

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Tuesday, November 29, 2016, 2:14 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

Inez D. Barron	David G. Greenfield	Antonio Reynoso
Joseph C. Borelli	Barry S. Grodenchik	Donovan J. Richards
Fernando Cabrera	Corey D. Johnson	Ydanis A. Rodriguez
Margaret S. Chin	Ben Kallos	Deborah L. Rose
Andrew Cohen	Andy L. King	Helen K. Rosenthal
Costa G. Constantinides	Peter A. Koo	Rafael Salamanca, Jr
Robert E. Cornegy, Jr	Karen Koslowitz	Ritchie J. Torres
Elizabeth S. Crowley	Rory I. Lancman	Mark Treyger
Laurie A. Cumbo	Bradford S. Lander	Eric A. Ulrich
Chaim M. Deutsch	Stephen T. Levin	James Vacca
Inez E. Dickens	Mark Levine	Paul A. Vallone
Daniel Dromm	Alan N. Maisel	James G. Van Bramer
Rafael L. Espinal, Jr	Steven Matteo	Jumaane D. Williams
Mathieu Eugene	Darlene Mealy	Ruben Wills
Daniel R. Garodnick	Carlos Menchaca	
Vincent J. Gentile	Rosie Mendez	
Vanessa L. Gibson	Annabel Palma	

Absent: Council Members Ferreras-Copeland and Miller.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Rev. Dr. Tony Baker, Senior Pastor, St. Philips Baptist Church, 77 Bennett Street, Staten Island, N.Y. 10302.

Shall we pray.

Eternal God, our Father, thank you for this day
and for all who are gathered here in this place
of historical significance to the people of New York.
Thank you for the many blessings and for life itself.
Thank you for the measure of health we need
to fulfill our calling and for sustenance and friendships
that we have garnered by way of our associations.
Thank you for the ability to be involved in useful work that benefits all of us,
and for the honor of bearing appropriate responsibilities for one another.
Thank you for the freedom to embrace you or to reject you.
Thank you for loving us even so from your boundlessness and graciousness.
And the scriptures you have said
that we are to obey the government authorities over us,
and since you have established those very authorities
to promote peace, order and justice,
I pray for our Mayor who leads our great city,
for the various levels of city officials
and in particular for the assembled Council this afternoon.
I pray you will graciously grant them the wisdom to govern
amid the conflicting interests and issues of our times,
a sense of welfare and true need of our people,
first for justice and righteousness,
give them confidence in what is good and fitting
and give them the ability to work together in harmony
even when there is honest disagreement,
and then God, given them personal peace in their lives,
and joy in their assignments.
I pray for agenda set before them today.
I pray that you would give them an assurance of what would please you,
and what would benefit those of us who live and work
in and around this great city of New York.
This, God, I pray this afternoon in the name that's above every many,
in Jesus name I pray. Amen.

Council Member Rose moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the recent passing of Council Member Daneek Miller's father, the Rev. James Miller. She extended her deepest condolences and asked that the Council keep the him and his family in their prayers.

ADOPTION OF MINUTES

Council Member Gentile moved that the Minutes of the Stated Meeting of October 27, 2016 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-460

Communication from the Bronx County Democratic Committee recommending the name of Rosanna Vargas to the Council regarding her re-appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

Election Commissioner Certification

To the Clerk of the City of New York:

I certify that:

A meeting of the Executive Committee of the Democratic Party of Bronx held on the 18th day of November 2016 at County Committee headquarters, 1640 Eastchester Road, Bronx, New York 10461, under the provisions of the New York State Election Law and the Rules and Regulations of the Democratic Party of the County Bronx, a quorum being present, Rosanna Vargas, residing at 16 Clinton Avenue, Bronx, New York, was duly recommended by a majority of said committee as a suitable and qualified person for appointment to the office of Commissioner of Elections of the Board of Elections in the City of New York for the term ending December 31, 2020, pursuant to Section 3-204(2) of the Election Law and that said designee is a registered voter of the County of Bronx and a duly enrolled member of the Democratic Party.

Dated: Bronx, New York
November 18, 2015

Certified by:

Annabel Palma, Secretary
Bronx Democratic County Committee

Marcos A. Crespo, Chair Executive Committee
Bronx Democratic County Committee

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF STANDING COMMITTEES

Report of the Committee on Finance

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

Report for Res No. 1291

Report of the Committee on Finance approving a Resolution authorizing an increase in the amount to be expended annually in the DUMBO Business Improvement District in the Borough of Brooklyn, and an extension of the DUMBO Business Improvement District, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the DUMBO Business Improvement District.

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 29, 2016, respectfully

REPORTS:

BACKGROUND

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter “BIDs”) in New York City and thereafter amend each BID’s district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID’s district plan.

The DUMBO BID was first established in 2005. The DUMBO neighborhood is a mixed use community with a mix of office space, artist space, retail, and residence. The largest sectors in the area are the technology sector, including digital design, digital marketing, and educational technology, and e-commerce firms, though a number of industrial and manufacturing uses remain.

The BID is currently requesting that the Council approve the following changes to its district plan:

- 1) an extension of its boundaries by adding an area south of the existing BID known as DUMBO Heights; and
- 2) a \$185,000 increase in its annual assessment from \$650,000 to \$835,000.

Boundary Expansion

The current boundaries of the BID extend along the East River waterfront on the west, Old Fulton Street on the south, York Street on the east, and generally Gold Street and Bridge Street on the north. The DUMBO BID proposes to expand the existing BID boundaries by adding an area south of the existing BID, known as DUMBO Heights. In this area, there are five loft commercial properties formerly owned by the Watchtower Bible and Tract Society that are undergoing renovation for office and retail use. The BID would also be expanded to include five publicly-owned properties around the Brooklyn Bridge, which may be redeveloped in the future as part of the Brooklyn Strand Greenway Project. There is also one additional small commercial property at the edge of the district that is proposed to be included in the BID.

The existing BID has about 800 businesses, mostly offices operating on the upper floors of buildings, but there are over 100 retail businesses. In addition, there are 52 residential buildings (31 rental and 21 condominium) either existing or in development in the BID. Approximately 15 percent of the BID is publicly-owned land around the waterfront in Brooklyn Bridge\ Park.

Increase in Annual Expenditures

The DUMBO BID is proposing to increase its annual expenditures from \$650,000 to \$835,000. The \$185,000 would come from the property owners of the properties added to the BID as part of the proposed expansion. It is projected that the BID’s annual assessment would be used to pay for maintenance and sanitation (\$220,000), marketing and promotion (\$240,000), capital improvements (\$50,000), administration (\$310,000), and a contingency reserve (\$15,000).

The BID assesses commercial and industrial property with a formula that is based 50 percent on assessed value and 50 percent on built square footage. Mixed use property is assessed only for the commercial portion of the building. Residential properties are assessed \$1 and publicly-owned and not-for-profit owned properties are exempt from assessment.

The following is a breakdown of the high, low, average, and median assessments expected to be paid by fully assessed properties under the proposed increased annual assessment:

	Current	Proposed
High	\$ 121,636.63	\$ 122,736.59
Low	\$ 25.59	\$ 25.72
Median	\$ 943.43	\$ 1,050.20
Average	\$ 6,686.78	\$ 8,093.38

PRECONSIDERED RES. 1291

This Resolution is required by law to set the public hearing date, time, and place for the consideration of the local law which would amend the district plan of the DUMBO BID. The public hearing will be held on December 15, 2016, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

Because the proposal involves an amendment to the BID’s district plan that would increase the amount it expends annually and change the method of assessment, the Resolution directs the DUMBO District Management Association to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of the Resolution or a summary thereof to each owner of real property within the BID at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the BID, and to the tenants of each building within the BID. The Resolution also directs Small Business Services to arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing. The resolution further directs the DUMBO District Management Association to publish in a newspaper having general circulation in the BID, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and stating the increase in the amount to be expended annually in the BID.

On November 29, 2016, the Committee adopted Preconsidered Res. No. 1291 by a vote of 8-0.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1291:)

Preconsidered Res. No. 1291

Resolution authorizing an increase in the amount to be expended annually in the DUMBO Business Improvement District in the Borough of Brooklyn, and an extension of the DUMBO Business Improvement District, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the DUMBO Business Improvement District.

By Council Member Ferreras-Copeland.

Whereas, Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (“the Law”), the Mayor, by authorization dated April 28, 2016, provided for the preparation of an amended district plan (“the Amended Plan”) for the DUMBO Business Improvement District (“the District”) in the Borough of Brooklyn; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, Pursuant to authority granted by the Law, the District was established by Local Law No. 101 for the year 2005; and

Whereas, Pursuant to Section 25-410(b) of the Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded; and

Whereas, The District wishes to increase the amount to be expended annually in the District to \$835,000 and to extend the District; and

Whereas, Pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted an amended District Plan (“the Amended Plan”) for the District to the City Planning Commission (“the CPC”) on June 3, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the proposed extended district is located on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Brooklyn Community Board 2 (the “Community Board”), in which the proposed extended district is located, on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Brooklyn Borough President on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

Whereas, Pursuant to section 25-405(c) of the Law, the Community Board conducted a public hearing on June 7, 2016; and

Whereas, On June 27, 2016, the Community Board voted to approve the extension of the District; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing and prepared a report certifying its unqualified approval of the Amended Plan; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Brooklyn Borough President, to the City Council and to the Council Member representing the council district in which the proposed extended district is located; and

Whereas, Pursuant to section 25-405(c) of the Law, a copy of the CPC’s report, the Original Plan, and the Amended Plan were transmitted for filing with the City Clerk on August 12, 2016; and

Whereas, Pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC’s report are annexed hereto and are made part of this Resolution; and

Whereas, Pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

Whereas, Pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

Whereas, Pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited

real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that December 15, 2016 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (“the Public Hearing”) to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District and an extension of the District; and be it further

Resolved, That the DUMBO District Management Association shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district; and be it further

Resolved, That SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing; and be it further

Resolved, That in the event that the DUMBO District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and be it further

Resolved, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the DUMBO District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

YDANIS A. RODRIGUEZ, *Acting Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, November 29, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for LU No. 528

Report of the Committee on Finance approving 477 Lenox, Block 1918, Lot 36; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 29, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

November 29, 2016

TO: Hon. Julissa Ferreras-Copeland
 Chair, Finance Committee
 Members of the Finance Committee

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of November 29, 2016 - Resolution approving a tax exemption for two Land Use items (Council District 9)

Item 1: E.M. Moore Housing for the Elderly

E.M. Moore Housing for the Elderly is a preservation project that consists of one building with 88 units of rental housing for low-income senior citizens. It is a United States Department of Housing and Urban Development (“HUD”) Section 202 housing project that initially received a partial Article XI tax exemption in 1981. In 2006, it refinanced its Section 202 loan with a Section 223(f) insured mortgage. The project received a partial Article XI tax exemption in 2006 and currently makes shelter rent payments. This exemption was effective on October 13, 2006, and it expires upon on the repayment or refinancing of the project’s current HUD insured mortgage.

The property is now planning to refinance its Section 223(f) insured mortgage and obtain a new Section 223(f) insured mortgage. The subsequent savings in debt service are to be used to fund needed repairs, as well as other financial obligations. Upon refinancing, the property will remain under the HUD 202 program to continue to provide housing for low-income seniors.

Under the proposed project, Canaan Housing Development Fund Company (“HDFC”) will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 80% of Area Median Income (“AMI”). In 2016, 80% of AMI is as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
80%	\$ 72,480	\$ 65,280	\$ 58,000	\$ 50,800

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 35-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 9
- Council Member – Dickens
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – Block 1825, Lot 59
- Number of Buildings – 1
- Number of Units – 88
- Type of Exemption – Article XI, partial, 35-year
- Population Served – Rentals for low-income senior citizens
- Sponsor/Developer – Canaan HDFC
- Purpose – preservation
- Cost to the City – \$3.3M
- Housing Code Violations – 5 Class A, 2 Class B, and 1 Class C
- Income Limitation – units would be rented to households earning up to 80% of AMI with rents set at affordable to 80% of AMI.

Item 2: 477 Lenox Avenue

477 Lenox Avenue is a preservation project that consists of one building with 12 units of rental housing for low-income households. Currently, 11 of the units are on a five-year mark-up-to-market Section 8 HAP contract and the final unit is rent-stabilized. The building currently does not receive any exemption from taxation.

Currently, 477 Lenox HDFC owns the fee interest in the property and 477 Lenox Member LLC, Sanford Loewentheil, Ommeed Sathe, and Claire Sathe, as tenants in common, are the beneficial owners who operate property. The HDFC, the beneficial owners and HPD will enter into a regulatory agreement establishing that 11 units must be rented to households whose incomes do not exceed 50% of AMI and one unit must be rented to a household whose income does not exceed 130% of AMI. In 2016, those AMIs are as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
50%	\$ 45,300	\$ 40,800	\$ 36,250	\$ 31,750
130%	\$ 117,780	\$ 106,080	\$ 94,250	\$ 82,550

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 9
- Council Member – Dickens
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – Block 1918, Lot 36
- Number of Buildings – 1
- Number of Units – 12
- Type of Exemption – Article XI, partial, 30-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – 477 Lenox HDFC, 477 Lenox Member LLC
- Purpose – preservation
- Cost to the City – \$595K
- Housing Code Violations – 8 Class A violations, 3 Class B violations, and 2 Class C violations
- Income Limitation – 11 units will be available to households earning up to 50% of AMI with rents set as affordable to those earning 50% of AMI; and 1 unit will be available to households earning up to 130% of AMI with rents set as affordable to those earning 130% of AMI

(For text of the coupled resolution for LU No. 529, please see the Report of the Committee on Finance for LU No. 529 printed in these Minutes; for text of the coupled resolution for LU No. 528, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 528 and 529.

In connection herewith, Council Member Ferreras-Copeland offered the following resolution:

Res No. 1295

Resolution approving an exemption from real property taxes for property located at (Block 1918, Lot 36) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 528).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 27, 2016 that the Council take the following action regarding a housing project located (Block 1918, Lot 36) Manhattan, (“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 provided:

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

- (a) “Beneficial Owners” shall mean 477 Lenox Member LLC, Sanford Loewentheil, Ommeed Sathe and Claire Sathe, as tenants in common.
- (b) “Effective Date” shall mean the date that HPD and the Owner enter into the HPD Regulatory Agreement.
- (c) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (d) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1918, Lot 36 on the Tax Map of the City of New York.
- (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD 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.
- (f) “HDFC” shall mean 477 Lenox Housing Development Fund Corporation.
- (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- (h) “HPD 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.
 - (i) “Owner” shall mean, collectively, the HDFC and the Beneficial Owners.
 - (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
 - (k) “Shelter Rent Tax” shall mean an amount equal to (i) ten percent (10%) of Shelter Rent for calendar year 2016, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD 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, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or 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.
 - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

YDANIS A. RODRIGUEZ, *Acting Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, November 29, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for LU No. 529

Report of the Committee on Finance approving E.M. Moore Housing for the Elderly, Block 1825, Lot 59; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 29, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 528 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Ferreras-Copeland offered the following resolution:

Res No. 1296

Resolution approving an exemption from real property taxes for property located at (Block 1825, Lot 59) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 529).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 25, 2016 that the Council take the following action regarding a housing project located (Block 1825, Lot 59) Manhattan, (“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 provided:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) “Effective Date” shall mean the date of repayment or refinancing of the HUD Mortgage.
 - (b) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1825, Lot 59 on the Tax Map of the City of New York.
 - (c) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) “HDFC” shall mean Canaan Housing Development Fund Corp.
 - (e) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
 - (g) "HUD Mortgage" shall mean the Section 223(f) insured mortgage made by HUD on October 13, 2006, to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (i) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
 - (j) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Council of the City of New York on May 10, 2006 (Resolution No. 303).
 - (k) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner entered into on or after the Effective Date establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - (l) “Shelter Rent Tax” shall mean the sum of (i) \$198,159, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (b) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (c) Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
6. In consideration of the New Exemption, prior or simultaneous with repayment or refinancing of the HUD Mortgage, the Owner, for itself, its successors and assigns, shall (i) execute and record a Regulatory Agreement, and (ii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

YDANIS A. RODRIGUEZ, *Acting Chairperson*; JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, November 29, 2016.

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

Report of the Committee on Land Use

Report for L.U. No. 479

Report of the Committee on Land Use in favor of approving, as modified, Application No. M 840260 (E) ZMM submitted by 95-97 Horatio LLC for a modification of Restrictive Declaration D-93, which was previously imposed in connection with an application for a zoning map amendment (C 840260 ZMM), to allow uses permitted by the underlying C6-2A District, except for nightclub uses, in the ground floor space of a Building located at 95 Horatio Street, Borough of the Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3225) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

M 840260 (E) ZMM

City Planning Commission decision approving an application submitted by 95-97 Horatio LLC for the modification of Restrictive Declaration D-93, which was previously approved in connection with an application for a Zoning Map amendment (C 840260 ZMM), to allow uses permitted by the underlying C6-2A District, except for nightclub uses, in the 4,700-square-foot ground floor space located at 95 Horatio Street (Block 643, Lot 1), in a C6-2A District.

INTENT

To modify Restrictive Declaration D-93 to remove use restrictions for an existing building and allow additional uses permitted by the underlying C6-2A zoning district.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against: **Abstain:**
None None

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

Res No. 1297

Resolution approving with modifications the decision of the City Planning Commission on Application No. M 840260 (E) ZMM for the modification of Restrictive Declaration D-93, which was previously approved as part of an application for a Zoning Map amendment (M 840260 ZMM), to remove certain use restrictions and marketing requirements on property located at 95 Horatio Street (Block 643, Lot 1), in a C6-2A District, Borough of Manhattan, Community District 2 (the "Project Site") (L.U. No. 479).

By Council Members Greenfield and Richards.

WHEREAS, Restrictive Declaration D-93 dates from April 13, 1984, and was enacted in connection with an approval for a Zoning Map amendment (M 840260 ZMM), sponsored by the Rockrose Development Corporation and affecting a nearby two-block area bounded by Gansevoort, Washington, W. 12th and West streets. This action generally changed the zoning designation on these two blocks from M1-5 and C8-4 districts to a C6-2A District;

WHEREAS, as mitigation of potentially significant adverse impacts resulting from the rezoning a Restrictive Declaration (D-93) (the "Original Declaration") was imposed on the Project Site, providing that the use of the Project Site is limited to certain commercial and light manufacturing uses defined in Section 15-58 of the New York City Zoning Resolution. The declaration obligates the owner of these properties to maintain space for meat-related uses contained in Use Groups 17A and 17B and, in the event of a vacancy, to use best efforts to rent to such uses;

WHEREAS, the City Planning Commission filed with the Council on September 9th, 2016 its decision dated September 7th, 2016 (the "Decision"), on the application submitted by 95-97 Horatio LLC, for modification of the Original Declaration to remove the use restrictions and permit all uses allowed under zoning regulations with the exception of nightclub uses, for the Project Site (ULURP No. M 780389 (B) ZSK) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council, as the successor in jurisdiction to the New York City board of Estimate, pursuant to the terms of the Original Declaration;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 21, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues, including were analyzed in Technical Memorandum #003, dated April 8, 2016. Technical Memorandum #004, dated September 2, 2016, the Negative Declaration issued on April 11, 2016; and the Revised Negative Declaration issued on September 7, 2016 (together the “Environmental Analysis”),

RESOLVED:

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

Pursuant to Original Declaration and on the basis of the Decision and Application, M 840260 (E) ZMM, incorporated by reference herein, and based on the environmental determination and consideration described in this report, the Council approves the Decision with the following modifications and subject to the following conditions:

1. Development pursuant to this resolution shall be in accordance with the terms of the First Amendment to Declaration with the modifications made by the Council attached hereto and made part hereof;
2. Development pursuant to this resolution shall only be permitted after such First Amendment to Declaration as modified is executed by 95-97 Horatio LLC, or its successors, and has been recorded and filed on the Project Site in the Office of the Register of the City of New York, County of Kings.

Matter in ~~double-strikeout~~ is deleted by the City Council;
Matter in double-underline is added by the City Council

FIRST AMENDMENT TO DECLARATION

THIS FIRST AMENDMENT TO DECLARATION (the "Amended Declaration"), made this 21st day of November, 2016 by 95-97 HORATIO LLC, a Delaware limited liability company with offices c/o TF Cornerstone Inc., 387 Park Avenue South, New York, New York, 10016 (hereinafter called the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City and State of New York, Block 643, Lot 1, which property is designated as 95 Horatio Street and described in Exhibit A annexed hereto (the "Subject Property");

WHEREAS, the Subject Property is the subject of a Declaration (D-93) dated April 13, 1984, executed by West Coast Company c/o Rockrose Development Corporation, Declarant's predecessor-in-title to the Subject Property, filed in Office of the Register of the City of New York, New York County at Reel 818, Page 1139 (the "Declaration");

WHEREAS, the Declaration was executed and recorded in connection with an application to the New York City Planning Commission ("CPC") for a rezoning (the "Rezoning") of the Subject Property from M1-5 to C6-2A (Application No. C 840260 ZMM) and an application for a zoning text amendment (Application No. C 840235 ZRY);

WHEREAS, the Declaration required Declarant and its successors to maintain a portion of the Subject Property for a "Permitted Use" (as defined in the Declaration and set forth in "Exhibit D" annexed thereto), required Declarant to use "best efforts" to maintain such portion of the Subject Property for meat-related Use Group 17A and 17B uses, and, in the event the spaces were to become vacant, to use best efforts to rent such uses;

WHEREAS, in conjunction with the Rezoning, additional restrictive declarations (D-94, D-95 and D-96; collectively, the "Other Declarations") were recorded against three properties other than the Subject Property and similarly restricted the permitted uses at these sites;

WHEREAS, a number of applications have been filed to modify the Other Declarations, including application numbers M 840260(A) ZMM (filed January 24, 1995), M 840260(B) ZMM (filed July 24, 1997), and M 840260(C) ZMM (filed October 2, 1998);

WHEREAS, Declarant desires to amend the Declaration by eliminating the use restrictions on the Subject Property, other than the prohibition on eating and drinking establishments with dancing (i.e., night clubs), and filed an application with the CPC under application number M 840260(E) ZMM;

WHEREAS, Section 4.05 of the Declaration provides that it may be amended or cancelled only upon application by the Declarant (or any successor in interest) and by approval of the City Planning Commission and the City Council, and that no other legal approval or consent from any public body, private person or legal entity of any kind shall be required;

WHEREAS, CPC approved the application on September 7, 2016;

WHEREAS, Madison Title Agency, LLC, agent for Old Republic National Title Insurance Company, has certified that, as of March 21, 2016, the sole "Parties-in-Interest" (as defined in subdivision (f) of the definition of the term "zoning lot" in Section 12-10 of the Zoning Resolution) in the Subject Property are set forth in the certification attached to this Amended Declaration as Exhibit B (each a "Party-in-Interest");

WHEREAS, all Parties-in-Interest have either executed this Amended Declaration or waived their rights to execute this Amended Declaration by written instruments in substantially the same form as the waiver, annexed hereto as Exhibit C, which instruments are intended to be recorded simultaneously with this Amended Declaration; and

WHEREAS, Declarant represents and warrants that, except for a mortgage held by Deutsche Bank Trust Company Americas, as trustee, no restrictions of record on the use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation or encumbrance of any kind presently precludes the imposition of the restrictions, covenants and obligations of this Amended Declaration or the development of the Subject Property in accordance therewith.

NOW, THEREFORE, Declarant does hereby declare that the Subject Property shall be held, sold, conveyed and occupied subject to the following restrictions, covenants and obligations which are for the purpose of protecting the value and desirability of the Subject Property and which shall be binding on all heirs, successors, legal representatives, mortgagees in possession and assigns, and shall run with such real property.

1. All capitalized terms used herein not defined in this Amended Declaration shall have the meaning ascribed to such terms in the Declaration.
2. Section 1.09 of the Declaration is hereby deleted in its entirety.
3. Section 1.10 of the Declaration is hereby deleted in its entirety.
4. Section 1.11 of the Declaration is hereby deleted in its entirety.
5. Section 2.03 of the Declaration is hereby deleted in its entirety and replaced with the following: “Use of the Industrial Space consistent with the underlying zoning use regulations shall be permitted, ~~except provided~~ that (i) use of the Industrial Space as an eating and drinking establishment with dancing (i.e., night club) shall be prohibited”, (ii) no more than 5,000 zoning square feet within the area indicated as “Anticipated Restaurant/Retail” on the Restaurant Space Diagram attached hereto as Exhibit C may be operated as an eating and drinking establishment (without dancing) (a “Restaurant”), (iii) the Restaurant shall contain no more than a total of 220 table seats and/or bar stools, combined, and (y) food and beverage service in the Restaurant shall end by 12:00 a.m. each day.”
6. Section 2.04 of the Declaration is hereby deleted in its entirety and replaced with the following: “The provisions of Section 2.01 shall not impose any obligation on the Declarant to construct any new or rehabilitated building on the Subject Property pursuant to the Rezoning Application. If such new or rehabilitated building is not developed, Declarant shall have no obligation to comply with the provisions of Section 2.01.”
7. Section 4.11 of the Declaration is hereby deleted in its entirety and replaced with the following: “All notices, demands, requests or other communications which may be or are permitted, desirable or required to be given and sent: if intended for Declarant, by mailing to Declarant at its address given in this Agreement, ATTN: Jon McMillan, with copies to Fried, Frank, Harris, Shriver and Jacobson, LLP, One New York Plaza, New York, New York 10004, ATTN: Carol E. Rosenthal and to the holder of any mortgage on the Subject Property who has given CPC notice: of its name and address and has requested that it receive such copy; and if intended for the City or CPC, by mailing to CPC at 120 Broadway, New York, New York 10271, ATTN: Chairperson. Any change in the above addresses shall be given within thirty (30) days of such change. Each notice, demand, request or other communication which shall be mailed shall be deemed sufficiently given, secured or sent for all purposes hereunder three days (if mailed in New York City) or five days (if mailed outside of New York City) after it shall be mailed by United States registered or certified mail at a branch post office regularly maintained by the United States Postal Service.”
8. “Exhibit C” and to the Declaration is hereby deleted and replaced with the diagram attached as Exhibit D to this Amended Declaration. “Exhibit D” to the Declaration are hereby deleted in their entirety.
9. Declarant shall file and record this Amended Declaration in the Office of the Register of the City of New York, County of New York, indexing it against the Subject Property immediately following the

date hereof. Declarant will promptly deliver to CPC a true copy of this Amended Declaration as recorded and certified by the Register. If Declarant fails to so record this Amended Declaration, the City may record this Amended Declaration at the sole cost and expense of the Declarant, who shall immediately pay such costs to the City.

- 10. Except as amended by the provisions of this Amended Declaration, all of the provisions of the Declaration shall continue in full force and effect.

[Signature Page Follows.]

IN WITNESS WHEREOF, Declarant has executed this Amended Declaration as of the date first written above.

95-97 HORATIO LLC

By: _____
Name:
Title:

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ___ day of _____ in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Exhibit A**Old Lot 1**

ALL that certain plot, piece or parcel of land together situate, lying and being in the Borough of Manhattan, City of New York, and bounded and described as follows:

BEGINNING at the corner formed by the intersection of the easterly side of West Street and the northerly side of Horatio Street; and running

THENCE northerly along the easterly side of West Street, 163 feet 5 inches to the corner formed by the intersection of the easterly side of West Street and the southerly side of Gansevoort Street;

THENCE easterly along the southerly side of Gansevoort Street, 367 feet 11 inches to the corner formed by the intersection of the said southerly side of Gansevoort Street and the westerly side of Washington Street;

THENCE southerly along the westerly side of Washington Street, 168 feet 4 inches to the corner formed by the intersection of said westerly side of Washington Street and the northerly side of Horatio Street;

THENCE westerly along the northerly side of Horatio Street, 69 feet 1 inch to the westerly face of the westerly wall of the nine story concrete brick front building on the premises now being described;

THENCE northerly along the westerly face of said westerly wall and along a line forming an angle of 90 degrees 45 minutes no seconds on its easterly side with said northerly side of Horatio Street, 80 feet 11-1/2 inches;

THENCE westerly along the southerly face of the southerly wall of the seven story brick building on the premises now being described, and along a line forming an angle of 90 degrees 39 minutes no seconds on its southerly side with the preceding course, 40 feet 9-3/4 inches;

THENCE northerly along the westerly end of said wall 11 inches to the southerly face of the southerly independent wall of the building on the premises now being described;

THENCE westerly along the southerly face of said southerly wall and along a line which forms an angle of 90 degrees 33 minutes 15 seconds on its southerly side with last mentioned course, 20 feet 7 inches;

THENCE southerly along a line which forms an angle of 89 degrees 24 minutes 20 seconds on its westerly side with the preceding course 10-1/2 inches;

THENCE westerly along the northerly face of the northerly independent wall of the one story brick building on the premises adjoining on the south and along a line which forms an angle of 89 degrees 17 minutes 20 seconds on its northerly side with the preceding course, 17 feet 7 inches;

THENCE southerly along the easterly face of a brick wall on the premises now being described and along a line forming an angle of 89 degrees 2 minutes no seconds on its easterly side with the preceding course, 5 feet 8-1/2 inches;

THENCE westerly along a line forming an angle of 88 degrees 52 minutes no seconds on its northerly side with the preceding course, 17 feet 3 inches to the westerly face of the westerly wall of the six story brick building on the premises adjoining to the south;

THENCE southerly along the westerly face of the last mentioned wall and along a line which forms an angle of 89 degrees 59 minutes no seconds on its easterly side with the preceding course, 75 feet 1-1/2 inches to the northerly side of Horatio Street; and

THENCE westerly along the said northerly side of Horatio Street, 201 feet 3 inches to the first mentioned corner, the point or place of BEGINNING.

Old Lot 27

ALL THAT certain lot, piece or parcel of land, together, situate, lying and being in the Borough of Manhattan, City of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Horatio Street where the easterly face of the easterly wall of the six story building on the premises known as #97-103 Horatio Street intersects the northerly side of Horatio Street and which point is distant 69 feet 1-3/4 inches westerly from the northwest corner of Horatio and Washington Street;

RUNNING THENCE northerly along the easterly face of said wall and along a line forming an angle on its easterly side of 90 degrees 45 minutes with the northerly side of Horatio Street, 80 feet 10-1/2 inches to the northerly face of the northerly wall of the one story brick building standing on the rear of said premises known as #97-103 Horatio Street;

THENCE westerly along the northerly face of said wall and along a line forming an angle of 90 degrees 39 minutes 30 seconds on its southerly side with the last mentioned course, 78 feet 6-3/4 inches to the northwesterly corner of said building and the easterly face of a brick wall;

THENCE southerly along the easterly side of said brick wall and along a line which on its easterly side forms an angle of 88 degrees 24 minutes 30 seconds with the last mentioned course, 5 feet 9-1/2 inches to the northerly face of the northerly wall of the six story building on the premises herein;

THENCE westerly along said northerly face of said wall to a peg in said wall;

THENCE southerly along the westerly face of said wall, 2 inches to the northerly face of said wall;

THENCE westerly along the northerly face of said wall on a line parallel with Horatio Street, to a point in the westerly wall of said six story building, distant 6 inches easterly from the northwest corner of said six story building;

THENCE southerly, through the westerly wall of said building and along a line which on its easterly side forms an angle of 89 degrees 59 minutes 00 seconds with the last mentioned course, 74 feet 11 inches to the northerly side of Horatio Street, at a point, 6 inches easterly from the southwesterly corner of said building (the last mentioned course being defined in agreement dated January 29th, 1912 and recorded March 8th, 1912, New York County Register's Office in Liber 214, Page 178);

THENCE easterly along the northerly side of Horatio Street, 97 feet 3 inches to the point or place of BEGINNING.

Being further known and described as:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Horatio Street where the easterly face of the easterly wall of the six story building on the premises known as #97-103 Horatio Street intersects the northerly side of Horatio Street and which point is distant 69 feet 1 inch westerly from the northwest corner of Horatio and Washington Streets;

RUNNING THENCE northerly along the easterly face of said wall and along a line forming an angle on its easterly side of 90 degrees 45 minutes with the northerly side of Horatio Street, 80 feet 11-1/2 inches to the northerly face of the northerly wall of the one story brick building standing on the rear of said premises known as #97-103 Horatio Street;

THENCE westerly 40 feet 9-3/4 inches;

THENCE northerly 11 inches to the southerly face of the southerly independent wall of the adjoining building to the premises now described

THENCE westerly 20 feet 7 inches;

THENCE southerly 10-1/2 inches;

THENCE westerly 17 feet 7 inches;

THENCE southerly 5 feet 8-1/2 inches to the northerly face of the northerly wall of the six story building on the premises herein;

THENCE westerly 17 feet 3 inches;

THENCE southerly, through the westerly wall of said building and along a line which on its easterly side forms an angle of 89 degrees 59 minutes 00 seconds with the last mentioned course, 75 feet 1-1/2 inches to the northerly side of Horatio Street, at a point, 6 inches easterly from the southwesterly corner of said building (the last mentioned course being defined in agreement dated January 29th, 1912 and recorded March 8th, 1912, New York County Register's Office in Liber 214, Page 178);

THENCE easterly along the northerly side of Horatio Street, 97 feet 3 inches to the point or place of BEGINNING.

Exhibit B**Certification of Parties in Interest****Exhibit C**

Waiver

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION
AND SUBORDINATION OF MORTGAGES**

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION AND SUBORDINATION OF MORTGAGES, made this ___ day of ___, 2016 by Deutsche Bank Trust Company Americas, as trustee (in such capacity, the "Mortgagee"), having an office at 1761 East St. Andrew Place, Santa Ana, CA 92705.

WITNESSETH:

WHEREAS, the Mortgagee, as trustee, is the lawful holder of certain mortgages (the "Mortgages") made by 95-97 Horatio LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware and having an office at c/o TF Cornerstone, 387 Park Avenue South, New York, NY 10016 (the "Mortgagor"), and assigned to Mortgagee by instrument dated January 28, 2015, and recorded in the Office of the City Register of the City of New York, County of New York, on February 6, 2015, at City Register File No. 2015000041967; and

WHEREAS, the Mortgages encumber all of the property (the "Premises") known as Block 643, Lot 1 on the Tax Map of the City of New York, County of New York, and more particularly described in **Schedule A** attached hereto and made a part hereof, and any improvements thereon (such improvements and the Premises are collectively referred to herein as the "Subject Property"), which Subject Property is the subject of a Declaration dated April 13, 1984, executed by West Coast Company c/o Rockrose Development Corporation, Mortgagor's predecessor-in-title to the Subject Property, filed in Office of the Register of the City of New York, New York County at Reel 818, Page 1139; and

WHEREAS, Mortgagee represents that, as of the date hereof, the Mortgages represent its sole interest in the Subject Property; and

WHEREAS, the First Amendment to the Declaration, dated _____, 2016, which is intended to be recorded in the Office of said Register simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the First Amendment to the Declaration; and

WHEREAS, the Mortgagee agrees, at the request of the Mortgagor, to (i) waive its right to execute the First Amendment to the Declaration and (ii) subordinate the Mortgages to the First Amendment to the Declaration.

NOW, THEREFORE, the Mortgagee hereby (i) waives any rights it has to execute, and consents to the execution by the Mortgagor of, the First Amendment to the Declaration and (ii) agrees that the Mortgages, any liens, operations and effects thereof, and any extensions, renewals, modifications and consolidations of the Mortgages, shall in all respects be subject and subordinate to the terms and provisions of the First Amendment to the Declaration.

This Waiver of Execution of Restrictive Declaration and Subordination of Mortgages shall be binding upon the Mortgagee and its heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the Mortgagee has duly executed this Waiver of Execution of Restrictive Declaration and Subordination of Mortgages as of the date and year first above written.

MORTGAGEE:

Deutsche Bank Trust Company Americas,
as Trustee

By: _____
Name:
Title:

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

On the ___ day of _____, 2016, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Exhibit D**Restaurant Space Diagram****(Attached behind)**

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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

Report for L.U. No. 482

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160285 ZMX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing an existing R7-1 district to a R8 and C1-4 District, on property located in the vicinity of Boston Road and East 180th Street, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 482 & Res No. 1305 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 483

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160286 HAX submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law, for an urban development action area designation and project approval and pursuant to Section 197-cc of the New York City Charter for a disposition of City-owned property located in the vicinity of Boston Road and East 180th Street, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 483 & Res No. 1306 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 484

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160288 ZRX submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 8 relating to provisions for Location of Buildings, Distribution of Bulk and Open Space and Modifications of Height and Setbacks, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 484 & Res No. 1307 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J.

RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 485

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160289 ZRX submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 485 & Res No. 1308 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 486

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160290 ZSX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify height and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1, 19, and 50, and Block 3140, Lot 7, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 486 & Res No. 1309 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 487

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160218 MMX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue from Boston Road to East Tremont Avenue, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 487 & Res No. 1310 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 488

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160307 ZSX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify height and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on

property located at Block 3005, Lot 65, Block 3130, Lots 20 and 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20, and 101, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3228), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 488 & Res No. 1311 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 502

Report of the Committee on Land Use in favor of approving Application No. 20175108 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project and waiver of the area designation requirement and Section 197-c and 197-d of the new York City Charter for property located at 410-18 West 128th Street, 157 West 122nd Street, 116-18 West 129th Street, and 111 West 131st Street, Borough of Manhattan, Community Boards 9 and 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3368) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CBs 9 and 10

20175108 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 696 of Article 16 of the General Municipal Law for approval of a real property tax exemption, waiver of the area designation requirement and waiver of Sections 197-c and 197-d of the New York City Charter, for properties located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), and approving the project as an urban development action area project.

INTENT

To approve an urban development action area project for the disposition area that will consist of the rehabilitation of four multiple dwellings. When completed, the project will provide approximately eighty-three rental dwelling units, which includes one for the superintendent.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1298

Resolution approving an Urban Development Action Area Project located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), Borough of

Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 9 and 10, Borough of Manhattan (L.U. No. 502; 20175108 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 6, 2016 its request dated October 3, 2016 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), Community Districts 9 and 10, Borough of Manhattan (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016;

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

RESOLVED:

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

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on October 6, 2016, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 503

Report of the Committee of Land Use in favor of approving Application No. 20175109 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 410-18 West 128th Street, 157 West 122nd Street, 116-18 West 129th Street, and 111 West 131st Street, Borough of Manhattan, Community Boards 9 and 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3368) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CBs 9 & 10

20175109 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant Article 16 of the General Municipal Law for approval of a real property tax exemption for properties located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), and approving the project as an urban development action area project, Community Boards 9 and 10, Council District 9, Borough of Manhattan.

INTENT

To approve a real property tax exemption pursuant to Section 696 of the General Municipal Law for an Urban Development Action Area Project which when completed will provide approximately eighty-three rental dwelling units, including one super-intendent unit.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1299

Resolution approving a real property tax exemption pursuant to Section 696 of the General Municipal Law for property located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), Community Districts 9 and 10, Borough of Manhattan (L.U. No. 503; 20175109 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 6, 2016 its request dated October 3, 2016 that the Council take the following actions regarding a real property tax exemption for property located at 410-18 West 128th Street (Block 1954, Lot 55), 157 West 122nd Street (Block 1907, Lot 8), 116-18 West 129th Street (Block 1913, Lot 40 in part), and 111 West 131st Street (Block 1916, Lot 25), Community Districts 9 and 10, Borough of Manhattan (the "Disposition Area"):

Approve a tax exemption of the Disposition Area from real property taxes pursuant to Section 696 of the General Municipal Law, in order to create affordable rental housing units with a range of affordability (the "Tax Exemption");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption on November 21, 2016; and

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

RESOLVED:

The Council approves a real property tax exemption of the project pursuant to Section 696 of the General Municipal Law as follows:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 515

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160336 ZMM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b, changing existing R7-2 and C8-4 Districts to an R9 and C2-4 District, on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 515 & Res No. 1316 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 516

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160337 ZRM submitted by New York City Department of Housing Preservation and Development and Lexington Gardens Owners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 516 & Res No. 1317 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 517

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160338 ZSM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New

York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify requirements for height, setback, and street wall location in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 517 & Res No. 1318 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 518

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160339 ZSM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3600), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 518 & Res No. 1319 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 519

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160340 HAM submitted by The Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter for the designation of property as an urban development action area, approval of an urban development action area project, and the disposition of City-owned property to facilitate an affordable housing development containing approximately 390 dwelling units, on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3600), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 519 & Res No. 1320 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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. 522

Report of the Committee on Land Use in favor of approving Application No. 20175116 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption on property located at 1461 Park Avenue (Block 1635, Lots 1, 7, and 16), Borough of Manhattan, Community Board 8, Council District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2016 (Minutes, page 3789) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN - CB 11****20175116 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption for property

located at 1461 Park Avenue (Block 1635, Lot 1), Borough of Manhattan, Community Board 8, Council District 11.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and conveyance of the Disposition Area located at 1461 Park Avenue to facilitate the construction one building containing approximately 399 rental dwelling units plus one unit for a superintendent.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1300

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for the property located at Block 1635, Lots 1, 7, and 16, Borough of Manhattan, (L.U. No. 522; 20175116 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 1, 2016 its request dated October 28, 2016 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 1635, Lots 1, 7, and 16, Community District No. 11, Borough of Manhattan, Council District No. 8 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016;

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of the Exemption Area from real property taxes as follows:

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

- a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
- b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- c) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Manhattan, City and State of New York, identified as Block 1635, Lots 1, 7, and 16.
- d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- e) "HDC" shall mean New York City Housing Development Corporation.
- f) "HDFC" shall mean Lex Gardens II TP4 Housing Development Fund Company, Inc.
- g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- h) "LLC" shall mean Lexington Gardens Owners LLC or an affiliate.

- i) “New Owner” shall mean the HDFC and the LLC or any future owner of the Exemption Area.
 - j) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business, commercial use, or community facility use, except for such community facility use or parking use required by and on the terms set forth in the Regulatory Agreement) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
 3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“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 operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.
 4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 523

Report of the Committee on Land Use in favor of approving Application No. 20175117 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section

577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 716, Lot 15, Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2016 (Minutes, page 3789) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 4

20175117 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law, Section 577, for a real property tax exemption for property located at Block 716, Lot 15, Borough of Manhattan, Community Board 4, Council District 3.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law to facilitate construction of a multiple dwelling building consisting of 159 units of housing for low-income families, plus one unit for a superintendent, and approximately 8,000 square feet of community facility space.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

Williams

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1301

Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at Block 716, Lot 15, Borough of Manhattan (L.U. No. 523; 20175117 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 4, 2016 its request dated October 31, 2016 that the Council take the following actions regarding a real property tax exemption for property located at Block 716, Lot 15, Community District 4, Borough of Manhattan (the "Exemption Area"):

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016; and

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

RESOLVED:

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a) "Community Facility Space" shall mean those portions of the Exemption Area required to be used as a community facility under the Regulatory Agreement.
 - b) "Effective Date" shall mean the later of (i) the date the Exemption Area is conveyed or leased to the HDFC, and (ii) the date that HPD, NYCHA (to the extent it retains the fee interest in the Exemption Area) and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
 - c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - d) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Manhattan, City and State of New York, identified as Block 716, Lot 15.

- e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f) "HDC" shall mean New York City Housing Development Corporation.
 - g) "HDFC" shall mean 18th Street Fulton Housing Development Fund Corporation.
 - h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - i) "LLC" shall mean 18th Street Fulton Equities LI LLC, 18th Street Fulton Equities LLC or an affiliate.
 - j) "New Owner" shall mean the HDFC and the LLC or any future owner or ground lessee of the Exemption Area.
 - k) "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 159 rental dwelling units, plus one unit for a superintendent, and approximately 8,000 square feet of community facility space.
 - l) "Regulatory Agreement" shall mean the regulatory agreement among HPD, NYCHA (to the extent it retains the fee interest in the Exemption Area) and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use except for the Community Facility Space) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
 3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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 operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.

4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 524

Report of the Committee on Land Use in favor of approving Application No. 20175121 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to pursuant to Article V and Article XI of the Private Housing Finance Law for approval of a real property tax exemption, termination of the prior tax exemption, voluntary dissolution of the current owner, and conveyance to a new owner for property located at Block 1844, Lot 20 and Block 1859, Lot 15, Borough of Manhattan, Community Board 7, Council District 7.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2016 (Minutes, page 3789) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 7

20175121 HAM

Application submitted by the New York City Department of Housing Preservation and Development for the termination of a partial tax exemption and dissolution of current owner pursuant to Sections 123(4) and 125 of the Private Housing Finance Law, and the approval a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at Block 1844, Lot 20 and Block 1859, Lot 15, Borough of Manhattan, Community Board 7, Council District 7.

INTENT

To approve a tax exemption pursuant to Article XI of the Private Housing Finance Law (PHFL), terminate a prior exemption under Section 125 and consent to the voluntary dissolution of the prior owner under PHFL 123(4) of PHFL, and approve the conveyance to a new owner for the Exemption Area.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

Williams

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1302

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approve the conveyance to a new owner for the Exemption Area located on Block 1844, Lot 20 and Block 1859, Lot 15, Borough of Manhattan (L.U. No. 524; 20175121 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 15, 2016 its request dated November 10, 2016 that the Council take the following actions regarding a tax exemption for real property located on Block 1844, Lot 20 and Block 1859, Lot 15, Community District 7, Borough of Manhattan (the "Exemption Area"):

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

Terminate, pursuant to PHFL Section 125, a prior exemption for the Exemption Area;

Consent to, pursuant to PHFL Section 123(4), the voluntary dissolution of the current owner;

WHEREAS, the original project was approved by the Board of Estimate on September 18, 1980 (Cal. No. 8), (the “Original Exemption”);

WHEREAS, upon due notice, the Council held a public hearing on the Exemption on November 21, 2016;

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

RESOLVED:

The Council approves the new exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

1. a) For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Company” shall mean 109 MVLM LLC.
 - (2) “Current Owner” shall mean Manhattan Avenue Redevelopment Company, L.P.
 - (3) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (4) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1844, Lot 20 and Block 1859, Lot 15 on the Tax Map of the City of New York.
 - (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (6) “HDFC” shall mean HP 109th Street Housing Development Fund Company, Inc.
 - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (9) “New Owner” shall mean, collectively, the HDFC and the Company.
 - (10) “Prior Exemption” shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on September 18, 1980 (Cal. No. 8).
 - (11) “PHFL” shall mean the Private Housing Finance Law.

- (12) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b) 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, commercial or community facility 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.
- c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of (i) \$264,970, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation, or (b) fifteen percent (15%) of the contract rents, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
- d) Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or 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 New 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 New Exemption shall prospectively terminate.
 - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - (3) 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.
- e) In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, 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.

2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
3. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 526

Report of the Committee on Land Use in favor of approving Application No. 20175119 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 2384, Lots 20, 120, and 123, Borough of the Bronx, Community Boards 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2016 (Minutes, page 3789) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

BRONX - CB 3

20175119 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law, Section 577, for a real property tax exemption for property located at 439 East 163rd Street, 925, 915, 913, and 911 Brook Avenue, and 433 East 162nd Street, Borough of Manhattan, Community Board 3, Council District 17.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law in order to facilitate the construction of one multiple dwelling containing approximately 304 rental dwelling units, plus one unit for a superintendent, approximately 23,143 square feet of commercial space and approximately 16,802 square feet of community facility space.

PUBLIC HEARING**DATE:** November 21, 2016**Witnesses in Favor:** Five**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the request made by the of the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1303

Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at Block 2384, Lots 20, 123, 120 and the Air Rights Over Lot 120, Borough of the Bronx (L.U. No. 526; 20175119 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 9, 2016 its request dated November 3, 2016 that the Council take the following actions regarding a real property tax exemption for property located at Block 2384, Lots 20, 123, 120 and the Air Rights Over Lot 120, Community District 3, Borough of the Bronx (the "Exemption Area"):

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016; and

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

RESOLVED:

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a) "HDFC" shall mean Bronx Commons Housing Development Fund Corporation
 - b) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - c) "LLC" shall mean Bronx Commons LLC or an affiliate.
 - d) "New Owner" shall mean, collectively, the HDFC and the LLC, or any future owner of the Exemption Area.
 - e) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - f) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
 - g) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 2384, Lot 20; Lot 123; Lot 120 and the Air Rights Over Lot 120.
 - h) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business, commercial or community facility use other than such community facility use(s) required or permitted under the Regulatory Agreement) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.

3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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 operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 527

Report of the Committee on Land Use in favor of approving Application No. 20175120 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the General Municipal Law for approval of an Urban Development Action Area Project for property located at Block 2384, Lots 20, 120, and 123, Borough of the Bronx, Community Boards 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2016 (Minutes, page 3790) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 3

20175120 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an Urban Development Action Area Project for property located at Block 2384, Lots 20, 120, and 123, Borough of the Bronx, Community Board 3, Council District 17.

INTENT

To amend the original project (Reso. No. 834 of August 13, 2015) and approve it as an urban development action area project.

PUBLIC HEARING

DATE: November 21, 2016

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the request of the Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1304

Resolution approving an Urban Development Action Area Project located at Block 2384, Lots 20, 123 and the Air Rights Over Lot 120), Community District 3, Borough of the Bronx (L.U. No. 527; 20175120 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 9, 2016 its request dated November 3, 2016 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at Block 2384, Lots 20, 123 and the Air Rights Over Lot 120), Community District 3, Borough of the Bronx (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016;

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

RESOLVED:

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

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on November 9, 2016, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

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

Report of the Committee on Public Housing

Report for Int No. 1213-A

Report of the Committee on Public Housing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on outcomes of services provided to public housing residents.

The Committee on Public Housing, to which the annexed proposed amended local law was referred on June 8, 2016 (Minutes, page 1545), respectfully

REPORTS:

Introduction

On November 28, 2016, the Committee on Public Housing, chaired by Council Member Ritchie Torres, held a hearing to consider Int. No. 1213-A and Int. No. 1214-A. The Committee previously heard these bills on June 23, 2016 and heard testimony from the New York City Housing Authority, the Center for Economic Opportunity and other interested members of the public, including public housing advocates and residents. More information on the June 23, 2016 hearing can be found online at <http://legistar.council.nyc.gov/>.

Int. No. 1213-A

Int. No. 1213-A would require the Mayor, or an agency designated by the Mayor, to publish an annual report, beginning in 2017, on the outcomes of services provided to public housing residents, including employment-related services, financial counseling or banking services, income support services, adult education services, and business-related services. This local law would take effect immediately.

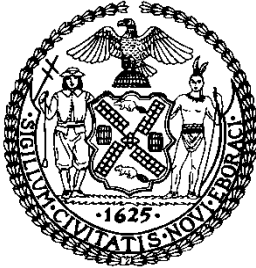
Int. No. 1214-A

Int. No. 1214-A would require the City's Center for Economic Opportunity to review the Jobs-Plus program, which is a national program designed to increase the earnings and levels of employment of public housing residents, and make recommendations for its expansion. This local law would take effect immediately.

Update

On November 28, 2016, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int No. 1213-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1213-A

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on outcomes of services provided to public housing residents

SPONSOR(S): Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Rose, Maisel, Reynoso, Cabrera, Chin, Rosenthal, Mendez, Menchaca, Lander, Cohen, Van Bramer and Levin

SUMMARY OF LEGISLATION: Proposed Int. 1213-A would require the Mayor, or an agency designated by the Mayor, to submit to the Council and publish online an annual report, beginning in 2017, on the outcomes of services provided to public housing residents, including employment-related services, financial counseling or banking services, income support services, adult education services, and business-related services. The information would be disaggregated by public housing development, borough and council district.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because it is assumed that various City agencies could use existing resources to report on outcomes of services provided to public housing residents. This estimate assumes that because municipal agencies already report on outcomes of services provided to City residents, including employment-related services, financial counseling and banking services, income support services, adult education services, and business-related services annually in the Mayor’s Management Report (“MMR”), these performance indicators could be expanded to include outcomes of services provided to public housing residents.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 8, 2016 as Intro. 1213 and was referred to the Committee on Public Housing. A hearing was held by the Committee on Public Housing on June 23, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1213-A, will be considered by the Committee on November 28, 2016. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 29, 2016.

DATE PREPARED: November 25, 2016

(For text of Int No. 1214-A and its Fiscal Impact Statement, please see the Report of the Committee on Public Housing for Int No. 1214-A printed in these Minutes; for text of Int No. 1213-A, please see below)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1213-A:)

Int. No. 1213-A

By Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Rose, Maisel, Reynoso, Cabrera, Chin, Rosenthal, Mendez, Menchaca, Lander, Cohen, Van Bramer, Levin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on outcomes of services provided to public housing residents

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 5 to read as follows:

SUBCHAPTER 5
REPORTS RELATED TO PUBLIC HOUSING

§ 3-150 *General.*

§ 3-151 *Report on outcomes of services provided to public housing residents.*

§ 3-150 *General. a. As used in this subchapter:*

Public housing. The term "public housing" means housing owned or operated by the New York city housing authority.

b. Reports required under this subchapter shall only contain information in the aggregate and shall not contain any personally identifiable information.

§ 3-151 *Report on outcomes of services provided to public housing residents. a. In 2017 and each calendar year thereafter, the mayor, or an agency designated by the mayor, shall make publicly available*

online and submit to the council a report relating to outcomes of programs administered by or on behalf of the city, or funded in whole or in part by the city, that provide services to public housing residents. In developing this report, the mayor or such designated agency shall seek cooperation and assistance from the New York city housing authority. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district, to the extent that such outcomes are tracked by such programs:

1. Outcomes of employment-related programs, including but not limited to:

(a) For each such program, the following information; provided that the term "employment program" includes, but is not limited to, the jobs-plus community revitalization initiative for public housing families as authorized by the omnibus consolidated rescissions and appropriations act of 1996, as enacted by section 204 of public law 104-134, such section 204 relating to public housing/section 8 moving to work demonstration, and as announced in page 66856 in number 244 of volume 61 of the federal register:

(1) Name of such program and date on which such program was initiated;

(2) Number of public housing residents who applied for such program;

(3) Number of public housing residents who were accepted and enrolled in such program;

(4) Number of public housing residents who were placed into full-time or part-time jobs through such program and the average wage of such residents;

(5) Number of public housing residents who received a referral for social services through such program;

(6) Number of public housing residents who enrolled in financial counseling services through such program;

(7) Number of public housing residents who enrolled in vocational training programs through such program;

(8) Number of public housing residents who enrolled in preparation courses for English for speakers of other languages (ESOL) or the test assessing secondary completion (TASC) through such program;

(9) Number of public housing residents who enrolled in college-readiness courses or participated in college-readiness activities through such program;

(b) Number of public housing residents who took the city civil service examination;

2. For each program that provides financial counseling or banking services, the following information:

(a) Name of such program and date on which such program was initiated;

(b) Number of public housing residents who received financial counseling or banking services through such program;

(c) Number of public housing residents who reported that their credit scores were improved through such program;

(d) Number of public housing residents who reported that their debt was reduced through such program;

(e) Number of public housing residents who reported that their savings increased through such program;

3. For each program that provides financial assistance to individuals for food, medical care or housing or otherwise for income support, the following information; provided that the term "program" as used in this paragraph includes, but is not limited to, the supplemental nutrition assistance program (SNAP), authorized under chapter 51 of title 7 of the United States code, medicaid, authorized under subchapter xix of chapter 7 of title 42 of the United States code, and medicare, authorized under subchapter xviii of chapter 7 of title 42 of the United States code:

(a) Name of such program and date on which such program was initiated;

(b) Number of public housing residents who submitted applications for benefits under such program;

(c) Number of public housing residents who received benefits under such program;

(d) Number of public housing residents who were income-eligible for benefits under such program;

4. Adult education outcomes, including but not limited to:

(a) For each program that provides educational services for adults, the following information; provided that the term "program" as used in this paragraph includes, but is not limited to, the English for speakers of other languages (ESOL) and the adult basic education (ABE) program:

(1) Name of such program and date on which such program was initiated;

(2) Number of public housing residents who participated in such program;

(b) Number of public housing residents who passed the test assessing secondary completion (TASC); and

5. *Outcomes of business-related programs that provide guidance, financing, or other assistance for developing business, including but not limited to:*

(a) *Name of such program and date on which such program was initiated;*

(b) *Number of public housing residents who enrolled in courses offered by such program or otherwise received guidance under such program;*

b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

RITCHIE J. TORRES, *Chairperson*; ROSIE MENDEZ, JAMES G. VAN BRAMER, LAURIE A. CUMBO; RAFAEL SALAMANCA, Jr.; Committee on Public Housing, November 28, 2016.

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

Report for Int No. 1214-A

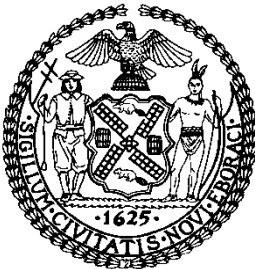
Report of the Committee on Public Housing in favor of approving and adopting, as amended, a Local Law in relation to requiring the center for economic opportunity to review the jobs-plus program

The Committee on Public Housing, to which the annexed proposed amended local law was referred on June 8, 2016 (Minutes, page 1547), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Housing for Int No. 1213-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1214-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1214-A

TITLE: A Local Law in relation to reporting on outcomes of services provided to public housing residents

SPONSOR(S): Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Dickens, Rose, Maisel, Reynoso, Chin, Rosenthal, Mendez, Menchaca, Lander, Cohen, Van Bramer and Levin

SUMMARY OF LEGISLATION: Proposed Int. 1214-A would require the Center for Economic Opportunity (“CEO”) within the Office of the Mayor to conduct a review of Jobs-Plus program services available to public housing residents throughout the City. The review would include recommendations for program expansion, including details on the operational requirements and the annual budget needed to expand Jobs-Plus program services and facilities to additional public housing residents. Upon completion, such review would be submitted to the Speaker, the Comptroller, and the Mayor.

EFFECTIVE DATE: This legislation would take effect immediately, provided, however, that the review required by the legislation would be due one year after the effective date of this local law, and provided further that this local law would expire and have no further force and effect on December 31, 2017.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because CEO will use existing resources to implement this local law. CEO is one of four partner agencies that participate in the Jobs-Plus Collaborative (“the Collaborative”), working in collaboration with the New York City Human Resources Administration/Department of Social Services (“HRA/DSS”), the New York City Department of Consumer Affairs (“DCA”) and the New York City Housing Authority (“NYCHA”). For over five years the Collaborative has met to regularly review data on program performance and on the communities the program is targeting. As such, this estimate assumes that the program review and assessment mandated under this legislation could be completed with existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 8, 2016 as Intro. 1214 and was referred to the Committee on Public Housing. A hearing was held by the Committee on Public Housing on June 23, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1214-A, will be considered by the Committee on November 28, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 29, 2016.

DATE PREPARED: November 25, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1214-A:)

Int. No. 1214-A

By Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Dickens, Rose, Maisel, Reynoso, Chin, Rosenthal, Mendez, Menchaca, Lander, Cohen, Van Bramer, Levin and Kallos.

A Local Law in relation to requiring the center for economic opportunity to review the jobs-plus program

Be it enacted by the Council as follows:

Section 1. Access to Jobs-Plus Program Facilities for Residents of Public Housing

a. As used in this local law:

Agency. The term “agency” has the meaning ascribed to such term in section 1-112 of the administrative code of the city of New York.

Center for economic opportunity. The term “center for economic opportunity” means the entity established pursuant to executive order number 117 for the year 2008, its successor agency or another entity designated by the mayor to perform the functions required by this local law.

Jobs-plus program. The term “jobs-plus program” means the jobs-plus community revitalization initiative for public housing families as authorized by the omnibus consolidated rescissions and appropriations act of 1996, as enacted by section 204 of public law 104-134, such section 204 relating to public housing/section 8 moving to work demonstration, and as announced in page 66856 in number 244 of volume 61 of the federal register or a similar program that provides the following services to assist residents of public housing operated by the New York city housing authority with obtaining and retaining employment: (i) job search assistance; (ii) education programs; (iii) vocational training; (iv) child care, transportation and other related support services; and (v) subject to the cooperation of the United States department of housing and urban development and the New York city housing authority, a reasonable rent policy designed to encourage employment and self-sufficiency for participating residents, such as by excluding all or a portion of such resident’s earned or newly earned income for purposes of determining rent.

Jobs-plus facility. The term “jobs-plus facility” means a physical space in which services or benefits related to a jobs-plus program are provided.

b. The center for economic opportunity shall submit to the speaker of the council, the comptroller, and the mayor a review of the jobs-plus program, which shall include the strengths, limitations, and general effectiveness of the jobs-plus program, a proposed annual budget for the program, and the operational requirements needed to make participation in the jobs-plus program available to each resident of public housing operated by the New York city housing authority. Such review shall include specifications describing the type of jobs-plus facility requirements for a variety of geographic zones identified by the New York city housing authority for targeting job placements, job training opportunities, apprenticeships or other similar benefits; provided that if the New York city housing authority has not identified a particular geographic zone in which to locate a jobs-plus facility or ceases to identify such zones before submission of the review, the review shall recommend parameters to ensure that jobs-plus facilities are located in such a manner that each public housing resident has reasonable access to at least one such facility.

c. In developing the review required by subdivision b, the center for economic opportunity shall seek cooperation and assistance from the United States department of housing and urban development and the New York city housing authority, in addition to any other individuals and entities the center for economic opportunity deems appropriate.

d. The review required by subdivision b shall include an assessment of the estimated costs and timeline of implementing such review and a description of any recommended changes to federal, state or local laws, rules or policies to facilitate such implementation, including but not limited to changes needed to implement reasonable rent policies designed to encourage employment and self-sufficiency for participating residents.

§2. This local law takes effect immediately, provided, however, that the review required by subdivision b of this local law shall be due one year after the effective date of this local law, and provided further that this local law shall expire and have no further force and effect on December 31, 2017.

RITCHIE J. TORRES, *Chairperson*; ROSIE MENDEZ, JAMES G. VAN BRAMER, LAURIE A. CUMBO; RAFAEL SALAMANCA, Jr.; Committee on Public Housing, November 28, 2016.

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

Report of the Committee on Public Safety

Report for Int No. 1147-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, a Local Law to amend the New York city charter, in relation to establishing an office of crime victim services.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on April 7, 2016 (Minutes, page 901), respectfully

REPORTS:

I. INTRODUCTION

On November 28, 2016, the Committee on Public Safety, chaired by Vanessa L. Gibson will vote on Proposed Introduction 1147A (“Intro. 1147A”), in relation to establishing an office of crime victim services. The bill was heard in its original version on May 3, 2016, at a joint hearing with the Committee on Public Safety and the Committee on Oversight and Investigations. The New York City Police Department (“NYPD”), the Mayor’s Office of Criminal Justice (“MOCJ”), advocates and other interested members of the public offered testimony on the bill.

II. BACKGROUND

On February 11, 2016, New York City Council Speaker Melissa Mark-Viverito delivered her “State of the City” speech in which she outlined a number of proposals related to criminal justice reform. These proposals included legislation to create an office for crime victim services.

In 2014, there were 627,588 complaints filed in New York City for crimes ranging from petit larceny to murder.¹ There are several state and municipal entities that administer victim services, but there is no central office or center run by the City to help coordinate all appropriate services for victims of crimes. New York State has an Office of Victims Services (“OVS”), which provides guidance and support to victims and aids them in accessing the network of victim service providers that it funds across the State, including New York City.² While the office does service the City, OVS only has two locations, in Albany and Brooklyn.³

Currently there are several services offered to crime victims through agencies including but not limited to the NYPD, the Mayor’s Office to Combat Domestic Violence (“OCDV”), district attorney’s offices, and not-for-profit organizations. Over the next three years, NYPD has proposed the creation of a new program called

¹ http://www1.nyc.gov/assets/hhsaccelerator/downloads/pdf/cv_concept.pdf

² <https://ovs.ny.gov/>

³ Id.

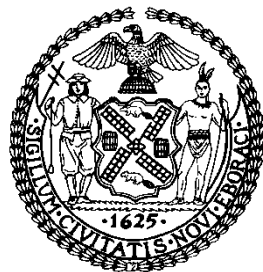
the Crime Victim Advocate Program (“CVAP”), which is intended to provide a more effective response to victims of crime at the time of the incident, and in the critical days, weeks and months following the crime. OCDV, in conjunction with district attorney’s offices, has been establishing Family Justice Centers where victims of domestic violence, elder abuse, and sex trafficking are able to receive services in criminal justice, civil legal, and social services all in one location.⁴ In addition, there are several not-for-profits that provide victim services, including Safe Horizon, which frequently acts as a starting point for victims beyond the police and district attorney’s offices, and the Vera Institute of Justice, which currently runs a victim service and alternative-to-incarceration program called Common Justice. While there are several City agencies and non-for-profits that provide service, there is no centralized “point of contact” where a victim can go to be connected with the various services available in the City.

III. ANALYSIS AND AMENDMENTS TO INT. NO. 1147

This bill would establish the Mayor’s Office of Crime Victim Services to be headed by a coordinator appointed by the Mayor. The coordinator will be responsible for coordinating service providers to ensure services for crime victims. In addition, the bill would require the office to publish a crime victim services directory, provide outreach and education relating to the availability of services for crime victims, and perform other duties as the mayor may assign. The amended version of the bill clarifies that services provided by first responders do not fall within the definition of a service provider. Additionally, Int. 1147A requires that the office coordinate with OCDV to provide services for victims of intimate violence.

The original version of the bill required client level data, whereas the amended version requires the office to compile information on the nature of services provided for crime victims, the nature of assistance to crime victims provided by service providers and an assessment of the need for increased coordination for such crime victims. This information would be included in an annual report. Finally, Int. 1147A would require the Office of Crime Victim Services to develop recommendations with respect to the coordination of services. This law would take effect 120 days after it becomes law.

(The following is from the text of the Fiscal Impact Statement for Int No. 1147-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1147-A
COMMITTEE: Public Safety

TITLE: A Local Law to amend the New York city charter, in relation to establishing an office of crime victim services

SPONSORS: Council Members Cumbo, The Speaker (Council Member Mark-Viverito), Gibson, Rose, Cohen, Koslowitz and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 1147-A would establish an Office of Crime Victim Services headed by a coordinator who is charged with coordinating service providers, including non-governmental organizations and City agencies that provide social services to crime victims, such as mental health services, drug addiction treatment, language interpretation, or emergency or transitional shelter. The coordinator would

⁴ <http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>

be required to work with the Office to Combat Domestic Violence in developing services and systems for victims of intimate partner violence. In addition, the Office of Crime Victim Services would be required to publish an annual directory of all service providers in the City by type, location of services, hours of operation, services provided and contact information as well as an assessment of the need for increased coordination for crime victims. Finally, the Coordinator would be required to provide outreach and education on the availability of services for crime victims.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$61,048	\$244,194	\$244,194
Net	\$61,048	\$244,194	\$244,194

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would impact expenditures at the agency overseeing the newly created Office of Crime Victim Services in the amount of \$61,048 in the first year and \$244,194 in the outyears. The Council estimates that the creation of the Office of Crime Victim Services would require at least two personnel and additional other than personal services (“OTPS”) costs to fulfill the requirements of the legislation. The additional two personnel are estimated to annually cost \$221,995 in personal services (“PS”) costs and \$22,199 in OTPS costs. This estimated PS cost includes annual salaries and fringe benefits. This PS cost estimate includes the Fiscal 2017 civilian fringe rate assumption of 46.75 percent. Proposed Intro. No. 1147-A would require the Office of Crime Victim Services to work with the Office to Combat Domestic Violence and to coordinate and evaluate crime victim services Citywide. The estimated costs would provide the Office of Crime Victim Services with operational and administrative support to fulfill the requirements of Proposed Intro. No. 1147-A.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Steve Riestler, Senior Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 7, 2016 as Intro. No. 1147 and referred to the Committee on Public Safety. The legislation was considered at a hearing on May 3, 2016 at a joint hearing held by the Committees on Public Safety and Oversight and Investigations and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1147-A, will be voted on by the Committee on Public Safety at a hearing on November 28, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1147-A will be submitted to the full Council for a vote on November 29, 2016.

DATE PREPARED: November 28, 2016.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1147-A:)

Int. No 1147-A

By Council Members Cumbo, The Speaker (Council Member Mark-Viverito), Gibson, Rose, Cohen, Koslowitz, Crowley, Gentile, Vacca, Deutsch, Williams, Menchaca, Kallos and Ulrich.

A Local Law to amend the New York city charter, in relation to establishing an office of crime victim services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-d to read as follows:

§ 13-d. Office of crime victim services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Coordinator. The term “coordinator” means the crime victim services coordinator.

Crime victim. The term “crime victim” means a person who is a victim of a sex offenses as defined in article 130 of the penal law, robbery as defined in article 160 of the penal law, assault as defined in article 120 of the penal law, burglary as defined in article 140 of the penal law, larceny as defined in article 155 of the penal law, domestic violence offenses as defined in section 530.11(1)(a) of the criminal procedure law, or any other offense determined by the coordinator.

Service provider. The term “service provider” means any non-government organization, funded in whole or in part by the city, or any agency under the jurisdiction of the mayor, that provides social services to crime victims, including but not limited to case management, crisis intervention, legal services, restorative justice, emergency or transitional shelter, permanent housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, public benefits, domestic and family matters safety planning, job training and economic empowerment, immigration advocacy or other services which may be offered to crime victims, provided, however, that social services shall not be construed to include the provision of services by first responders in response to public safety incidents.

b. The mayor shall establish an office of crime victim services. Such office may, but need not, be established in the executive office of the mayor, or may be established as a separate office within any other office of the mayor, or within any department, the head of which is appointed by the mayor. Such office shall be headed by a coordinator who shall be appointed by the mayor or the head of such department.

c. Powers and duties. The coordinator shall have the power and the duty to:

1. advise and assist the mayor in planning for increased coordination and cooperation among service providers to ensure the efficient delivery of services for crime victims;

2. work with the office to combat domestic violence to ensure that services for crime victims are coordinated.

3. advise and assist the director of the office to combat domestic violence in developing methods to improve the coordination of systems and services for victims of intimate partner violence;

4. publish and annually update a directory of service providers in the city, organized by service type, location of services, hours of operation, contact information, eligibility criteria for services, language access, any specific cultural competencies, and accessibility. Notwithstanding this paragraph, the coordinator shall not be required to publish the location of services that could compromise the safety of the victim;

5. compile information on the nature of services the service providers have contracted with the city to provide for crime victims;

6. *prepare and submit to the mayor and the council an annual report of service providers which shall include: (a) the nature of assistance to crime victims provided by such service providers; and (b) an assessment of the need for increased coordination for such crime victims;*
7. *make recommendations with respect to the coordination of services;*
8. *provide outreach and education on the availability of services for crime victims; and*
9. *perform other duties as the mayor may assign.*

§ 2. This local law takes effect 120 days after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., STEVEN MATTEO; Committee on Public Safety, November 29, 2016. *Other Council Members Attending: Council Member Cumbo.*

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

Report of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 300-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the removal of snow and ice from fire hydrants.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on April 29, 2014 (Minutes, page 1376), respectfully

REPORTS:

I. Introduction

On November 29, 2016, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, voted on Proposed Int. No. 300-A, a bill in relation to the removal of snow and ice from fire hydrants.

The Committee voted in favor of the legislation. Accordingly, the Committee recommends its adoption.

II. Proposed Int. 300-A

Current law generally requires that property owners keep snow and other material from accumulating near fire hydrants fronting their properties.

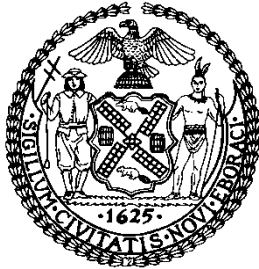
Proposed Int. 300-A, if enacted, would clarify the bounds of this area by (1) requiring that the fire hydrant itself be cleared, (2) narrowing the area around the fire hydrant to a size that corresponds to what the Fire Department needs for access to the hydrant, and (3) removing the requirement that property owners actively clear snow and other material from the street itself.

The bill also makes penalties for failing to clear snow from such area consistent with the penalties for failing to clear snow from a sidewalk. It also removes criminal penalties for failing to remove snow and ice from a sidewalk.

III. Amendments to Proposed Int. 300-A

- Property owners are required to remove snow and other material from the fire hydrant itself, as well as the area within two feet of a fire hydrant.
- Property owners are not required to actively clear snow and other material from the street adjacent to a fire hydrant.
- Property owners are required to remove snow and ice from the fire hydrant and the area around a fire hydrant within four hours after snow ceases to fall, except between the hours of 9 p.m. and 7 a.m.
- A violation of section 15-205 is punishable in the same manner as a violation of section 16-123(a). A knowing violation of section 15-205(b) can in addition be punishable by imprisonment not to exceed one day.
- Criminal penalties set forth in section 16-123(c) have been removed.
- Technical changes were made to clarify text.

(The following is the text of the Fiscal Impact Statement for Int No. 300-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 300-A

COMMITTEE: SANITATION AND SOLID WASTE
MANAGEMENT

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the removal of snow and ice from fire hydrants

SPONSORS: By Council Members King, Koo, Mealy, Reynoso, Rose, Wills, Koslowitz, Richards, Mendez, Constantinides, Dromm and Cohen

SUMMARY OF LEGISLATION: Current law requires that property owners keep snow and other material from accumulating near fire hydrants on their property. This legislation further defines that boundary of that area by:

- (1) Making clear that the fire hydrant itself must also be cleared;
- (2) Narrowing the area to a size that is more closely in line with what the Fire Department needs for access to the hydrant; and
- (3) Clarifying that property owners are not required to actively clear snow and other material from the street itself.

Lastly, this bill also makes the penalties for failing to clear snow from such area consistent with the penalties for failing to clear snow from a sidewalk.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes law, except that (i) the commissioner of sanitation and the commissioner of the fire department may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and (ii) the section of the bill removing the existing penalties would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Although this legislation contemplates the imposition of civil penalties, the Council assumes compliance with legislation and therefore estimates that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Sanitation would use existing resources to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan K. Seltzer, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
 Crilhien Francisco, Unit Head, Finance Division
 Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 300 on April 29, 2014 and referred to the Committee on Sanitation and Solid Waste Management. The Committee considered the legislation at a hearing on October 28, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 300-A, will be considered by the Committee on November 29, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 300-A will be submitted to the full Council for a vote on November 29, 2016.

DATE PREPARED: November 22, 2016

Accordingly, this Committee recommends its adoption, as amended.

Int. No. 300-A

By Council Members King, Koo, Mealy, Reynoso, Rose, Wills, Koslowitz, Richards, Mendez, Constantinides, Dromm, Cohen, Crowley, Levin, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the removal of snow and ice from fire hydrants

Be it enacted by the Council as follows:

Section 1. Section 15-205 of the administrative code of the city of New York, as amended by local law number 66 for the year 1991, is amended to read as follows:

§ 15-205 Obstruction of fire hydrants. *a. For the purposes of this section, the term “fire hydrant street area” means, with respect to a fire hydrant, any space that is located:*

1. In a street; and

2. Between the center of such street and a line that (i) is 20 feet in length, (ii) has such hydrant at its center point and (iii) runs parallel to the curb nearest such hydrant.

b. 1. It shall be unlawful in any manner to obstruct the use of any fire hydrant, or to throw or pile, or allow any snow or ice or other material or thing to be thrown or piled (i) upon [or around the same,] a fire hydrant, (ii) within two feet of a fire hydrant or [to place, or allow to be placed, any material or thing in front thereof, from the curb line to the center of the street and to] (iii) within [ten feet from either side thereof] a fire hydrant street area. [All snow and ice accumulating in the street, within such space, shall be removed by the owner, lessee, or tenant of the premises fronting such space.] All material or things found obstructing any fire hydrant may be forthwith removed by the officers or employees of the department, at the risk, cost and expense, of the [owner or claimant] owner, lessee or tenant of the premises fronting such hydrant. [The provision of this section requiring that no thing shall be placed within ten feet from either side of a fire hydrant]

2. No newsstand may be located within ten feet from either side of a fire hydrant, except that this prohibition shall not apply to any newsstand which was first licensed by the department of consumer affairs [prior to the first day of] before August 1, [nineteen hundred seventy-nine] 1979, where the person who held the license for such newsstand on [the first day of] August 1, [nineteen hundred ninety-one] 1991 continues to be the licensee for such newsstand; provided, however, that where a newsstand which was first licensed [prior to the first day of] before August 1, [nineteen hundred seventy-nine] 1979 is reconstructed in its entirety or in substantial part, which reconstruction was commenced on or after [the first day of] August 1, [nineteen hundred ninety-one] 1991, such newsstand shall be subject to such [requirement that no thing be placed within ten feet from either side of a fire hydrant] prohibition.

c. All snow and ice accumulating within a space identified in paragraph 1 of subdivision b of this section shall be removed by the owner, lessee or tenant of the premises fronting such space within four hours after the snow ceases to fall, except that (i) such owner, lessee or tenant shall not be required to remove snow and ice from the fire hydrant street area or from the property of such owner, lessee or tenant and (ii) the time between 9:00 p.m. and 7:00 a.m. shall not be included in the aforementioned period of four hours.

d. Notwithstanding section 15-216, a violation or knowing violation of this section shall be punishable in the same manner as a violation of subdivision a of section 16-123, except that a knowing violation of subdivision b of this section may in addition be punishable by imprisonment not to exceed one day.

e. In addition to the department, the department of sanitation may enforce the provisions of this section.

§ 2. Subdivision c of section 16-123 of administrative code of the city of New York is amended to read as follows:

c. [Any person violating any provision of, or regulation adopted pursuant to, subdivisions a and b of this section shall be punished by a fine of not less than ten dollars nor more than one hundred fifty dollars, imprisonment for not more than ten days, or both] Reserved.

§ 3. This local law takes effect 90 days after it becomes law, except that (i) the commissioner of sanitation and the commissioner of the fire department may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and (ii) section two of this local law takes effect immediately.

ANDY L. KING, *Acting Chairperson*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, STEVEN MATTEO; Committee on Sanitation and Solid Waste Management, November 29, 2016.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 482 & Res No. 1305

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160285 ZMX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing an existing R7-1 district to a R8 and C1-4 District, on property located in the vicinity of Boston Road and East 180th Street, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

C 160285 ZMX

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

1. changing from an R7-1 District to an R8 District property bounded by:
 - a. a line 230 feet southeasterly of Vyse Avenue, East 180th Street, a line perpendicular to the northeasterly street line of East 180th Street distant 335 feet northwesterly (as measured along the streetline) from the point of intersection of the northeasterly street line of East 180th Street and the northwesterly street line of Boston Road, a line 100 feet northeasterly of East 180th Street, 100 feet northwesterly of Boston Road, Bronx Park South, Boston Road, East 180th Street, a line 280 feet southeasterly of Boston Road, 100 feet southwesterly of East 180th Street, 100 feet southeasterly of Boston Road, a line 140 feet northeasterly of East 179th Street, Boston Road, East 179th Street, 100 feet northwesterly of Boston Road, and 120 feet southwesterly of East 180th Street; and
 - b. Boston Road, East 179th Street, the easterly street line of former Bronx Street, East Tremont Avenue, and West Farms Road; and
2. establishing within a proposed R8 District a C1-4 District bounded by a line 100 feet northwesterly of Boston Road, Bronx Park South, Boston Road, and East 179th Street.

INTENT

To amend the Zoning Map, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment project; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING**DATE:** October 19, 2016**Witnesses in Favor:** Four**Witnesses Against:** Five**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1305

Resolution approving the decision of the City Planning Commission on ULURP No. C 160267 ZMX, a Zoning Map amendment (L.U. No. 482).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing portions of the project area

from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment, a mixed-use affordable housing development in the West Farms neighborhood of the Bronx, Community District 6, (ULURP No. C 160285 ZMX) Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD.

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 19, 2016;

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 September 9, 2016 (CEQR No. 16HPD001X), and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS, and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes 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 160285 ZMX, 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. 3d:

3. changing from an R7-1 District to an R8 District property bounded by:
 - a. a line 230 feet southeasterly of Vyse Avenue, East 180th Street, a line perpendicular to the northeasterly street line of East 180th Street distant 335 feet northwesterly (as measured along the streetline) from the point of intersection of the northeasterly street line of East 180th Street and the northwesterly street line of Boston Road, a line 100 feet northeasterly of East 180th Street, 100 feet northwesterly of Boston Road, Bronx Park South, Boston Road, East 180th Street, a line 280 feet southeasterly of Boston Road, 100 feet southwesterly of East 180th Street, 100 feet southeasterly of Boston Road, a line 140 feet northeasterly of East 179th Street, Boston Road, East 179th Street, 100 feet northwesterly of Boston Road, and 120 feet southwesterly of East 180th Street; and
 - b. Boston Road, East 179th Street, the easterly street line of former Bronx Street, East Tremont Avenue, and West Farms Road; and
4. establishing within a proposed R8 District a C1-4 District bounded by a line 100 feet northwesterly of Boston Road, Bronx Park South, Boston Road, and East 179th Street;

as shown on a diagram (for illustrative purposes only) dated April 25, 2016, Community District 6, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 483 & Res No. 1306

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160286 HAX submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law, for an urban development action area designation and project approval and pursuant to Section 197-cc of the New York City Charter for a disposition of City-owned property located in the vicinity of Boston Road and East 180th Street, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX - CB 6****C 160286 HAX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD).

- 1) Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) The designation of property located at Boston Road (Block 3139, Lot 50), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed use development containing approximately 1,665 affordable residential units, approximately 86,608 square feet of retail space and approximately 110 accessory parking spaces.

INTENT

To approve a UDAAP designation, project approval and disposition of city-owned property, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING**DATE:** October 19, 2016**Witnesses in Favor:** Four**Witnesses Against:** Five**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1306

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 160286 HAX, approving the designation of property located at 2012 Boston Road (Block 3139, Lot 50), Borough of the Bronx, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 2012 Boston Road (Block 3139, Lot 50) to a developer selected by HPD (L.U. No. 483; C 160286 HAX).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 2012 Boston Road (Block 3139, Lot 50), as an Urban Development Action Area (the "Project Area");
- b) an Urban Development Action Area Project for the Area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 2012 Boston Road (Block 3139, Lot 50), to a developer to be selected by HPD to facilitate a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces, Community District 6, Borough of the Bronx (ULURP No. C 160286 HAX) (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on

the periphery of the LSRD; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated October 3, 2016 and submitted to the Council on October 6, 2016, HPD submitted its requests (the “HPD Requests”) respecting the Application including a project summary (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 19, 2016;

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

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 September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes 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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 160286 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on October 6, 2016, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 2012 Boston Road (Block 3139, Lot 50), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 484 & Res No. 1307

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160288 ZRX submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 8 relating to provisions for Location of Buildings, Distribution of Bulk and Open Space and Modifications of Height and Setbacks, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

N 160288 ZRX

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 8 relating to provisions for Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks.

INTENT

To approve an amendment of the Zoning Resolution, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing

approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING

DATE: October 19, 2016

Witnesses in Favor: Four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1307

Resolution approving the decision of the City Planning Commission on Application No. N 160288 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, relating to provisions for zoning lots directly adjoining public parks, in Community District 6, Borough of the Bronx (L.U. No. 484).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding

an application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and Phipps Houses, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, relating to the provisions for zoning lots directly adjoining public parks. This action, along with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use, affordable housing development in the West Farms neighborhood in the Bronx, (Application No. N 160288 ZRX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD.

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 19, 2016;

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 September 9, 2016 (CEQR No. 16HPD001X), and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and

Application, and based on the environmental determination and consideration described in this report, N 160288 ZRX, incorporated by reference herein, the Council approves the Decision as follows:

Matter underlined is new, to be added;

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

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

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

Article VII: ADMINISTRATION

Chapter 8 – Special Regulations Applying to Large-Scale Residential Developments

* * *

78-30

BULK REGULATIONS

78-31

Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

(a) General provisions

For the purposes of this Section, the term "periphery" shall mean any #street line# bounding a #large-scale residential development# or any #lot line# abutting a #zoning lot# that is not part of the #large-scale residential development#. The term "wholly within" shall therefore mean any area of the #large-scale residential development# which is not within the area designated as "periphery." However, in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a #large-scale residential development# within 100 feet of a peripheral #street line# or within 30 feet of any other peripheral #lot line#, except for portions directly opposite:

- (1) an area of at least 1.5 acres in a #Residence District# that is either vacant or #land with minor improvements#; or
- (2) a #large-scale residential development developed# pursuant to the provisions of paragraph (b) of this Section; or
- (3) a #Commercial# or a #Manufacturing District#.

All #buildings or other structures# in the periphery of a #large-scale residential development# shall comply with the height and setback regulations of Article II, Chapter 3, except as otherwise provided in this Section.

Special provisions applying to #large-scale residential developments# in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) of this Section. The provisions of paragraph (b) shall apply to any #large-scale residential development# in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to #large-scale residential developments# in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35, inclusive.

(b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, #buildings or other structures#, or portions thereof, “wholly within” a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of this Section.

- (1) In R3-2 Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used.
- (2) In R4 Districts, no portion of any #building or other structure#, including the apex of a roof, shall penetrate a plane 35 feet in height above the #base plane#.
- (3) In R5 Districts, no portion of any #building or other structure#, including the apex of a pitched roof, shall penetrate a plane 40 feet in height above the #base plane#.

(c) Alternate #floor area# and #open space# regulations in R3, R4 or R5 Districts

In #large-scale residential developments# that utilize the bonus provisions of this Chapter, the #floor area ratio# and the #open space ratio# controls set forth in the following table shall apply in lieu of the #floor area ratio# and #lot coverage# controls of Article II, Chapter 3.

District	#Open Space Ratio#	#Floor Area Ratio#
R3	150	.50*
R4	80	.75*
R5	40	1.25

* The #floor area ratio# in the table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 1/2 inches in vertical distance per each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet. Any such additional #floor area# under a sloped roof shall not be used to compute the #open space ratio#

(d) Authorizations may be granted for #buildings# to be located, #bulk# and #open space# distributed, and height and setback modified, in accordance with the provisions of this Section.

(e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

(f) Alternate window to #lot line# regulations for a #zoning lot# directly adjoining a #public park#

In R7-1 and R8 Districts within a #large scale residential development# in Community District 6 in the Borough of the Bronx, the required minimum distance between a #legally required window# and a #lot line#, as set forth in Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), inclusive, shall not apply where a #legally required window# is fronting upon a #public park# with an area of at least one-half acre.

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 485 & Res No. 1308

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160289 ZRX submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227) and which same Land Use item was coupled with the resolution shown below, respectfully

SUBJECT

BRONX - CB 6

N 160289 ZRX

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development and Phipps Houses pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment of the Zoning Resolution, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING

DATE: October 19, 2016

Witnesses in Favor: Four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION**DATE:** November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 22, 2016. The City Planning Commission filed a letter dated November 28, 2016, with the Council on November 29, 2016, 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 Greenfield and Richards offered the following resolution:

Res No. 1308

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160289 ZRX, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area, in Community District 6, Borough of the Bronx (L.U. No. 485).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development ("HPD") and Phipps Houses, for an amendment of the text of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 6. This action, along with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use, affordable housing development in the West Farms neighborhood in the Bronx, (Application No. N 160289 ZRX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD.

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 19, 2016;

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 September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and

Application, and based on the environmental determination and consideration described in this report, N 160289 ZRX, incorporated by reference herein, the Council approves the Decision with the following modifications:

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

* * *

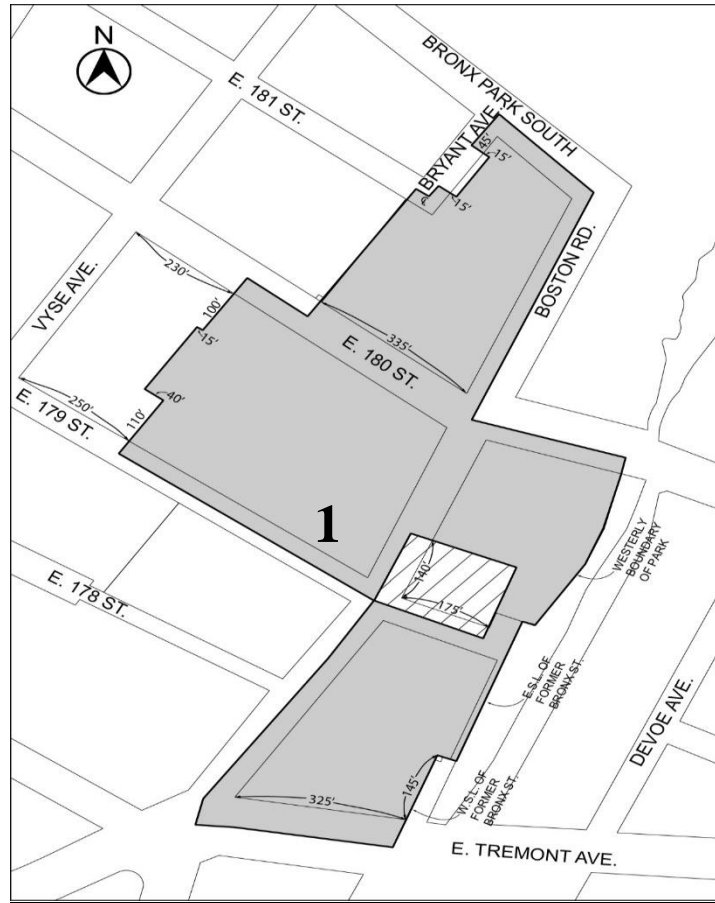
The Bronx Community District 6

In the R7-1, R7A, R7D, R7X, R8, R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, 4, ~~and 5~~ and 6:

* * *

Map 6 – [date of adoption]

[PROPOSED MAP]



- Mandatory Inclusionary Housing area — see Section 23-154(d)(3)
Area 1 [date of adoption] — MIH Program Option 1 and the Deep Affordability Option
- Excluded area

Portion of Community District 6, The Bronx

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 486 & Res No. 1309

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160290 ZSX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify height and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1, 19, and 50, and Block 3140, Lot 7, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX - CB 6****C 160290 ZSX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed mixed-use development within a proposed large-scale residential development, on property generally bounded by Bronx Park South, Boston Road, East 180th Street, the Bronx River, East Tremont Avenue, Boston Road, East 179th Street, a line approximately 170 feet southeasterly of Boston Road, a line approximately 240 feet southwesterly of East 180th Street, Boston Road, East 179th Street, a line approximately 230 feet southeasterly of Vyse Avenue, East 180th Street, the northwesterly street line of former Bryant Avenue, East 181st Street, and Bryant Avenue (Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1, 19 & 50, and Block 3140, Lot 7), in R7-1, R7-1/C1-4, R8, and R8/C1-4 Districts.

