

## THE COUNCIL

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, August 15, 2024, 2:32 p.m.

### Council Members

Adrienne E. Adams, *The Speaker*

Amanda C. Farías, *The Majority Leader*  
*and Acting President Pro Tempore*

Joseph C. Borelli, *The Minority Leader*

Shaun Abreu	Kamillah M. Hanks	Kevin C. Riley
Joann Ariola	Robert F. Holden	Carlina Rivera
Diana I. Ayala	Crystal Hudson	Yusef Salaam
Chris Banks	Rita C. Joseph	Rafael Salamanca, Jr
Erik D. Bottcher	Shekar Krishnan	Pierina A. Sanchez
Justin L. Brannan	Linda Lee	Lynn C. Schulman
Gale A. Brewer	Farah N. Louis	Althea V. Stevens
Selvena N. Brooks-Powers	Kristy Marmorato	Sandra Ung
David M. Carr	Christopher Marte	Inna Vernikov
Carmen N. De La Rosa	Julie Menin	Kalman Yeger
Eric Dinowitz	Francisco P. Moya	Susan Zhuang
Oswald J. Feliz	Sandy Nurse	
James F. Gennaro	Vickie Paladino	
Jennifer Gutiérrez	Keith Powers	
Shahana K. Hanif	Lincoln Restler	

Absent: Council Members Aviles, Mealy, Narcisse, Ossé, and Williams;  
Medical Leave: Council Member Caban;  
Parental Leave: Council Member Won.

The Majority Leader (Council Member Farías) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and the Acting President Pro Tempore (Council Member Farías).

*There were 44 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Hanif, Holden, Louis, Moya, and Rivera who participated remotely).*

### **INVOCATION**

*There was no Invocation delivered at this Stated Meeting.*

### **ADOPTION OF MINUTES**

Council Member Brooks-Powers moved that the Minutes of the Stated Meetings of June 30, 2024 and July 18, 2024 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-63

**Communication from the Mayor - Submitting the name of Randy Mastro to the Council for its advice and consent regarding his appointment as the Corporation Counsel, pursuant to Sections 31 and 391 of the New York City Charter.**

July 30, 2024

The Honorable Adrienne E. Adams  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 391 of the New York City Charter, I am pleased to present the name of Randy Mastro to the City Council for advice and consent regarding his appointment as Corporation Counsel.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams  
Mayor  
EA: gt

cc: Randy Mastro  
Sheena Wright, First Deputy Mayor  
Connor Martinez, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-64

**Communication from the Department of Education and School Construction Authority - Submitting July 2024 Proposed Five Year Capital Plan FY2025-2029.**

**(For text of the Capital Plan, please refer to the New York City School Construction Authority at [https://www.cecd28.org/FEB24/02012024\\_25\\_29\\_CapitalPlan.pdf](https://www.cecd28.org/FEB24/02012024_25_29_CapitalPlan.pdf) ).**

Referred to the Committee on Finance.

**LAND USE CALL-UPS**

M-65

By The Chair of the Land Use Committee (Council Member Salamanca):

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application Nos. C 240235 ZSM and C 240236 GFM (MSK Pavilion) shall be subject to Council review. These items are related to Application Nos. C 240237 ZMM, N 240238 ZRM, and N 240240 LDM.**

Coupled on Call-up vote.

The Majority Leader and the Acting President Pro Tempore (Council Member Farías) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

**Affirmative** – Abreu, Ariola, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Nurse, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **44**.

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Farías) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Finance**

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

Report for Res. No. 517

**Report of the Committee on Finance in favor of a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 15, 2024, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”). On June 30, 2024, the Council adopted the expense budget for fiscal year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets (“Charts”).

This Resolution, dated August 15, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, community safety and victim services, boroughwide, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2025 Expense Budget; approves the changes in designation of certain organizations receiving local, boroughwide, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local, boroughwide, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving anti-poverty, local, aging, community safety and victim services, and Speaker’s initiative discretionary funding, and funding pursuant to certain initiatives in accordance with the Fiscal 2025 and Fiscal 2024 Expense Budgets. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor’s Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 517:)**

Preconsidered Res. No. 517

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

By Council Member Brannan.

**Whereas,** On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

**Whereas,** On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

**Whereas,** On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, community safety and victim services, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 and Fiscal 2024 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving anti-poverty, local, aging, community safety and victim services, and Speaker’s initiative discretionary funding, and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving community safety and victim services discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Community Composting Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith and Community Based Initiative (formerly HIV/AIDS Faith Based Initiative) in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Clubhouses Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Youth Peer Support Pilot Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Older Adults Mental Health (formerly Geriatric Mental Health) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 39; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 41; and be it further



**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 44.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 517 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, YUSEF SALAAM; DAVID M. CARR; 13-0-0; *Absent*: Chi A. Ossé and Nantasha M. Williams; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Finance, August 15, 2024.

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

Report for L.U. No. 125

**Report of the Committee on Finance in favor of a Resolution approving Mt. Morris Plaza: Block 1722, Lot 7, Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on August 15, 2024 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:)**

#### **THE COUNCIL OