie:

Application No. 20135156 HAQ submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

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:

Wednesday, November 14, 2012

★*Deferred*
~~Stated Council Meeting.....Ceremonial Tributes 1:00 p.m.~~
~~.....Agenda 1:30 p.m.~~
~~Location Council Chambers.....City Hall~~

Thursday, November 15, 2012

★*Deferred*
Committee on **CIVIL SERVICE AND LABOR****10:00 A.M**
Proposed Int. 97 A By Council Members Brewer, Lappin, Mendez, Palma, Gonzalez, Ferreras, Koppell, Recchia, Gentile, Mark Viverito, Rodriguez, James, Williams, Levin, Rose, Jackson, Chin, Barron, Ulrich, Mealy, Nelson, Vann, Crowley, Foster, Lander, Van Bramer, Dromm, Garodnick, Rivera, Cabrera, Eugene, Koslowitz, Vacca, Sanders Jr., Weprin, Reyna, Arroyo and the Public Advocate (Mr. de Blasio) A Local Law to amend the administrative code of the city of New York, in relation to the provision of paid sick time earned by employees.
Council Chambers City Hall James Sanders, Chairperson

★*Deferred*
Committee on **AGING**.....**10:00 A.M.**
Agenda to be announced
Committee Room 250 Broadway, 14th Floor Jessica Lappin, Chairperson

★*Deferred*
~~Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES****10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room 250 Broadway, 16th Floor Oliver Koppell, Chairperson~~

★*Deferred*
Committee on **YOUTH SERVICES**.....**1:00 P.M.**
Agenda to be announced
Committee Room 250 Broadway, 14th Floor Lewis Fidler, Chairperson

Friday, November 16, 2012

★*Deferred*
Committee on **SMALL BUSINESS**.....**10:00 A.M.**
Agenda to be announced
Committee Room 250 Broadway, 14th Floor Diana Reyna, Chairperson

★*Deferred*
Committee on **WATERFRONTS****1:00 P.M.**
Agenda to be announced
Committee Room 250 Broadway, 14th Floor Michael Nelson, Chairperson

Monday, November 19, 2012

★*Deferred*
Committee on **HEALTH**.....**10:00 A.M.**
Agenda to be announced
Committee Room 250 Broadway, 14th Floor Maria del Carmen Arroyo, Chairperson

Committee on **CONTRACTS** jointly with the
Committee on **TECHNOLOGY****10:00 A.M.**

Oversight – One Year Later: Revisiting the Management of New York City Government IT Contracts and Exploring the Function of the Newly-formed Technology Development Corporation
Committee Room – 250 Broadway, 16th FloorDarlene Mealy, Chairperson
..... Fernando Cabrera, Chairperson

Committee on **PUBLIC SAFETY**...**12:00 P.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th FloorPeter Vallone, Chairperson

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor
..... Erik Martin-Dilan, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson

★*Deferred*
~~Committee on **ECONOMIC DEVELOPMENT****1:00 P.M.**~~
~~Oversight The Restructuring of the New York City Economic Development Corporation What is the impact going forward?~~
~~Committee Room 250 Broadway, 16th Floor Karen Koslowitz, Chairperson~~

Tuesday, November 20, 2012

★*Addition*
Committee on **FINANCE**.....**10:00 A.M.**
Oversight – Examining the issues concerning the SOHO BID.
Council Chambers – City HallDomenic M. Recchia, Chairperson

★*Deferred*
~~Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES****10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room 250 Broadway, 14th Floor Oliver Koppell, Chairperson~~

Committee on **HIGHER EDUCATION****10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

Committee on **IMMIGRATION****1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th FloorDaniel Dromm, Chairperson

Committee on **GENERAL WELFARE** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

Thursday, November 22, 2012

THANKSGIVING DAY OBSERVED

Monday, November 26, 2012

★*Note Location Change*
Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
See Land Use Calendar Available Tuesday, November 20, 2012
★Hearing Room – 250 Broadway, 16th Floor..... Mark Weprin, Chairperson

★*Addition*
Committee on **ECONOMIC DEVELOPMENT****10:00 A.M.**
Oversight - The Restructuring of the New York City Economic Development Corporation - What is the impact going forward?
Committee Room – 250 Broadway, 16th Floor Karen Koslowitz, Chairperson

★*Note Topic Addition*
Committee on **TRANSPORTATION**.....**10:00 A.M.**
Int. 923 - By Council Members Weprin, Vacca, Brewer, Fidler, Gentile, James, Koo, Koppell, Lander, Palma, Recchia, Williams, Mark-Viverito and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to

allowing the taxi and limousine commission to replace hybrid electric vehicles with electric vehicles or any other vehicle model which has fewer emissions than electric vehicles.

Proposed Int. 929-A - By Council Members Vacca, Garodnick, James, Koo, Rose, Halloran and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to posting information on the exterior of vehicles for hire.

Int. 930 - By Council Members Vacca, Fidler, James, Koo, Lander, Rose and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to reporting of data regarding taxi and for hire vehicle inspections by the taxi and limousine commission.

Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

★ Deferred
Committee on **SMALL BUSINESS**..... **10:00 A.M.**
Agenda to be announced
~~Committee Room – 250 Broadway, 14th Floor~~
~~.....Diana Reyna, Chairperson~~

★ Note Location Change
Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Tuesday, November 20, 2012
★Hearing Room – 250 Broadway, 16th Floor..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **1:00 P.M.**
See Land Use Calendar Available Tuesday, November 20, 2012
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Tuesday, November 27, 2012

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..... Leroy Comrie, Chairperson

Committee on Finance Agenda to be announced
Council Chambers – City Hall Domenic M. Recchia, Chairperson

★ Addition
Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*
Location ~ Council Chambers ~ City Hall

★ Deferred
Committee on **PUBLIC HOUSING**..... **1:00 P.M.**
Agenda to be announced
~~Committee Room – 250 Broadway, 14th Floor~~ Rosie Mendez, Chairperson

★ Deferred
Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** **1:00 P.M.**
Agenda to be announced
~~Committee Room – 250 Broadway, 16th Floor~~
~~..... James Van Bramer, Chairperson~~

Wednesday, November 28, 2012

★ Addition
Committee on **FINANCE**.....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson

★ Deferred
~~Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*~~

~~.....Agenda – 1:30 p.m.~~
~~Location..... Council Chambers ~ City Hall~~

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 27, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 404-A (adopted by the Council at the September 12, 2012 Stated Meeting), 771-A, 797-A, and 935 (adopted by the Council at the September 24, 2012 Stated Meeting), were all signed into law by the Mayor on October 2, 2012 as, respectively, Local Laws Nos. 45, 46, 47, and 48 of 2012.

Int Nos. 648-A, 649-A, 657-A, 683-A, 733-A, 783-A, 896-A, and 910-A , all adopted by the Council at the October 11, 2012 Stated Meeting, were signed into law by the Mayor on October 25, 2012 as, respectively, Local Laws 49, 50, 51, 52, 53, 54, 55, and 56 of 2012.

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