INTENT

To approve a Special Permit, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING**DATE:** October 19, 2016**Witnesses in Favor:** Four**Witnesses Against:** Five

SUBCOMMITTEE RECOMMENDATION**DATE:** November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1309

Resolution approving the decision of the City Planning Commission on ULURP No. C 160290 ZSX (L.U. No. 486), for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed mixed-use development within a proposed large-scale residential development, on property generally bounded by Bronx Park South, Boston Road, East 180th Street, the Bronx River, East Tremont Avenue, Boston Road, East 179th Street, a line approximately 170 feet southeasterly of Boston Road, a line approximately 240 feet southwesterly of East 180th Street, Boston Road, East 179th Street, a line approximately 230 feet southeasterly of Vyse Avenue, East 180th Street, the northwesterly street line of former Bryant Avenue, East 181st Street, and Bryant Avenue (Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1, 19 & 50, and Block 3140, Lot 7), in R7-1, R7-1/C1-4, R8, and R8/C1-4 Districts, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of

Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed mixed-use development within a proposed large-scale residential development, on property generally bounded by Bronx Park South, Boston Road, East 180th Street, the Bronx River, East Tremont Avenue, Boston Road, East 179th Street, a line approximately 170 feet southeasterly of Boston Road, a line approximately 240 feet southwesterly of East 180th Street, Boston Road, East 179th Street, a line approximately 230 feet southeasterly of Vyse Avenue, East 180th Street, the northwesterly street line of former Bryant Avenue, East 181st Street, and Bryant Avenue (Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1, 19 & 50, and Block 3140, Lot 7), in R7-1, R7-1/C1-4, R8, and R8/C1-4 Districts, (ULURP No. C 160290 ZSX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD.

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 78-313 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 19, 2016;

WHEREAS, the Council has considered the land use and environmental 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 September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and

- (4) The Decision together with the FEIS constitutes 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 160290 ZSX, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160290 ZSX) 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 William Stein, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-000.00	Title Sheet	04/05/2016
Z-003.00	Zoning Analysis, List of Actions & Average Curb Level	04/07/2016
Z-010.00	Site Plan Zoning Envelope	04/05/2016
Z-011.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-012.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-030.00	Open Space Plan	04/05/2016
Z.040.00	Building A – Waiver Plan	04/05/2016
Z-041.00	Building A – Height & Setback Waiver Diagrams	04/05/2016
Z-050.00	Building B – Waiver Plan	04/05/2016

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan 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) Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
- 4) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 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, sublessee or occupant.
- 6) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 487 & Res No. 1310

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160218 MMX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue from Boston Road to East Tremont Avenue, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3227) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

C 160218 MMX

City Planning Commission decision approving an application submitted by The New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue from Boston Road to East Tremont Avenue; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in The Borough of The Bronx, Community District 6, in accordance with Map No. 13137 dated April 27, 2016 and signed by the Borough President.

INTENT

To approve an amendment to the City Map, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING

DATE: October 19, 2016

Witnesses in Favor: Four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1310

Resolution approving the decision of the City Planning Commission on ULURP No. C 160218 MMX, an amendment to the City Map (L.U. No. 487).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision

dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue from Boston Road to East Tremont Avenue; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13137 dated April 27, 2016 and signed by the Borough President, (ULURP No. C 160218 MMX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), as modified, a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and

- (4) The Decision together with the FEIS constitutes 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 199 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 160218 MMX, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue from Boston Road to East Tremont Avenue; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in The Borough of The Bronx, Community District 6, in accordance with Map No. 13137 dated April 27, 2016 and signed by the Borough President, as more particularly described as follows

Pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

Pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13137 dated April 27, 2016 providing for the discontinuance and closing of a portion of East Tremont Avenue from Boston Avenue more particularly described as follows:

DISCONTINUING AND CLOSING EAST TREMONT AVENUE AT ITS INTERSECTION WITH BOSTON ROAD

In the matter of discontinuing and closing East Tremont Avenue at its intersection with Boston Road, Borough of and County of The Bronx, City and State of New York, in accordance with Borough President Map No. 13137:

Beginning at a point formed by the intersection of the southeasterly line of Boston Road (also known as Boston Post Road) (80' Wide) with the northerly line of East Tremont Avenue (width varies) as said lines are shown on Record Map Section 12 of the Final Maps of The Office of The President of the Borough of The Bronx Topographical Bureau, amended and corrected to September 16, 1996, and from said Point of Beginning, thence;

- 1.) Along said line of East Tremont Avenue, a distance of 120.203 feet to a point, thence;
- 2.) Westerly, forming an interior angle of 27° 39' 35" with the last described course, a distance of 135.712 feet to a point, thence;
- 3.) Northeasterly, forming an interior angle of 62° 20' 25" with the last described course, Collinear with the extension of the aforementioned southeasterly line of Boston Road, a distance of 63.00 feet to the point and place of beginning.

The area described above consists of 3,786 square feet or 0.0869 acres more or less.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the

day on which certified counterparts of Map No. 13137 dated April 27, 2016 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and

- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 488 & Res No. 1311

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160307 ZSX submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify height and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at Block 3005, Lot 65, Block 3130, Lots 20 and 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20, and 101, Borough of the Bronx, Community Board 6, Council District 15. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3228) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

C 160307 ZSX

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District.

INTENT

To approve a Special Permit pursuant to Section 78-312, which in conjunction with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use development containing approximately 1,665 affordable residential units, approximately 61,100 square feet of retail space and approximately 110 accessory parking spaces in the West Farms neighborhood of Bronx Community District 6.

PUBLIC HEARING

DATE: October 19, 2016

Witnesses in Favor: Four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Richards, Gentile, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1311

Resolution approving the decision of the City Planning Commission on ULURP No. C 160307 ZSX (L.U. No. 488), for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale

residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District, (ULURP No. C 160289 ZSX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; and C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue;

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 78-313 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 19, 2016;

WHEREAS, the Council has considered the land use and environmental 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 September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes 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 160307 ZSX, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160307 ZSX) 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 William Stein, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-000.00	Title Sheet	04/05/2016
Z-003.00	Zoning Analysis, List of Actions & Average Curb Level	04/07/2016
Z-010.00	Site Plan Zoning Envelope	04/05/2016
Z-011.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-012.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-030.00	Open Space Plan	04/05/2016
Z.040.00	Building A – Waiver Plan	04/05/2016
Z-041.00	Building A – Height & Setback Waiver Diagrams	04/05/2016
Z-050.00	Building B – Waiver Plan	04/05/2016

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan 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) Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the

Department of City Planning, has been executed and recorded in the Office of the Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

- 4) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 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, sublessee or occupant.
- 6) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
- 7) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 497 & Res No. 1312

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160365 ZMX submitted by Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing an existing R7-1 district to an R8 district and establishing a C2-4 district within the proposed R8 district, on property located in the vicinity of Boston Road and Bryant Avenue, Borough of the Bronx, Community Board 6, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3366) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX - CB 6****C 160365 ZMX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Zoning Map, Section No. 3d:

1. changing from an R7-1 District to an R8 District property bounded by Bryant Avenue, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, and Boston Road; and
1. establishing within the proposed R8 District a C2-4 District bounded by a line 100 feet northwesterly of Boston Road, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, Boston Road, and Bryant Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated June 6, 2016, and subject to the conditions of the CEQR Declaration E-388.

INTENT

To amend the Zoning Map, which in conjunction with the related actions would facilitate the 1932 Bryant Avenue residential development, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood in Community District 6.

PUBLIC HEARING**DATE:** November 1, 2016**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1312

Resolution approving the decision of the City Planning Commission on ULURP No. C 160365 ZMX, a Zoning Map amendment (L.U. No. 497).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), on the application submitted by Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, which in conjunction with the related actions would facilitate the 1932 Bryant Avenue residential development, a mixed-use, affordable housing development within an existing large-scale residential development in the West Farms neighborhood of the Bronx, (ULURP No. C 160365 ZMX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications N 160366 ZRX (L.U. No. 498), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160367 ZSX (L.U. No. 499), a Special Permit pursuant to Section 74-532 to waive the required accessory off-street parking for existing affordable dwelling units located on Parcels 6, 7 and 8a; and C 160368 ZSX (L.U. No. 500), a Special Permit pursuant to ZR 78-312 to allow within a Large Scale Residential Development the location of buildings without regard for rear yards and height and setback waivers for the portion of the proposed building's street wall frontage along the periphery of the Bronx Park South Large Scale Plan (BPSLSP);

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 November 1, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and analysis (CEQR No. 16DCP155X), including the negative declaration (June 6, 2016), revised environmental assessment statement (October 3, 2016), and the revised negative declaration (October 5, 2016) (together the "Environmental Review");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160365 ZMX, 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. 3d:

1. changing from an R7-1 District to an R8 District property bounded by Bryant Avenue, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, and Boston Road; and
2. establishing within the proposed R8 District a C2-4 District bounded by a line 100 feet northwesterly of Boston Road, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, Boston Road, and Bryant Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2016, and subject to the conditions of the CEQR Declaration E-388, Community District 6, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 498 & Res. No. 1313

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160366 ZRX submitted by the Second Farms Neighborhood, HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 6, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3366) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX - CB 6****N 160366 ZRX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To amend the Zoning Resolution, which in conjunction with the related actions would facilitate the 1932 Bryant Avenue residential development, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood in Community District 6, Borough of the Bronx

PUBLIC HEARING**DATE:** November 1, 2016**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1313

Resolution approving the decision of the City Planning Commission on Application No. N 160366 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Community District 6, Borough of the Bronx (L.U. No. 498).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Second Farms Neighborhood HDFC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with other related actions, would facilitate the 1932 Bryant Ave residential development, a mixed-use, affordable housing development within an existing large-scale residential development in the West Farms neighborhood of the Bronx (Application No. N 160366 ZRX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160365 ZMX (L.U. No. 497), a zoning map amendment changing Parcel 9 from an R7-1 district to an R8 district with a 100 foot deep C2-4 overlay along Boston Road and 125 foot long C2-4 overlay along East Tremont Avenue; C 160367 ZSX (L.U. No. 499), a special permit pursuant to Section 74-532 to waive the required accessory off-street parking for existing affordable dwelling units located on Parcels 6, 7 and 8a; and C 160368 ZSX (L.U. No. 500), a special permit pursuant to ZR 78-312 to allow within a Large Scale Residential Development the location of buildings without regard for rear yards and height and setback waivers for the portion of the proposed building's street wall frontage along the periphery of the Bronx Park South Large Scale Plan (BPSLSP);

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 November 1, 2016;

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 analysis (CEQR No. 16DCP155X), including the negative declaration (June 6, 2016), revised environmental assessment statement (October 3, 2016), and the revised negative declaration (October 5, 2016) (together the "Environmental Review");

RESOLVED:

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

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 the report, N 160366 ZRX, incorporated by reference herein, the Council approves the Decision with the following

modifications as follows:

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

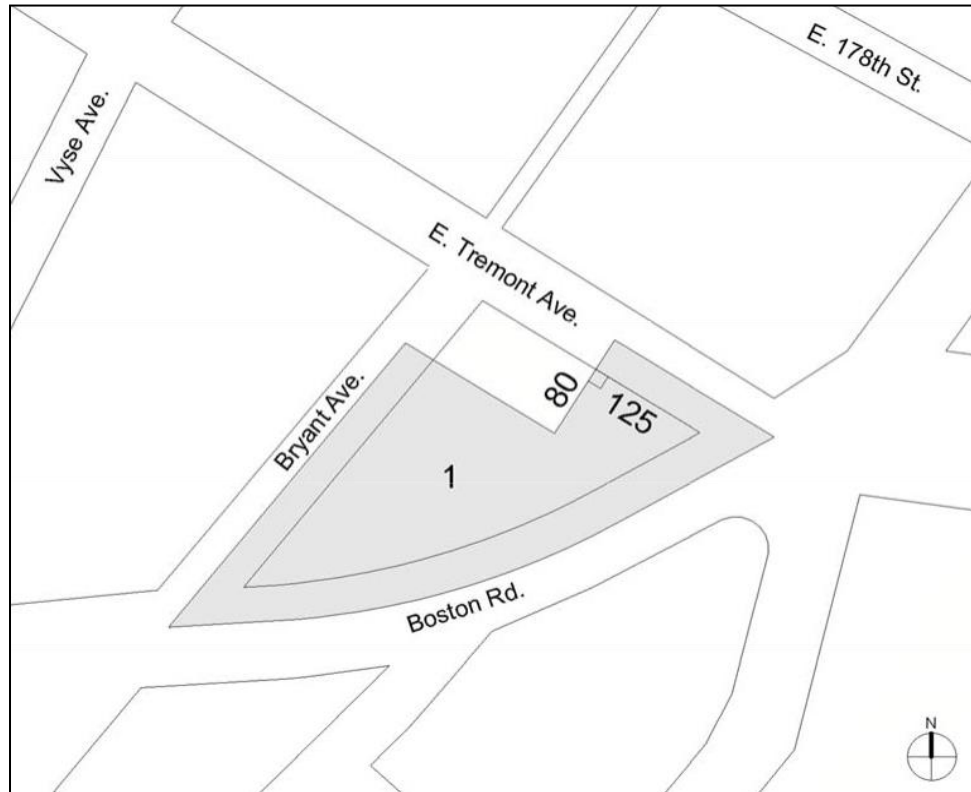
* * *

Bronx Community District 6

In the R7A, R7D, R7X, R8, R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, 4, ~~and 5~~ and 6:

* * *

Map 6 – [date of adoption]

[PROPOSED MAP]

- Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 499 & Res. No. 1314

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160367 ZSX submitted by the Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3367) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

C 160367 ZSX

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8 and R8/C2-4 Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts.

INTENT

This special permit amendment, in conjunction with the other related actions, would facilitate the residential development at 1932 Bryant Avenue, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood of Community District 6, Borough of the Bronx.

PUBLIC HEARING

DATE: November 1, 2016

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 1, 2016

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 10, 2016. The City Planning Commission filed a letter dated November 14, 2016, with the Council on November 18, 2016, 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 Greenfield and Richards offered the following resolution:

Res No. 1314

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 160367 ZSX (L.U. No. 499), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8 and R8/C2-4 Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block

3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts,, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), on the application submitted by Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8 and R8/C2-4 Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts, (ULURP No. C 160367 ZSX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160365 ZMX (L.U. No. 497), a zoning map amendment changing Parcel 9 from an R7-1 district to an R8 district with a 100 foot deep C2-4 overlay along Boston Road and 125 foot long C2-4 overlay along East Tremont Avenue; N 160366 ZRX (L.U. No. 498), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; and C 160368 ZSX (L.U. No. 500), a special permit pursuant to ZR 78-312 to allow within a Large Scale Residential Development the location of buildings without regard for rear yards and height and setback waivers for the portion of the proposed building's street wall frontage along the periphery of the Bronx Park South Large Scale Plan (BPSLSP);

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 74-532 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 November 1, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and analysis (CEQR No. 16DCP155X), including the negative declaration dated June 6, 2016, revised environmental assessment statement dated October 3, 2016, and the revised negative declaration dated October 5, 2016, and the technical memo dated November __, 2016 (together the "Environmental Review");

RESOLVED:

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

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

160367 ZSX, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in ~~double-strikeout~~ is deleted by the City Council;
Matter in double-underline is added by the City Council

- 1) The property that is the subject of this application (C 160367 ZSX) 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 Dattner Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-01.00	Large Scale Residential Site Plan	09/30/2016
Z-02.00	Updated LSRD Zoning Data	09/30/2016 <u>11/XX/16</u>
Z-03.00	Average Curb Level Calculations and Open Space Diagram	09/30/2016

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J.

RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 500 & Res. No. 1315

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160368 ZSX submitted by the Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(c) and (d) of the Zoning Resolution to modify rear yard, height, and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3367) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

C 160368 ZSX

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and
2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts.

INTENT

This special permit amendment, which in conjunction with the other related actions, would facilitate the residential development at 1932 Bryant Avenue, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood of Community District 6, Borough of the Bronx.

PUBLIC HEARING**DATE:** November 1, 2016**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 10, 2016. The City Planning Commission filed a letter dated November 14, 2016, with the Council on November 18, 2016, 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 Greenfield and Richards offered the following resolution:

Res No. 1315

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 160368 ZSX (L.U. No. 500), for the grant of a special permit pursuant to Section 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor

variations in the front height and setback regulations on the periphery of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), on the application submitted by Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and
2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8 and R8/C2-4 Districts, (ULURP No. C 160368 ZSX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160365 ZMX (L.U. No. 497), a zoning map amendment changing Parcel 9 from an R7-1 district to an R8 district with a 100 foot deep C2-4 overlay along Boston Road and 125 foot long C2-4 overlay along East Tremont Avenue; N 160366 ZRX (L.U. No. 498), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; and C 160367 ZSX (L.U. No. 499), a special permit pursuant to Section 74-532 to waive the required accessory off-street parking for existing affordable dwelling units located on Parcels 6, 7 and 8a;

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 78-313 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 November 1, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and analysis (CEQR No. 16DCP155X), including the negative declaration dated June 6, 2016, revised environmental assessment

statement dated October 3, 2016, and the revised negative declaration dated October 5, 2016, and the technical memo dated November __, 2016 (together the “Environmental Review”);

RESOLVED:

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

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 160368 ZSX, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in ~~double-strikeout~~ is deleted by the City Council;
Matter in double-underline is added by the City Council

- 8) The property that is the subject of this application (C 160368 ZSX) 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 Dattner Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-01.00	Large Scale Residential Site Plan	09/30/2016
Z-02.00	Updated LSRD Zoning Data	09/30/2016 <u>11/XX/16</u>
Z-03.00	Average Curb Level Calculations and Open Space Diagram	09/30/2016
Z-04.00	Development Site Plan	09/30/2016
Z-07.00	Waiver Plan	09/30/2016
Z-08.00	Height and Setback Waiver Diagrams Development Site	09/30/2016 <u>11/XX/16</u>

- 9) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan 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.
- 10) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 11) 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, sublessee or occupant.
- 12) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity.

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

- 13) 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 515 & Res No. 1316

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160336 ZMM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b, changing existing R7-2 and C8-4 Districts to an R9 and C2-4 District, on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 11

C 160336 ZMM

City Planning Commission decision approving an application submitted by Lexington Gardens Owners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 100 feet westerly of Lexington Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
2. changing from an R7-2 District to an R9 District property bounded by a line 100 feet easterly of Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
3. changing from a C8-4 District to an R9 District property bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, a line 100 feet easterly of Park

Avenue, and East 107th Street; and

4. establishing within the proposed R9 District a C2-4 District bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, Lexington Avenue, and East 107th Street.

INTENT

To approve an amendment to the Zoning Map, Section No. 6b, which in conjunction with the other related actions will facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of the Bronx in Community District 11.

PUBLIC HEARING

DATE: November 1, 2016

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1316

Resolution approving the decision of the City Planning Commission on ULURP No. C 160336 ZMM, a Zoning Map amendment (L.U. No. 515).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), on the application submitted by Lexington Gardens Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6b, changing from R7-2/C1-5 and C8-4 districts to an R9/ and C2-4 districts, which in conjunction with the other related actions would facilitate a new mixed-use development comprising approximately 390 affordable residential units, with ground floor retail space and community facility space in the East Harlem neighborhood of the Bronx, (ULURP No. C 160336 ZMM), Community District 11, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications N 160337 ZRM (L.U. No. 516), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160338 ZSM (L.U. No. 517), a special permit pursuant to ZR Section 74-743(a)(2) to allow, within a Large Scale General Development, the location of a building without regard for applicable yard, court, and height regulations; C 160339 ZSM (L.U. No. 518), a special permit pursuant to ZR Section 74-532 to waive within a Large Scale General Development 103 required off-street parking spaces for a new building and 25 previously required off-street parking spaces for an existing development on the zoning lot; C 160340 HAM (L.U. No. 519), a designation of property as an Urban Development Action Area and Urban Development Action Area Project (UDAAP); and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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 November 21, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the "Environmental Analysis");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160336 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. 6b:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 100 feet westerly of Lexington Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
2. changing from an R7-2 District to an R9 District property bounded by a line 100 feet easterly of Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
3. changing from a C8-4 District to an R9 District property bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, a line 100 feet easterly of Park Avenue, and East 107th Street; and
4. establishing within the proposed R9 District a C2-4 District bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, Lexington Avenue, and East 107th Street;

as shown on a diagram (for illustrative purposes only) dated June 6, 2016, Community District 11, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 516 & Res No. 1317

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160337 ZRM submitted by New York City Department of Housing Preservation and Development and Lexington Gardens Owners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 11

N 160337 ZRM

City Planning Commission decision approving an application submitted by New York City Department of Housing Preservation and Development and Lexington Gardens Owners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To amend the text of the Zoning Resolution in order to establish a Mandatory Inclusionary Housing area, which in conjunction with the other related actions would facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of the Bronx in Community District 11.

PUBLIC HEARING

DATE: November 1, 2016

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 22, 2016. The City Planning Commission filed a letter dated November 28, 2016, with the Council on

November 29, 2016, 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 Greenfield and Dickens offered the following resolution:

Res No. 1317

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160337 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in Community District 11, Borough of Manhattan (L.U. No. 516).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted Lexington Gardens Owners, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of Manhattan Community District 11, (Application No. N 160337 ZRX), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 160336 ZMM (L.U. No. 515), an amendment to the Zoning Map, Section 6b, to change existing C8-4, R7-2 and R7-2/C1-5 Districts to an R9/C2-4 District; C 160338 ZSM (L.U. No. 517), a special permit pursuant to ZR Section 74-743(a)(2) to allow, within a Large Scale General Development, the location of a building without regard for applicable yard, court, and height regulations; C 160339 ZSM (L.U. No. 518), a special permit pursuant to ZR Section 74-532 to waive within a Large Scale General Development 103 required off-street parking spaces for a new building and 25 previously required off-street parking spaces for an existing development on the zoning lot; C 160340 HAM (L.U. No. 519), a designation of property as an Urban Development Action Area and Urban Development Action Area Project (UDAAP); and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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 November 21, 2016;

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 including the negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the "Environmental Analysis");

RESOLVED:

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

as set forth in the Environmental Analysis.

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 the report, N 160337 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

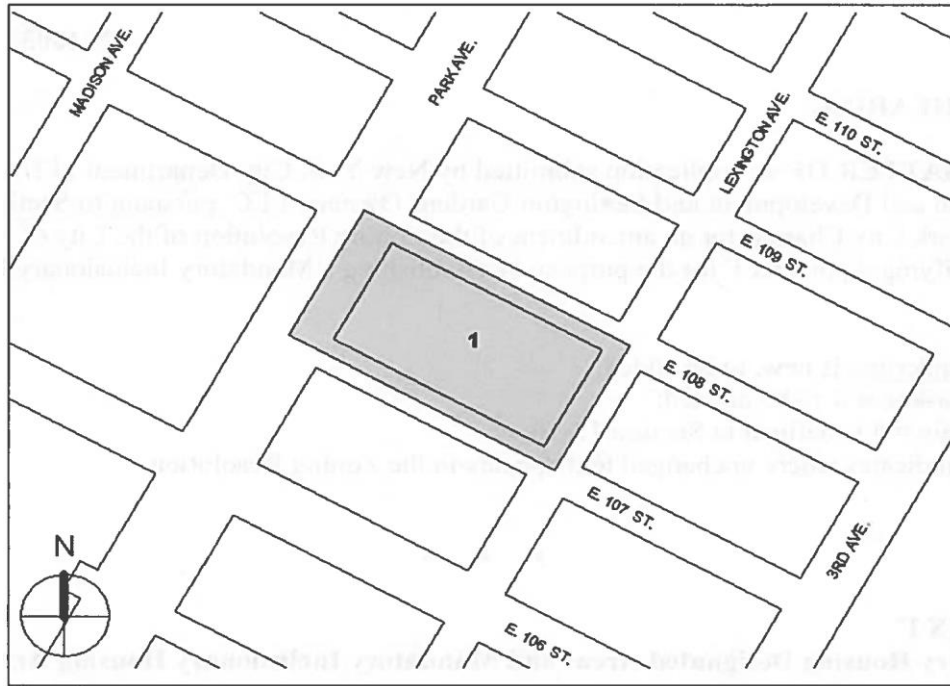
Manhattan Community Districts 9, 10 and 11

* * *

In the R9 District within the areas shown on the following Map 3:

Map 3. (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d){3}

Area 1 (date of adoption) — MIH Program ~~Option 2~~ Option 1

Portion of Community District 11, Manhattan

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 517 & Res No. 1318

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160338 ZSM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify requirements for height, setback, and street wall location in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street,

Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 11

C 160338 ZSM

City Planning Commission decision approving an application submitted by Lexington Gardens Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35- 65 (Height and Setback Requirements for Quality Housing Buildings), and the street wall location requirements of Section 35-651 (street wall location), in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4* District, within a Large-Scale General Development.

INTENT

To approve a special permit pursuant to ZR Section 74-743(a)(2), which in conjunction with the other related actions would facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of Manhattan Community District 11.

PUBLIC HEARING

DATE: November 1, 2016

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2016

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

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1318

Resolution approving the decision of the City Planning Commission on ULURP No. C 160338 ZSM (L.U. No. 517), for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), and the Street wall location requirements of Section 35-651 (Street Wall Location), in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within a Large-Scale General Development, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), on the application submitted by Lexington Gardens Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution of the City of New York to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), and the Street wall location requirements of Section 35-651 (Street Wall Location), in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, (ULURP No. C 160338 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 160336 ZMM (L.U. No. 515), an amendment to the Zoning Map, Section 6b, to change existing C8-4, R7-2 and R7-2/C1-5 Districts to an R9/C2-4 District; N 160337 ZRM (L.U. No. 516), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160339 ZSM (L.U. No. 518), a special permit pursuant to ZR Section 74-532 to waive within a Large Scale General Development 103 required off-street parking spaces for a new building and 25 previously required off-street parking spaces for an existing development on the zoning lot; and C 160340 HAM (L.U. No. 519), a designation of property as an Urban Development Action Area and Urban Development Action Area Project (UDAAP); and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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 74-532 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 November 21, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the “Environmental Analysis”);

RESOLVED:

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

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 160338 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

- 1) The property that is the subject of this application (C 160338 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 Curtis and Ginsberg Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-03.00	Zoning Analysis	10/06/2016
Z-03.01	Zoning Analysis	10/06/2016
Z-04.00	Zoning Lot Site Plan	10/06/2016
Z-08.00	Waiver Axonometric	10/06/2016
Z-09.00	Waiver Axonometric	10/06/2016
Z-10.00	Waiver Plans	10/06/2016
Z-11.00	Waiver Sections	10/06/2016
Z-11.01	Waiver Sections	10/06/2016
Z-12.00	Waiver Sections	10/06/2016
Z-12.01	Waiver Sections	10/06/2016
Z-13.00	Waiver Sections	10/06/2016
Z-13.01	Waiver Sections	10/06/2016
Z-14.00	Waiver Sections	10/06/2016
Z-15.00	Waiver Sections	10/06/2016

Z-15.01	Waiver Sections	10/06/2016
Z-15.02	Waiver Sections	10/06/2016
Z-15.03	Waiver Sections	10/06/2016
Z-16.00	Waiver Sections	10/06/2016
Z-16.01	Waiver Sections	10/06/2016
Z-16.02	Waiver Sections	10/06/2016
Z-16.03	Waiver Sections	10/06/2016
Z-17.00	Waiver Sections	10/06/2016
Z-17.01	Waiver Sections	10/06/2016
Z-24.00	1 st Floor Façade Planters	05/04/2016
Z-25.00	1 st Floor Courtyard Materials Plan	05/04/2016
Z-26.00	1 st Floor Courtyard Planting Diagram	05/04/2016
Z-27.00	1 st Floor Courtyard Planting Diagram	05/04/2016
Z-28.00	1 st Floor Courtyard Planting Diagram	05/04/2016
Z-29.00	1 st Floor Courtyard Planting Diagram	05/04/2016
Z-30.00	2 nd Floor Playspace	05/04/2016
Z-31.00	3 rd Floor Roof Materials Plan	05/04/2016
Z-32.00	3 rd Floor Roof Planting Diagram	05/04/2016
Z-33.00	3 rd Floor Roof Planting Diagram	05/04/2016
Z-34.00	Roof Materials Plan	05/04/2016

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

- 6) 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 518 & Res No. 1319

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160339 ZSM submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3600) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 11

C 160339 ZSM

City Planning Commission decision approving an application submitted by Lexington Gardens Owners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces, including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4* District, within the Transit Zone, in a Large-Scale General Development.

INTENT

To approve a special permit pursuant to ZR Section 74-532, which in conjunction with the other related actions would facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of Manhattan Community District 11.

PUBLIC HEARING**DATE:** November 1, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2016

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

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1319

Resolution approving the decision of the City Planning Commission on ULURP No. C 160339 ZSM (L.U. No. 518), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), on the application submitted by Lexington Gardens Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to

Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, (ULURP No. C 160339 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 160336 ZMM (L.U. No. 515), an amendment to the Zoning Map, Section 6b, to change existing C8-4, R7-2 and R7-2/C1-5 Districts to an R9/C2-4 District; N 160337 ZRM (L.U. No. 516), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160338 ZSM (L.U. No. 517), a special permit pursuant to ZR Section 74-743(a)(2) to allow, within a Large Scale General Development, the location of a building without regard for applicable yard, court, and height regulations; and C 160340 HAM (L.U. No. 519), a designation of property as an Urban Development Action Area and Urban Development Action Area Project (UDAAP); and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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 74-532 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 November 21, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the "Environmental Analysis");

RESOLVED:

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

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 160339 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

- 1) The property that is the subject of this application (C 160339 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 Curtis and Ginsberg Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-03.00	Zoning Analysis	10/06/2016
Z-04.00	Zoning Lot Site Plan	10/06/2016

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 519 & Res No. 1320

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160340 HAM submitted by The Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter for the designation of property as an urban development action area, approval of an urban development action area project, and the disposition of City-owned property to facilitate an affordable housing development containing approximately 390 dwelling units, on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3600) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN - CB 11****C 160340 HAM**

City Planning Commission decision approving an application submitted by The New York City Department of Housing Preservation and Development (HPD).

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1461 Park Avenue (Block 1635, Lot 1) as an Urban Development Action Area; and
 - b) Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD:

to facilitate an affordable housing development containing approximately 390 dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space.

INTENT

To approve an Urban Development Area Project, which in conjunction with the other related actions will facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of the Bronx in Community District 11.

PUBLIC HEARING**DATE:** November 1, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2016

The Subcommittee recommends that the Land Use Committee approve the decision of the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 22, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1320

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 160340 HAM, approving the designation of the property located at 1461 Park Avenue (Block 1635, Lot 1), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 1461 Park Avenue (Block 1635, Lot 1) to a developer selected by HPD (L.U. No. 519; C 160340 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 1461 Park Avenue (Block 1635, Lot 1), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 1461 Park Avenue (Block 1635, Lot 1), to a developer selected by the New York City Department of Housing Preservation and Development, which in conjunction with the other related actions, would facilitate the development of Lexington Gardens II, a mixed-use development providing approximately 390 affordable dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space in the East Harlem neighborhood of Bronx Community District 11, (the "Disposition"), (ULURP No. C 160340 HAM) Community District 11, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160336 ZMM (L.U. No. 515), an amendment to the Zoning Map, Section 6b, to change existing C8-4, R7-2 and R7-2/C1-5 Districts to an R9/C2-4 District; N 160337 ZRM (L.U. No. 516), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160338 ZSM (L.U. No. 517), a special permit pursuant to ZR Section 74-743(a)(2) to allow, within a Large Scale General Development, the location of a building without regard for applicable yard, court, and height regulations; and C 160339 ZSM (L.U. No. 518), a special permit pursuant to ZR Section 74-532 to waive within a Large Scale General Development 103 required off-street parking spaces for a new building and 25 previously required off-street parking spaces for an existing development on the

zoning lot;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated October 28, 2016 and submitted November 1, 2016, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on November 21, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the “Environmental Analysis”);

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 160340 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on November 1, 2016, a copy of which is attached hereto.

The Council approves the disposition of city-owned property located at 1461 Park Avenue (Block 1635, Lot 1), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J.

RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Nicholaos Moshopoulos	10-15 Malba Drive Whitestone, N.Y. 11357	19
Nicoleta Xifia	15-75 208th Street Bayside, N.Y. 11360	19
Marina Bondarenko	1921 Avenue K #F3 Brooklyn, N.Y. 11230	45
Oksana Ulan	1414 Brooklyn Avenue #4G Brooklyn, N.Y. 11210	45
Grace Jack	46 Skyline Drive Staten Island, N.Y. 10304	49

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Cecelia A. Mogilansky	213 Mott Street #C2 New York, N.Y. 10012	1
Katherine Sostre	180 South Street #10J New York, N.Y. 10038	1
Vannezza Paulliza	40 Madison Street #16A New York, N.Y. 10038	2
Marisol Sempritt	725 FDR Drive #2G New York, N.Y. 10009	2
Ronald M. Rivera	330 West 28th Street #5F New York, N.Y. 10001	3
Ventura Cambrelen	211 East 89th Street #B13 New York, N.Y. 10128	5
Helen F. Kurzner	35 Sutton Place #1C New York, N.Y. 10022	5
Carolyn R. Thompson	725 Riverside Drive #11A New York, N.Y. 10031	7
Michael S. Lopez	1809 3rd Avenue #11B New York, N.Y. 10029	9
Joan Culpepper	2541 Seventh Avenue #11J New York, N.Y. 10039	9
Andre Hampton	73 West 130th Street #2B New York, N.Y. 10037	9
Larry B. Steptoe	2333 5th Avenue #11E New York, N.Y. 10037	9
Deborah Traft	112-126 East 128th Street #10LL New York, N.Y. 10035	10
Maria Medina	82 Ellwood Street #1B New York, N.Y. 10040	11
Lonnie Elson	525 West 236th Street #3H Bronx, N.Y. 10463	11
Stephanie Morales	3530 Rochambeau Avenue #1K Bronx, N.Y. 10467	11

Miriam Neustein	3001 Arlington Avenue Bronx, N.Y. 10463	13
Deborah Alicea	1066 Rhinelander Avenue #1 Bronx, N.Y. 10461	13
Mario Calandruccio	2875 Dudley Avenue Bronx, N.Y. 10461	13
Kathy Chiodi	1661 Radcliff Avenue #1 Bronx, N.Y. 10462	13
Peter Impemba	2701 Waterbury Avenue Bronx, N.Y. 10461	13
Benjamin F. Brown	2420 Sedgwick Avenue #3/2B Bronx, N.Y. 10468	14
Lillian Dixon	1270 Webster Avenue #9A Bronx, N.Y. 10456	16
Stephanie Gonzalez	860 Grand Concourse #1F Bronx, N.Y. 10451	16
Doris L. Gonzalez-LoGiudice	695 East 133rd Street Bronx, N.Y. 10454	17
Crystal Ferguson	1705 Purdy Street #9H Bronx, N.Y. 10462	18
Darlene P. Green	1550 Unionport Road #MA Bronx, N.Y. 10462	18
Cesar J. Rangel	1970 East Tremont Avenue #11A Bronx, N.Y. 10462	18
Lillian Tirado	1550 Unionport Road #2H Bronx, N.Y. 10462	18
Alan Zibo Mei	147-43 Elm Avenue Flushing, N.Y. 11355	20
Giselle Liriano	5803 Calloway Street #2BB Corona, N.Y. 11368	21
William Chiappetta	84-64 265th Street Queens, N.Y. 11001	23
Waldo Ramirez	77-07 Woodside Avenue #1A Elmhurst, N.Y. 11373	25
Esther Joy Edwards	120-27 178th Street Queens, N.Y. 11434	27

Joanne Scott-Wright	163-29 130th Avenue #1G Queens, N.Y. 11434	28
Dariusz Matuszewski	60-46 86th Street Queens, N.Y. 11379	29
Mariann Rowan	82-42 Penelope Avenue Queens, N.Y. 11379	30
John Rowan	82-42 Penelope Avenue Queens, N.Y. 11379	30
Nazime Velovic	69-16 62nd Avenue Middle Village, N.Y. 11379	30
Jo-Anne Earl	253-64 149th Road Queens, N.Y. 11422	31
Raymond Torres	270 Franklin Street Brooklyn, N.Y. 11222	33
Jose Gonzalez	106 Bleecker Street #2 Brooklyn, N.Y. 11221	34
Ruby W. Allen	738 Dekalb Avenue Brooklyn, N.Y. 11216	36
Classie Dockery	235A Lexington Avenue #1 Brooklyn, N.Y. 11216	36
Myra Salmond	1670 Fulton Street #4J Brooklyn, N.Y. 11213	36
Sandra Darden	257 Eldert Street Brooklyn, N.Y. 11207	37
Katherine Jackson	289 Essex Street #1 Brooklyn, N.Y. 11208	37
Deneen L. King	1015 Halsey Street Brooklyn, N.Y. 11207	37
Carmen Otero Sanchez	653 Central Avenue #3A Brooklyn, N.Y. 11207	37
Armida Alarcon	571 39th Street #2F Brooklyn, N.Y. 11232	38
Soraida Burgos	252 45th Street Brooklyn, N.Y. 11220	38

Adalberto Hernandez	444 East 5th Street #1 Brooklyn, N.Y. 11218	39
Denise Handal	924 Newkirk Avenue Brooklyn, N.Y. 11230	40
Lakiesha T. Reese	672 Ralph Avenue #1E Brooklyn, N.Y. 11212	41
Evangeline Wilson	9507 Kings Highway #5E Brooklyn, N.Y. 11212	41
Dayne E. Banks	1426 Loring Avenue #55C Brooklyn, N.Y. 11208	42
Marilyn A. McNeill	1490 Hornell Loop #2A Brooklyn, N.Y. 11239	42
Antoinette Bellantuono	1262 77th Street Brooklyn, N.Y. 11228	43
Susan Sosa	8803 14th Avenue Brooklyn, N.Y. 11228	43
Ner Bresler	895 East 18th Street Brooklyn, N.Y. 11230	45
Venus Clarke	1173 East 38th Street Brooklyn, N.Y. 11210	45
LaZell Fitzgerald	359 East 54th Street #2F Brooklyn, N.Y. 11203	45
Denise Grant	816 East 51st Street Brooklyn, N.Y. 11203	45
Marciana G. Sealy	592 East 38th Street Brooklyn, N.Y. 11203	45
Bonita A. Tong-Kelman	3510 Avenue H #5A Brooklyn, N.Y. 11210	45
Vanessa Fudge	20 Post Lane Staten Island, N.Y. 10303	49
John C. Kempczynski	165 Wright Street Staten Island, N.Y. 10304	49
Viktoriya Bobrovskaya	515 Tarrytown Avenue Staten Island, N.Y. 10306	50

Dolores Bongiorno	310 Buel Avenue Staten Island, N.Y. 10305	50
Joanne Cavallo	155 Manila Avenue Staten Island, N.Y. 10306	50
Patricia Landolfi	124 Pouch Terrace Staten Island, N.Y. 10305	50
Donald Pellach	424 Klondike Avenue Staten Island, N.Y. 10314	50
Susan A. Vizzotti	128 Queens Street Staten Island, N.Y. 10314	50
Lynn C. Fiume	32 King James Court Staten Island, N.Y. 10308	51
Doris Gentile	36 Bent Street Staten Island, N.Y. 10312	51
Jennifer LaMattina	506 Sharrotts Road Staten Island, N.Y. 10309	51
Alison Leggio	374 Rolling Hill Green Staten Island, N.Y. 103012	51
Patricia A. Walker	47 Carlin Street Staten Island, N.Y. 10309	51

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

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

- | | | |
|------|----------------------------------|---|
| (1) | Int 300-A - | Removal of snow and ice from fire hydrants. |
| (2) | Int 1147-A - | Establishing an office of crime victim services. |
| (3) | Int 1213-A - | Services provided to public housing residents. |
| (4) | Int 1214-A - | Jobs-plus program. |
| (5) | Res 1291 - | DUMBO Business Improvement District. |
| (6) | L.U. 479 & Res 1297 - | App. M 840260 (E) ZMM , 95-97 Horatio LLC, Manhattan, Community Board 2, Council District 3 (Approved with Modifications) |
| (7) | L.U. 482 & Res 1305 - | App. C 160285 ZMX , Zoning Map, Bronx, Community Board 6, Council District 15. |
| (8) | L.U. 483 & Res 1306 - | App. C 160286 HAX , Urban Development Action Area, Bronx, Community Board 6, Council District 15. |
| (9) | L.U. 484 & Res 1307 - | App. N 160288 ZRX , Zoning Resolution, Bronx, Community Board 6, Council District 15. |
| (10) | L.U. 485 & Res 1308 - | App. N 160289 ZRX , Zoning Resolution, Bronx, Community Board 6, Council District 15. |
| (11) | L.U. 486 & Res 1309 - | App. C 160290 ZSX , Zoning Resolution, Bronx, Community Board 6, Council District 15. |
| (12) | L.U. 487 & Res 1310 - | App. C 160218 MMX , City Map, Bronx, Community Board 6, Council District 15. |
| (13) | L.U. 488 & Res 1311 - | App. C 160307 ZSX , Zoning Resolution, Bronx, Community Board 6, Council District 15. |
| (14) | L.U. 497 & Res 1312 - | App. C 160365 ZMX , Zoning Map, Bronx, Community Board 6, |

Council District 17.

- (15) **L.U. 498 & Res 1313 -** App. **N 160366 ZRX**, Zoning Resolution, Bronx, Community Board 6, Council District 17.
- (16) **L.U. 499 & Res 1314 -** App. **C 160367 ZSX**, Zoning Resolution, Bronx, Community Board 6, Council District 17.
- (17) **L.U. 500 & Res 1315 -** App. **C 160368 ZSX**, Zoning Resolution, Bronx, Community Board 6, Council District 17.
- (18) **L.U. 502 & Res 1298 -** App. **20175108 HAM**, Urban Development Action Area Project, Manhattan, Community Boards 9 and 10, Council District 9.
- (19) **L.U. 503 & Res 1299 -** App. **20175109 HAM**, Real Property Tax Exemption, Manhattan, Community Boards 9 and 10, Council District 9.
- (20) **L.U. 515 & Res 1316 -** App. **C 160336 ZMM**, Zoning Map, Manhattan, Community Board 11, Council District 8.
- (21) **L.U. 516 & Res 1317 -** App. **N 160337 ZRM**, Zoning Resolution, Manhattan, Community Board 11, Council District 8.
- (22) **L.U. 517 & Res 1318 -** App. **C 160338 ZSM**, Zoning Resolution, Manhattan, Community Board 11, Council District 8.
- (23) **L.U. 518 & Res 1319 -** App. **C 160339 ZSM**, Zoning Resolution, Manhattan, Community Board 11, Council District 8.
- (24) **L.U. 519 & Res 1320 -** App. **C 160340 HAM**, Urban Development Action Area Project, Manhattan, Community Board 11, Council District 8.
- (25) **L.U. 522 & Res 1300 -** App. **20175116 HAM**, Real Property Tax Exemption, Manhattan, Community Board 8, Council District 11.
- (26) **L.U. 523 & Res 1301 -** App. **20175117 HAM**, Real Property Tax Exemption, Manhattan, Community Board 4,

Council District 3.

- (27) **L.U. 524 & Res 1302 -** App. **20175121 HAM**, Real Property Tax Exemption, Manhattan, Community Board 7, Council District 7.
- (28) **L.U. 526 & Res 1303 -** App. **20175119 HAX**, Real Property Tax Exemption, Bronx, Community Boards 3, Council District 17.
- (29) **L.U. 527 & Res 1304 -** App. **20175120 HAX**, Urban Development Action Area Project, Bronx, Community Boards 3, Council District 17.
- (30) **L.U. 528 & Res 1295 -** 477 Lenox, Manhattan, Community District No. 10, Council District No. 9.
- (31) **L.U. 529 & Res 1296 -** E.M. Moore Housing, Manhattan, Community District No. 10, Council District No. 9.
- (32) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 523 & Res No. 1301 and LU No. 524 & Res No. 1302:**

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

Abstention – Williams – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 300-A, 1147-A, 1213-A, and 1214-A.

INTRODUCTION AND READING OF BILLS

Int. No. 1368

By Council Members Cumbo, Rosenthal and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to creating a parking permit for midwives

Be it enacted by the Council as follows:

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

§ 19-162.3 Permissible parking for midwives. a. For purposes of this section, the term “midwife” means an individual who is licensed or certified to practice midwifery in New York state.

b. The commissioner shall issue an annual on-street parking permit for a vehicle owned or operated by a midwife. The midwife shall submit an application for each permit requested on such form as the commissioner shall determine and shall certify that such permit is necessary for the performance by the midwife for their duties. Such parking permit shall be issued within thirty days of the department receiving an application and shall expire one year after the date of issuance.

b. Such parking permit may only be used for the purpose of parking of a vehicle by a midwife performing midwife duties where parking is prohibited by sign or rule or allowing a vehicle to stand where standing is prohibited by sign or rule.

c. Notwithstanding any other provision of law, such parking permit shall not authorize the parking of a vehicle in a bus stop, a taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked.

d. Any misuse of a parking permit, as determined by the commissioner, issued pursuant to this section shall be sufficient cause for revocation of such parking permit.

e. Notwithstanding any other provision of law, no vehicle bearing a permit issued pursuant to this section may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.

§2. This local law takes effect ninety days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 1287

Resolution calling on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

By Council Members Dromm, Crowley, Menchaca and Chin.

Whereas, Title VII of the Civil Rights Act of 1964 and other federal statutes prohibit employers of 15 or more employees from engaging in workplace discrimination on the basis of “race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information;” and

Whereas, Title II of the Civil Rights Act of 1964 prohibits certain places of public accommodation from discriminating on the basis of “race, color, religion, or national origin;” and

Whereas, The Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits individuals from engaging in housing discrimination on the basis of “race, color, national origin, religion, sex, disability, and the presence of children;” and

Whereas, Absent from this list of protected classes in the Civil Rights Act is the lesbian, gay, bisexual, and transgender (LGBT) community; and

Whereas, According to the American Civil Liberties Union (ACLU), 29 states permit workplace discrimination on the basis of sexual orientation, and 38 permit workplace discrimination on the basis of gender identity; and

Whereas, The ACLU further reports that twenty-nine states permit discrimination in places of public accommodation on the basis of sexual orientation, and thirty-two states permit discrimination in places of public accommodation on the basis of gender identity; and

Whereas, Finally, the ACLU notes that twenty-nine states permit housing discrimination on the basis of sexual orientation, and 38 permit housing discrimination on the basis of gender identity; and

Whereas, According to a 2013 Pew Research Center study, 21% of LGBT respondents stated they were discriminated against in hiring, pay, or promotion, and in a 2011 Pew Research Center survey, 78% of transgender respondents stated they were harassed or mistreated at their workplace due to their gender identity; and

Whereas, According to a 2011 National Center for Transgender Equality report, 53% of transgender and gender-nonconforming respondents stated they were verbally harassed in a place of public accommodation; and

Whereas, According to a 2011 National Gay and Lesbian Task Force and National Center for Transgender Equality joint study, 19% of transgender individuals were denied housing and 11% were evicted from their homes because they were transgender; and

Whereas, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment discrimination, are denied the equal utilization and access of public accommodation, and are denied access to housing because of their sexual orientation or gender identity; and

Whereas, H.R.3185/S.1858, also known as The Equality Act, would amend the Civil Rights Act of 1964 and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing; and

Whereas, The Equality Act would also expand the categories of public accommodation that may not deny equal utilization or deny admission on the basis of “sex, sexual orientation, or gender identity” to include a greater range of places, goods and services, such as transportation; and

Whereas, The current language of the Act defines sexual orientation as “homosexuality, heterosexuality, and bisexuality” but to cover other orientations, should instead define sexual orientation as an immutable, enduring, emotional, romantic or sexual attraction to other people; and

Whereas, In a nation whose independence was premised on the notion that all citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections, equal utilization of public accommodation and access to housing as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

Resolved, That the Council of City of New York calls on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

Referred to the Committee on Civil Rights.

Int. No. 1369

By Council Members Espinal, Crowley, Mendez, Chin and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on bedbug-related violations in dwellings

Be it enacted by the Council as follows:

Section 1. Article 4 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding new sections 27-2018.2 and 27-2018.3 to read as follows:

§ 27-2018.2 *Report on bedbug-related violations.* In March 2017 and every 12 months thereafter, the department shall submit to the mayor and the council and make publicly available online a report on the bedbug-related violations of this article addressed by the department during the preceding 12-month period, including:

- a. The number of bedbug-related notices of violation issued by the department;
- b. The number of dwellings for which the department issued bedbug-related notices of violation;
- c. The number of bedbug-related violations that the department deemed corrected by the owner and the average number of days between the notice of violation and such correction;
- d. The number of bedbug-related violations that the department ordered corrected by the owner pursuant to section 27-2125 and, if applicable, the average number of days between such order and the correction by the owner;
- e. The number of bedbug-related violations that the department corrected pursuant to section 27-2125, the average number of days between the notice of violation and the correction by the department and the cost of such corrections; and
- f. The nature and frequency of outreach conducted by the department to educate tenants and landlords about bedbug remediation responsibilities and the department's enforcement authority.

§ 27-2018.3 *Map of bedbug-related complaints.* The department shall make publicly available online a map, to be updated quarterly, of all bedbug-related complaints received by the department, disaggregated by (i) complaints under pending investigation; (ii) complaints investigated and closed without any finding of a violation; (iii) complaints investigated in which a notice of violation was issued and the department has not deemed the violation corrected; and (iv) complaints investigated in which a notice of violation was issued and the department has deemed the violation corrected.

§2. This local law takes effect 90 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1370

By Council Members Eugene, Crowley and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of all lipsticks containing certain quantities of lead

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

**SUBCHAPTER 13
PRODUCTS CONTAINING LEAD**

§20-699.7 *Ban on the sale of lipsticks containing lead.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

Lipstick. The term "lipstick" means any cosmetic, as defined under 21 U.S.C. §321(i), intended to be applied on human lips.

Person. The term "person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization.

Stock keeping unit. The term “stock keeping unit” means each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety.

b. Sales ban. It is unlawful for any person to sell or offer for sale any lipsticks containing lead in quantities exceeding 1.11 parts per million.

c. Penalty. Any person who violates subdivision b of this section or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$250 for each violation. Each failure to comply with subdivision b of this section with respect to any one stock keeping unit constitutes a separate violation.

d. Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this section.

§2. This local law shall take effect 90 days after it becomes law, except that the department may promulgate any rules and regulations necessary to implement section one of this local law on or before its effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 1288

Resolution establishing a Rosa Parks Day to commemorate the Civil Rights leader.

By Council Members Eugene, Crowley, Dromm, Mendez and Chin.

Whereas, Rosa Parks, was born Rosa Louise McCauley in Tuskegee, Alabama on February 4, 1913; and

Whereas, As a prominent Civil Rights activist, Rosa Parks was a long-time member of the Montgomery chapter of the National Association for the Advancement of Colored People (NAACP) and served as the chapter’s secretary; and

Whereas, On December 1, 1955 Rosa Parks’ famously refused to surrender her seat to a white passenger on a Montgomery, Alabama bus, which lead to a city-wide boycott of buses; and

Whereas, In 1900, Montgomery passed a city ordinance to segregate bus passengers by race, and created a white-only section in the front and a “colored” section for black people in the rear of the bus; and

Whereas, According to the law, no passenger would be required to move or give up their seat and stand if the bus was crowded and no other seats were available, though by custom Montgomery bus drivers adopted the practice of requiring black riders to move when there were no white-only seats available; and

Whereas, While returning home from her job as an assistant tailor at a department store, Rosa Parks and four other African-Americans were asked to give up their seats to white passengers who were standing; and

Whereas, After refusing to give up her seat, Rosa Parks was arrested and convicted of disorderly conduct and violating Montgomery’s racial segregation laws; and

Whereas, Her act of civil disobedience resulted in the Montgomery Bus Boycott, led by Martin Luther King Jr. where African Americans refused to ride city buses and instead walked or organized carpools; and

Whereas, 42,000 African Americans boycotted the Montgomery city buses for 381 days, beginning on December 5, 1955, until the bus segregation laws were changed on December 21, 1956; and

Whereas, The United States Supreme Court ruled on November 12, 1956 that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses; and

Whereas, Rosa Parks is the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Springarn Award, the NAACP’s highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation’s highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center; and

Whereas, In 1999, President Bill Clinton honored Rosa Parks, on behalf of Congress, honoring her contributions to the United States and declaring her “the first lady of civil rights” and the “mother of the freedom movement”; and

Whereas, Her birthday, February 4, and the day she was arrested, December 1, have each been celebrated as “Rosa Parks Day” commemorated in California, Missouri, Ohio, and Oregon; and

Whereas, On December 1, 2005, transit authorities in New York City, Washington, D.C and other American cities symbolically left the seats behind bus drivers empty to commemorate Rosa Parks; and

Whereas, Within such a culturally diverse city that honors civil rights leaders, the Council should recognize Rosa Parks' contributions; now, therefore, be it

Resolved, That the Council of the City of New York establishes a Rosa Parks Day to commemorate the Civil Rights leader.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 1289

Resolution calling on the state of New York to ban the sale of lipsticks that contain lead in quantities greater than 1.11 parts per million.

By Council Members Eugene, Crowley and Mendez.

Whereas, Exposure to lead can affect the central nervous system, the kidneys, and the immune system, and lead to reduced fertility in both men and women; and

Whereas, In young children, chronic exposure to even low levels of lead is associated with impaired cognitive function, including reduced IQ, behavioral difficulties and other problems; and

Whereas, Recognizing the dangers of lead decades ago, the U.S. government required paint companies to remove lead from their products in 1978 and began reducing the content of lead in gasoline in 1972, completely banning it in 1996; and

Whereas, A 2010 Food and Drug Administration ("FDA") study of the total lead content in 400 lipstick brands available on the market found lead in every sample tested, in amounts ranging from 0.026 parts per million to 7.19 parts per million, with an average value of 1.11 parts per million; and

Whereas, In a University of California study, researchers found that many women applied lipstick from 2 to 14 times every day, ingesting or absorbing as much as 87 milligrams of lipstick a day; and

Whereas, According to the Campaign for Safe Cosmetics, exposure to a little bit of lead over a long period of time can add up to significant exposure; and

Whereas, The FDA does not currently regulate the presence of lead in lipstick products, but is considering setting a maximum limit on such lead levels; now, therefore, be it

Resolved, That the Council of the city of New York calls on the state of New York to ban the sale of lipsticks that contain lead in quantities greater than 1.11 parts per million.

Referred to the Committee on Consumer Affairs.

Res. No. 1290

Resolution calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

By Council Members Eugene, Koo, Espinal, Dromm, Cornegy, Menchaca, Mendez, Williams, Wills and Kallos.

Whereas, On October 4, 2016, Haiti was hit by Hurricane Matthew, the strongest storm to hit Haiti in over fifty years and the worst natural disaster to strike the country since the 7.0 magnitude earthquake of 2010; and

Whereas, Reports indicate that Hurricane Matthew delivered sustained winds of 145 miles per hour, shed up to 25 inches of rainfall, and brought over ten feet in storm surge; and

Whereas, Reuters compiled preliminary death toll numbers provided by local Haitian officials and reported that there were more than 1,000 hurricane-related deaths; and

Whereas, The estimated number of displaced individuals is in the hundreds of thousands and there are confirmed reports that at least 175,000 individuals currently reside in temporary shelters; and

Whereas, In addition to structural damage, Hurricane Matthew's winds and flooding led to the loss of a significant portion of the country's crops and livestock; and

Whereas, Haiti's southern region was especially hard-hit, including the country's largest banana growing region where up to 80% of the crops that feed roughly 20,000 families were destroyed; and

Whereas, The United Nations estimates that at least 1.4 million Haitians are in need of urgent assistance due to the short supply of clean water, food, and medicine; and

Whereas, the UN and Pan American Health Organization fear that the ongoing cholera epidemic, which has sickened more than 800,000 people and claimed more than 10,000 lives since 2010, will worsen because many treatment centers were destroyed and flooding may have contaminated water supplies; and

Whereas, The Haitian government estimates the damage caused by Hurricane Matthew to be at least \$1 billion; and

Whereas, The United States responded to the Haitian government's request for assistance by deploying the U.S.S. George Washington, as well as the amphibious transport dock Mesa Verde, and the hospital ship Comfort, all of which are supported by Navy and Marine aviation teams; and

Whereas, Nine United States military helicopters were deployed to Haiti, some of which are equipped to conduct search-and-rescue or medical evacuation missions, to transport supplies; and

Whereas, According to The Migration Policy Institute (MPI), there are roughly 600,000 Haitian-born individuals of varying immigration status residing in the United States, including U.S. Citizen, Lawful Permanent Resident and Temporary Protected Status, as well as undocumented status; and

Whereas, The MPI reports that New York State has the second largest Haitian-born population nationwide; and

Whereas, According to the U.S. Census American Community Survey, in 2014 there were approximately 128,755 Haitian-born individuals residing in New York, 90,000 of whom call New York City home; and

Whereas, The Secretary of the Department of Homeland Security (DHS) has the authority to designate a country for Temporary Protected Status (TPS) in the event its nationals are unable to safely return to that country due to ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, During the temporary designation period, eligible nationals may apply individually for TPS and, if approved, may not be detained by the DHS based solely on immigration status, and may remain in the United States and obtain employment and travel authorization; and

Whereas, An individual is only eligible for TPS if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of the DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to obtaining TPS, or to any other status they may have acquired while registered for TPS; and

Whereas, On January 21, 2010, the DHS designated Haiti for TPS in the aftermath of the devastating 2010 earthquake and re-designated the country on July 23, 2011; and

Whereas, Haiti's existing TPS designation has been extended through July 22, 2017 for qualifying individuals who timely applied for TPS and met subsequent re-registration requirements; and

Whereas, Certain Haitian-born individuals whose entry to the United States after July 23, 2011 rendered them ineligible for TPS under the existing designation, would be eligible to apply in the event of a new designation for Haiti; and

Whereas, In light of the devastation in Haiti after the 2010 earthquake, the DHS halted the repatriation of Haitian nationals found ineligible to remain in the United States; and

Whereas, On September 22, 2016, Secretary of Homeland Security Jeh Johnson announced that the United States would resume repatriations to Haiti, despite confirmed reports that there remained significant safety concerns in Haiti, including the years-long cholera epidemic; and

Whereas, In light of Hurricane Matthew, Secretary Johnson stated that the United States would temporarily halt repatriations once more, but did not provide detailed information as to the duration of this policy; and

Whereas, More than 5,000 Haitian nationals, many of whom were initially displaced by the 2010 earthquake and were unable to return to Haiti or find stable refuge abroad, have presented at the United States-Mexico Border since October 2015; and

Whereas, In September 2016, Sarah Saldaña, Director of the United States Immigration and Customs Enforcement (ICE), expressed to Congress that an additional 40,000 Haitian nationals may present at the United States-Mexico border seeking admission into the United States on humanitarian grounds; and

Whereas, Secretary Johnson made clear that Haitian nationals arriving at the border would be subject to expedited removal proceedings and held in immigration detention until repatriations to Haiti resume; and

Whereas, On October 13, 2016, United States Senators Robert Menendez and Bill Nelson, along with ten other senators, asked Secretary of Homeland Security Jeh Johnson and Secretary of State John Kerry to issue a new TPS designation for Haiti, as well as provide detailed information about the duration of the temporary halt on repatriations, and called for alternatives to detention and standard removal proceedings for Haitian nationals arriving at the border; and

Whereas, In addition to sending supplies and humanitarian aid, the United States can further support Haiti by providing temporary, humanitarian immigration relief to eligible Haitian-born individuals who cannot safely return to Haiti during this time of crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

Referred to the Committee on Immigration.

Int. No. 1371

By Council Member Ferreras-Copeland (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the DUMBO business improvement district and an extension of the DUMBO business improvement district

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-469.1 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

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 an increase in the amount to be expended annually in the DUMBO business improvement district beginning on July 1, [2013] 2016, 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 increased expenditure, there is hereby authorized in such district an annual expenditure of [six hundred fifty thousand dollars (\$650,000)] *eight hundred thirty-five thousand dollars (\$835,000)*.

§ 2. The administrative code of the city of New York is amended by adding a new section 25-469.2 to read as follows:

§ 25-469.2 *DUMBO business improvement district; extension of district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise*

provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the DUMBO business improvement district in the borough of Brooklyn is hereby extended. Such district is extended in accordance with 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 by the council, the council shall file with the city clerk the amended district plan upon which the DUMBO business improvement district, and the extension thereof, is based.

c. The amended district plan shall not be further amended except in accordance with chapter four of this title.

§ 3. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

Referred to the Committee on Finance.

Preconsidered Res. No. 1291

Resolution authorizing an increase in the amount to be expended annually in the DUMBO Business Improvement District in the Borough of Brooklyn, and an extension of the DUMBO Business Improvement District, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the DUMBO Business Improvement District.

By Council Member Ferreras-Copeland.

Whereas, Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (“the Law”), the Mayor, by authorization dated April 28, 2016, provided for the preparation of an amended district plan (“the Amended Plan”) for the DUMBO Business Improvement District (“the District”) in the Borough of Brooklyn; and

Whereas, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, Pursuant to authority granted by the Law, the District was established by Local Law No. 101 for the year 2005; and

Whereas, Pursuant to Section 25-410(b) of the Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded; and

Whereas, The District wishes to increase the amount to be expended annually in the District to \$835,000 and to extend the District; and

Whereas, Pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted an amended District Plan (“the Amended Plan”) for the District to the City Planning Commission (“the CPC”) on June 3, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the proposed extended district is located on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Brooklyn Community Board 2 (the “Community Board”), in which the proposed extended district is located, on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Brooklyn Borough President on June 6, 2016; and

Whereas, Pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

Whereas, Pursuant to section 25-405(c) of the Law, the Community Board conducted a public hearing on June 7, 2016; and

Whereas, On June 27, 2016, the Community Board voted to approve the extension of the District; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing and prepared a report certifying its unqualified approval of the Amended Plan; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Brooklyn Borough President, to the City Council and to the Council Member representing the council district in which the proposed extended district is located; and

Whereas, Pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the Original Plan, and the Amended Plan were transmitted for filing with the City Clerk on August 12, 2016; and

Whereas, Pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

Whereas, Pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

Whereas, Pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

Whereas, Pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that December 15, 2016 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing ("the Public Hearing") to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District and an extension of the District; and be it further

Resolved, That the DUMBO District Management Association shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district; and be it further

Resolved, That SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing; and be it further

Resolved, That in the event that the DUMBO District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and be it further

Resolved, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the DUMBO District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

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

Int. No. 1372

By Council Members Gentile, Vallone and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to issue stop work orders along with notices to revoke work permits

Be it enacted by the Council as follows:

Section 1. Section 28-105.10.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

§ 28-105.10.1 Notice of proposed revocation. The commissioner may, on written notice to the permit holder, revoke any permit for failure to comply with the provisions of this code or other applicable laws or rules; or whenever there has been any false statement or any misrepresentation as to a material fact in the application or submittal documents upon the basis of which such approval was issued; or whenever a permit has been issued in error and conditions are such that the permit should not have been issued. Such notice shall *be accompanied by a stop work order pursuant to section 28-207.2 and must* inform the permit holder of the reasons for the proposed revocation and that the applicant has the right to present to the commissioner or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of notice by mail, information as to why the permit should not be revoked.

§ 2. Section 28-207.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-207.2 Stop work orders. Whenever the commissioner *has given a permit holder notice of proposed revocation pursuant to section 28-105.10.1 or* finds that any building work is being executed in violation of the provisions of this code, the 1968 building code, the zoning resolution or of any laws or rules enforced by the department, or in a dangerous or unsafe manner, the commissioner or his or her authorized representative may issue a stop work order.

§ 3. This local law takes effect 180 days after it becomes law, except that the department may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1373

By Council Members Lancman, Crowley and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain types of bail recommendations

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

CHAPTER 3
OFFICE OF CRIMINAL JUSTICE

§ 9-301 Definitions.

As used in this chapter, the following terms have the following meanings:

“Office.” The term “office” means the office of criminal justice as defined in section 13 of the charter.

§ 9-302. Bail recommendations.

The office shall ensure that any arraignment screening organization issues recommendations that include recommendations for unsecured or partially secured appearance or surety bonds, as defined in section 520.10 of the criminal procedure law or any successor statute, where appropriate. Such recommendations shall also include specific information regarding a defendant’s ability to pay bail, including an amount the defendant has the capacity to pay, where appropriate. For the purposes of this section, the term “arraignment screening

organization” means any organization that interviews defendants prior to being arraigned in criminal court and issues a recommendation as to the defendant’s risk of flight.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1374

By Council Members Levin, Crowley and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the utilization of preventive services

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 *Preventive services monthly reports. a. Definitions. For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.*

b. Beginning March 1, 2017, and monthly thereafter, ACS shall furnish to the speaker of the council and post on ACS’ website, no later than 30 days after the end of each month, a report regarding preventive services that includes, at a minimum, the following information about the monthly reporting period:

1. The number of families and the number of children who received preventive services and the average length of enrollment, disaggregated by each program type, including but not limited to general preventive, family treatment rehabilitation, special medical, development delays, sexually exploited, deaf and hearing impaired and high-risk evidence-based model, medium-risk evidence-based model and low-risk evidence-based model.

2. The number of open slots available for preventive services, disaggregated by each program type, to general preventive, family treatment rehabilitation, special medical, development delays, sexually exploited, deaf and hearing impaired and high-risk evidence-based model, medium-risk evidence-based model and low-risk evidence-based model.

3. The number of children who entered foster care and had been receiving preventive services at the following points in time: at the time of removal, six months prior to removal, 12 months prior to removal.

4. The number of families and the number of children who received preventive services after a previous reunification.

5. The number of families who were under court ordered supervision, and the percent of such families who received preventive services.

6. The number of families who lived in homeless shelters operated by the department of homeless services or department of social services/human resources administration and received preventive services.

7. The average school attendance rates for children enrolled in preventive services, disaggregated by the following age ranges: 4-6 years old; 7-9 years old; 10-12 years old; 13-15 years old; 16-18 years old; and 19-21 years old.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1375

By Council Members Matteo and Chin (by request of the Staten Island Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide 10 days' notice to the relevant council member, borough president and community board of its intent to approve an application for a permit to open a street segment or intersection that has been reconstructed or resurfaced in the last five years

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-158 to read as follows:

§ 19-158 Notice requirement for work on resurfaced streets. a. No less than 10 days before approving an application for a permit to open a street segment or intersection that has been reconstructed or resurfaced in the last five years, the department shall provide notice of its intent, via electronic means or otherwise, to the relevant council member, borough president and community board of the affected district.

b. Such notice shall include the following information:

- 1. The name and contact information of the applicant;*
- 2. The anticipated start and end dates of the street work;*
- 3. The location, nature and extent of the work to be performed;*
- 4. An explanation as to why the work is necessary; and*
- 5. The department's contact information where comments may be directed by the relevant council member, borough president or community board.*

c. Where the department issues an emergency street opening permit number in an emergency situation that endangers the public safety or that causes or is likely to cause imminent interruption of service, the department shall comply with the requirements of subdivisions a and b of this section, except that the department shall provide notice to the relevant council member, borough president and community board of the affected district no less than 24 hours after issuing such permit number.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1376

By Council Members Rosenthal and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to issue an annual report on the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Chapter 7 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-719 to read as follows:

§ 11-719 Annual Report.

a. No later than October first, two thousand seventeen, and every October first thereafter, the department of finance shall submit a report to the speaker of the council, and make publicly available online, a report on the commercial rent tax. Such report shall include the following information for the prior tax year:

- 1. the distribution of taxable premises and taxpayers by base rent range, including the number and zip codes of the taxable premises for which the commercial rent tax was collected, the number of taxpayers who*

paid the tax, and the total amount of commercial rent tax paid for the set taxable premises and taxpayers within each range;

2. the distribution of taxable premises and taxpayers by industry, including the number and zip codes of the taxable premises for which the commercial rent tax was collected, the number of taxpayers who paid the tax, and the total amount of commercial rent tax paid for the set taxable premises and taxpayers within each industry;

3. the total amount of tax collected and the average tax liability per premises for each of the prior ten tax years;

4. the total amount of tax collected and the average tax liability per taxpayer for each of the prior ten tax years;

5. a comparison of the total commercial rent tax collected to the average market value of commercial properties in the borough of Manhattan as determined by the department for each of the prior ten tax years; and

6. any other information deemed relevant for inclusion by the department.

b. For purposes of the report required by subdivision a of this section, the base rent ranges shall be:

1. between \$250,000 and \$274,999;

2. between \$275,000 and \$299,999;

3. between \$300,000 and \$349,999;

4. between \$350,000 and \$399,999;

5. between \$400,000 and \$449,999;

6. between \$450,000 and \$499,999;

7. between \$500,000 and \$549,999;

8. between \$550,000 and \$599,999;

9. between \$600,000 and \$699,999;

10. between \$700,000 and \$799,999;

11. between \$800,000 and \$899,999;

12. between \$900,000 and \$999,999;

13. between \$1,000,000 and \$1,999,999;

14. between \$2,000,000 and \$2,999,999;

15. between \$3,000,000 and \$3,999,999;

16. between \$4,000,000 and \$4,999,999;

17. between \$5,000,000 and \$9,999,999; and

18. more than \$10,000,000.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Res. No. 1292

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords.

By Council Members Rosenthal, Crowley, Menchaca, Mendez, Cumbo and Chin.

Whereas, According to the Centers for Disease Control and Prevention, one in three women and one in four men in the United States have experienced some form of intimate partner violence in their lifetime; and

Whereas, According to the Mayor's Office to Combat Domestic Violence, the New York City Police Department responded to 279,051 Domestic Incident Reports in 2015, which averages to over 764 incidents per day; and

Whereas, As the United States Department of Justice estimates that only slightly over 50 percent of domestic violence incidents are reported to police, the reality is that there are likely thousands of New Yorkers who face unsafe domestic situations on a daily basis; and

Whereas, Many domestic violence victims would be safer if they could move to a location where their abusers cannot find them, but victims often cannot move due to ongoing lease obligations and because they would incur the penalties of poor tenant history and bad credit for breaking a lease; and

Whereas, The National Network to End Domestic Violence indicates that many domestic violence victims who leave their abusers have trouble finding rental properties due to poor credit and tenant histories, making victims and their families more vulnerable to homelessness; and

Whereas, According to the New York City Department of Homeless Services, domestic violence surpassed eviction as the main reason for shelter entry in early 2016; and

Whereas, Section 227-c of the New York State Real Property Law ("RPL") allows a victim of domestic violence with an order of protection to terminate a residential lease without penalty by petitioning the court that issued the order of protection for an order terminating the lease; and

Whereas, Under section 227-c of the RPL, the court issues an order terminating the lease if the victim establishes that (1) there continues to exist a substantial risk of physical or emotional harm to the victim or victim's child if they were to remain in the dwelling unit and that relocation will substantially reduce such risk, (2) the victim attempted to obtain the landlord's voluntary consent to the lease termination and the landlord refused, and (3) the victim is acting in good faith; and

Whereas, A significant issue with the New York State law is that it requires victims to have an order of protection in order to even be eligible for an order granting a lease termination; and

Whereas, Advocates indicate that this requirement forecloses relief for thousands of domestic violence victims, as many victims choose not to obtain an order of protection because doing so could increase threats to their safety and the safety of their children; and

Whereas, Another issue with the New York State law is that even if the court grants the order terminating the lease, it can take months before the lease is actually terminated because the law requires the termination date of the lease to be no earlier than 30 days and no later than 150 days after the due date of the next rental payment subsequent to the date such order is served on the landlord; and

Whereas, For instance, if the order is served upon the landlord on March 20th, and the next rental payment is due on April 1st, then the lease termination date would be at least May 1st and could be as late as September 1st; and

Whereas, Victims may not be able to relocate for months even though it has been established that notwithstanding the order of protection there continues to exist a substantial risk of physical or emotional harm to the victim or the victim's children if they remain in the premises; and

Whereas, Section 227-c of the RPL also requires the victim to give 10 days' notice to any co-tenants of the victim's intent to terminate the lease and provides co-tenants with the opportunity to be heard by the court and express opposition to a lease termination order; and

Whereas, Advocates argue that such provisions can jeopardize the safety of the victim in circumstances where the co-tenant is the abuser; and

Whereas, The 10 days' notice to a co-tenant who is the abuser provides the abuser with advance notice that the victim intends to permanently flee the shared housing; and

Whereas, Research has shown that leaving an abuser is the most dangerous time for a victim of domestic violence, and therefore, the 10-day notice requirement could escalate the abuse and danger to the victim before the lease termination is granted; and

Whereas, Providing the abuser co-tenant with the opportunity to oppose the lease termination also gives the abuser another opportunity to further extend control and coercion over the victim, as the abuser has every incentive to oppose the lease termination and keep the victim trapped in shared housing; and

Whereas, The only alternatives for the victim at that point are to stay in an unsafe housing situation with the abuser or to terminate the lease early without court approval, thereby risking bad credit and forfeiting a security deposit; and

Whereas, It is extremely important for the New York State Legislature to enact legislation that would provide a safer and faster avenue for domestic violence victims to terminate leases; and

Whereas, Such legislation should permit a tenant to terminate a rental agreement upon written notice to the landlord and any co-tenants other than the abuser that the tenant or a dependent household member is a victim of domestic violence; and

Whereas, The written notice should describe the reason for the lease termination and be accompanied by either a copy of an order of protection issued to the tenant or dependent household member who is the victim of domestic violence or a copy of a written report from a law enforcement agency indicating that the tenant or household member notified the law enforcement agency of the domestic violence; and

Whereas, Such legislation should also require the written notice to be provided at least 10 days before the due date of the next rental payment, and if proper written notice is provided and all rent up to and including the month in which the notice is provided has been paid, the termination of the lease should be effective on the day after the due date of the next rental payment; and

Whereas, The tenant should be entitled to a refund for any prepaid rent or other payments covering the period after the effective date of the lease termination as long as the tenant has vacated the premises; and

Whereas, Any proposed legislation should prohibit the landlord from providing to an abuser any information concerning the whereabouts of the victim or dependent household member and from disclosing the lease termination as an early termination to a prospective landlord of the victim; and

Whereas, The landlord should also be required to change the locks upon the tenant's request and must deny a key to the abuser if the tenant is still living in the property, except that if the abuser is a co-tenant, the locks shall not be changed unless there is an order of protection excluding the abuser from the dwelling unit; and

Whereas, Such legislation should also prohibit the landlord from withholding a security deposit collected in connection with a lease that is properly terminated by a domestic violence victim; and

Whereas, Any proposed bill should also include a provision stating that any lease provision waiving or modifying a tenant's rights under or exempting a landlord from the requirements of such legislation is void as against public policy; and

Whereas, A landlord that violates such legislation should be subject to statutory damages of not less than \$1,000 and not more than \$10,000 for each violation; and

Whereas, Such legislation would address the concerns raised by section 227-c of the RPL and extend relief to many domestic violence victims who are unable to terminate leases without penalty pursuant to the current New York State law; and

Whereas, Broadening the circumstances under which domestic violence victims may terminate leases will allow thousands of New Yorkers to leave abusive situations without risking the safety or economic stability of their families; 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 amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords.

Referred to the Committee on Housing and Buildings.

Int. No. 1377

By Council Members Salamanca and Chin

A Local Law to amend the administrative code of the city of New York, in relation to minimum notice for temporary parking restrictions*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 19-175.2 of the administrative code of the city of New York, as added by local law number 78 for the year 2009, is amended to read as follows:

b. [Before the department] *Any city agency mak[es]ing temporary parking restriction changes [to conduct road repairs, it] shall post notice of the effective date of such restrictions [as soon as practicable] not less than three days prior to the commencement of such restrictions.* Such notice shall state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected *area[streets]*, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle. *Such agency shall also notify, not less than three days prior to the commencement of such restrictions, all community boards and council members representing any portion of the geographic area where such restrictions will be in effect. Such notification shall be by electronic or regular mail and shall include, but need not be limited to, a description of the geographic area where such restrictions will be in effect, a description of such restrictions, the effective date of such restrictions and the estimated end date of such restrictions.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1293

Resolution calling upon New York City and New York State leaders to develop opportunities for undocumented students to access unpaid internships in New York City.

By Council Members Salamanca, Menchaca, Mendez and Chin.

Whereas, According to the Migration Policy Institute ("MPI"), approximately 593,000 undocumented individuals reside in New York City; and

Whereas, The same data shows that about 13 percent, or approximately 79,000, undocumented individuals in New York City are under the age of 24; and

Whereas, Undocumented individuals face special, and often harsh, realities due to their status, including the lack of access to employment and educational opportunities; and

Whereas, According to New York State Youth Leadership Council ("NYSYLC"), undocumented youth "experience isolation and xenophobia" and are "barred from accessing federal financial aid" to pursue education opportunities; and

Whereas, According to the NYSYLC only 5 to 10 percent of undocumented youth seek a college education; and

Whereas, However, due to the current immigration status of undocumented individuals and families, thousands of undocumented young people lack access to basic educational and employment opportunities; and

Whereas, Recognizing the special needs and circumstances of undocumented young people, in 2012, President Barack Obama signed an Executive Order creating Deferred Action for Childhood Arrivals ("DACA"); and

Whereas, Under DACA, young individuals who meet certain criteria are given temporary relief from deportation, and receive work authorization; and

Whereas, However, DACA is a temporary solution, and not all young undocumented individuals qualify for its relief; and

Whereas, According to the MPI, an estimated 31,000 young people in New York State were not eligible for DACA in 2016; and

Whereas, New York City has been a leading voice calling for comprehensive immigration reform; and

Whereas, New York City and New York State should continue to look for creative solutions that will assist all undocumented individuals, and in particular young undocumented people; and

Whereas, Young people who currently do not have authorization to work in the United States should be given opportunities to gain work experience; and

Whereas, By creating internship opportunities for undocumented young people, we will ensure that they have an equal chance to become productive members of society; now, therefore, be it

Resolved, That the Council of the City of New York calls New York City and New York State leaders to develop opportunities for undocumented students to access unpaid internships in New York City.

Referred to the Committee on Immigration.

Int. No. 1378

By Council Members Torres, Lander, Crowley, Rosenthal, Gentile and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to creating an office of school diversity within the human rights commission dedicated to studying the prevalence and causes of racial segregation in public schools and developing recommendations for remedying such segregation

Be it enacted by the Council as follows:

Section 1. Paragraph c of section 905 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

c. (1) to study the problems of prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby in all or any fields of human relationship; and (2) to study the prevalence and causes of racial segregation among kindergarten, primary and secondary public schools and develop recommendations for remedying such segregation.

§ 2. Subdivision (3) of section 8-105 of the administrative code of the city of New York, as amended by local law 39 for the year 1991, is amended to read as follows:

(3) (a) To study the problems of prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby in all or any fields of human relationship[.]; and (b) to study the prevalence and causes of racial segregation among kindergarten, primary and secondary public schools and develop recommendations for remedying such segregation.

§ 3. Subdivision (8) of section 8-105 of the administrative code of the city of New York, as amended by local law 39 for the year 1991, is amended to read as follows:

(8) To appoint such employees and agents as it deems to be necessary to carry out its functions, powers and duties and to assign to such persons any of such functions, powers and duties; provided, however, that the city shall have an office of school diversity to be administered by the commission charged with analyzing and issuing recommendations for remedying racial segregation among kindergarten, primary and secondary public schools. Notwithstanding the foregoing, the commission shall not delegate its power to adopt rules, and[, provided further, that] the commission's power to order that records be preserved or made and kept pursuant to subdivision b of section 8-114 of this chapter and the commission's power to determine that a respondent has engaged in an unlawful discriminatory practice and to issue an order for such relief as is necessary and proper shall be delegated only to members of the commission. The expenses for the carrying on of the commission's activities shall be paid out of the funds in the city treasury. The commission's appointment and assignment powers as set forth in this subdivision may be exercised by the chairperson of the commission.

§ 4. Subdivision (10) of section 8-105 of the administrative code of the city of New York, as amended by local law 29 for the year 2015, is amended to read as follows:

(10) To submit an annual report by March 1 to the mayor and the council which shall be published in the City Record. Such annual report shall include information for the calendar year that is the subject of the report regarding: (i) inquiries received by the commission from the public; provided that such information for calendar years 2009 and 2010 must only be included in the annual report submitted by March 1, 2012, (ii) investigations initiated by the commission; (iii) complaints filed with the commission, (iv) *findings and recommendations regarding racial segregation among public schools developed pursuant to subdivision (8) of this section*, and [(iv)](v) education and outreach efforts made by the commission. (a) The information regarding inquiries received by the commission from the public shall include, but not be limited to: (i) the total number of inquiries; (ii) the number of inquiries made by limited English proficient persons disaggregated by language; (iii) the subject matter of inquiries disaggregated by the alleged category of unlawful discriminatory practice as set forth by sections 8-107 and 8-107.1(2) of this chapter and the protected class of person, and (iv) the number of inquiries resolved by pre-complaint intervention.

(b) The information regarding investigations initiated by the commission shall include, but not be limited to: (i) the total number of investigations initiated by the commission disaggregated by the category of unlawful discriminatory practice as set forth by sections 8-107 and 8-107.1(2) of this chapter and the protected class at issue; (ii) the total number of commission-initiated complaints filed pursuant to section 8-109 of this chapter after an investigation finding that a person or group of persons may be engaged in a pattern or practice of discrimination; (iii) the total number of investigations referred to the corporation counsel for the purpose of commencing a civil action pursuant to chapter four of this title; and (iv) the total number of publications and reports of investigations designed to promote good will and minimize or eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby.

(c) The information regarding complaints filed with the commission shall include, but not be limited to, the number of complaints filed with the commission and shall be disaggregated by: (i) the category of unlawful discriminatory practice, as set forth by sections 8-107 and 8-107.1(2) of this chapter, alleged; (ii) the basis of the alleged discriminatory practice based on protected class of the complainant; (iii) whether the complaint was resolved by mediation and conciliation, as set forth in section 8-115 of this chapter; a determination of no probable cause, as set forth in section 8-116 of this chapter; or a hearing, as set forth by section 8-119 of this chapter; (iv) the number of days the complaint was outstanding at the time such resolution occurred; and (v) whether a fine, penalty, or cash award was imposed and, if so, the dollar amount of such fine, penalty or cash award.

(d) The information regarding the commission's education and outreach efforts as required by sections 8-105(1) and 8-105(2) of this chapter shall include, but not be limited to: (i) the types of outreach initiated; (ii) the number of people with whom the commission made contact as a result of outreach; (iii) the number of limited English proficient persons served; and (iv) the languages in which such outreach was conducted.

(e) *The information regarding the commission's findings and recommendations relating to the prevalence and causes of racial segregation in public schools shall include, but not be limited to, the impact of specific public policies, laws or administrative practices on school diversity and recommendations for change.*

§ 5. This local law takes effect 120 days after it becomes law, except that the commission on human rights may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Civil Rights.

Int. No. 1379

By Council Members Torres, Cornegy, Rosenthal, Crowley and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in public contracting

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended to add a new section 6-129.1 to read as follows:

§ 6-129.1 Nondiscrimination in public contracting. a. For purposes of this section, the term “contract” means any agreement, purchase order or other instrument whereby the city is committed to expend or does expend funds in return for goods, professional services, standard services, or construction.

b. It shall be unlawful for an agency to deny any person a contract because of their actual or perceived race, creed, color, national origin, age, gender, disability, sexual orientation, or alienage or citizenship status.

c. Nothing contained in this section shall be construed to prohibit any agency from giving preference in the award of a contract to persons protected by the provisions of this section, when such preference is required or permitted by any law or regulation of the United States, the state of New York, or the city of New York.

§2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 1380

By Council Members Van Bramer, Vallone, Vacca, Levine, Espinal, Salamanca, Koslowitz, Levin, Rose, Johnson, Richards, Chin and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring that city hall being open to the public

Be it enacted by the Council as follows:

Section 1. Chapter 35 of the New York city charter is amended to add a new section 822.1 to read as follows:

§ 822.1 Public Access to City Hall. a. The commissioner shall make available to the public on weekends the public areas of city hall, create a plan to enhance public programs, including but not limited to tours, for the public, and post on its website the plan and information regarding public access to city hall.

b. The commissioner may promulgate any rules as necessary for the purposes of carrying out the provisions of this section. Nothing in this section shall interfere with the protection, preservation, enhancement and perpetuation of city hall.

§ 2. This local law shall take effect 90 days after it becomes law.

Referred to the Committee on Governmental Operations.

Res. No. 1294

Resolution calling on Congress to pass and the President to sign H.R. 5695, the Veterans Visa and Protection Act of 2016.

By Council Members Wills, Ulrich, Menchaca, Cabrera, Palma, Mendez and Chin.

Whereas, Veterans made enormous sacrifices as a consequence of their desire to protect the safety of our people and the sanctity of our constitution; and

Whereas, In light of the fact that they put themselves in harm’s way, they deserve extensive accommodations from cities, states, and the federal government; and

Whereas, According to the National Immigration Forum, there are more than 500,000 foreign-born veterans living in the United States, as well as 12,000 non-citizen active duty service members; and

Whereas, Statistics from United States Citizenship and Immigration Services (USCIS) a component of the Department of Homeland Security (DHS), show that that 110,000 members of the military have been naturalized since October of 2001; and

Whereas, Despite the substantial contributions that individuals born outside of the United States have made to the armed forces, an immigration law from the 1990s has contributed to a substantial number of deportations; and

Whereas, The Immigration and Nationality Technical Corrections Act of 1994 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the list of more than 30 categories of offenses for which an individual can be deported, adding crimes such as forgeries and including offenses committed at any point in an individual's life; and

Whereas, As a consequence of this law, according to the American Civil Liberties Union (ACLU), more than 250 veterans from 34 countries have been deported; and

Whereas, The ACLU also found that 73 percent of the veterans did not have a lawyer to represent them in removal proceedings; and

Whereas, This problem has attracted attention at the federal level, and this past July, Rep. Raul Grijalva (D-AZ), alongside 18 other co-sponsors, introduced the Veterans Visa and Protection Act of 2016; and

Whereas, This legislation would require the Department of Homeland Security (DHS) to establish a program that would permit eligible deported noncitizen veterans to enter the United States; and

Whereas, It would also allow eligible noncitizen veterans in the United States to change their status to that of a noncitizen lawfully admitted for permanent residence; and

Whereas, Finally, this legislation would cancel the removal of eligible noncitizen veterans, and enable them to adjust their legal status; and

Whereas, Veterans deserve every possible legal means of reversing or mitigating adverse legal consequences such as deportation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Congress to pass and the President to sign the Veterans Visa and Protection Act of 2016.

Referred to the Committee on Veterans.

Preconsidered L.U. No. 528

By Council Member Ferreras-Copeland:

477 Lenox, Block 1918, Lot 36; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 529

By Council Member Ferreras-Copeland:

E.M. Moore Housing for the Elderly, Block 1825, Lot 59; Manhattan, Community District No. 10, Council District No. 9.

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

L.U. No. 530

By Council Member Greenfield:

Application No. C 170031 ZMQ submitted by Idlelots LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C2-2 District bounded by 227th Street, a line 100 feet northeasterly of 145th Road, a line 120 feet southeasterly of 227th Street and 145th Road, Borough of Queens, Community Board 13, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 531

By Council Member Greenfield:

Application No. C 150360 ZMK submitted by 14-18 Carroll LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6B District property bounded by Carroll Street, a line 380 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line midway between Carroll Street and Hamilton Avenue, and a line 450 feet northwesterly of Columbia Street, Borough of Brooklyn, Community Board 6, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 532

By Council Member Greenfield:

Application No. N 160379 ZRK submitted by 14-18 Carroll LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community Board 6, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 533

By Council Member Greenfield:

Application No. 20165186 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 646-Seat Intermediate Public School Facility to be located on the south side of Astoria Boulevard between 111th and 112th Streets (Block 1705, Lots 1, 5, 10 and 61), Borough of Queens, in Community School District No. 24, Community Board 3, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 534

By Council Member Greenfield:

Application No. 20165205 SCK pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 180-Seat Pre-Kindergarten Facility to be located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), Borough of Brooklyn, in Community School District No. 15, Community Board 6, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 535

By Council Member Greenfield:

Application No. 20175123 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 91-09 ½ 138th Place (Block 9981, Lot 33), Borough of Queens, Community Boards 9 & 12, Council District 28.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 536

By Council Member Greenfield:

Application No. 20175124 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), Borough of Queens, Community Boards 12 & 13, Council District 27.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 537

By Council Member Greenfield:

Application No. 20175125 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development

action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), Borough of Queens, Community Boards 9 & 12, Council District 28.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 538

By Council Member Greenfield:

Application No. 20175126 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57), Borough of Queens, Community Board 13, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 539

By Council Member Greenfield:

Application No. 20175128 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 556 Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), Borough of Brooklyn, Community Boards 9 & 17, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Wednesday, November 30, 2016

[Committee on Fire and Criminal Justice Services](#) jointly with the
[Committee on Juvenile Justice](#) and the
[Committee on Education](#).....10:00 a.m.
Oversight - Educational Services for New York City's Detained, Placed, and Incarcerated Youth, Adolescents, and Young Adults.

Int 1148 - By Council Members Dromm, Chin, Rose and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on educational programming for adolescents and young adults.
Council Chambers – City Hall
Elizabeth Crowley, Chairperson
Fernando Cabrera, Chairperson
Daniel Dromm, Chairperson

★ **Note Time Change**
[Committee on Public Housing](#) jointly with the
[Committee on Sanitation and Solid Waste Management](#)..... ★1:00 p.m.
Oversight - Recycling in NYCHA
Int 820 - By the Public Advocate (Ms. James) and Council Members King and Richards -
A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to provide incentives for recycling to residents living in community districts with high rates of public housing
Committee Room – City Hall
Ritchie Torres, Chairperson
Antonio Reynoso, Chairperson

Thursday, December 1, 2016

[Subcommittee on Zoning & Franchises](#).....9:30 a.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor
Donovan Richards, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor
Peter Koo, Chairperson

[Committee on Parks and Recreation](#).....1:00 p.m.
Oversight – An Examination of Parks Department Properties Currently Inaccessible to the Public.
Committee Room – City Hall
Mark Levine, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor
Inez Dickens, Chairperson

Monday, December 5, 2016

[Committee on Immigration](#)10:00 a.m.
Res 1290 - By Council Member Eugene - **Resolution** calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.
 Committee Room – 250 Broadway, 16th Floor Carlos Menchaca, Chairperson

[Committee on Land Use](#) 11:00 a.m.
All items reported out of the Subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall David G. Greenfield, Chairperson

[Committee on Contracts](#) jointly with the
[Committee on Small Business](#) and the
[Committee on Women’s Issues](#)..... 1:00 p.m.
Oversight – Update on the City’s Efforts to Expand Contracting with Minority and Women-Owned Businesses.
 Council Chambers – City Hall Helen Rosenthal, Chairperson
 Robert Cornegy, Chairperson
 Laurie Cumbo, Chairperson

[Committee on Waterfronts](#)1:00 p.m.
Oversight - Improving Boater Safety in the City’s Waterways.
 Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

Tuesday, December 6, 2016

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*
*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) recognized Council Member Menchaca’s mother and sister seated as special guests by the front dais. She greeted them and welcomed them to the Chambers.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, December 6, 2016.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

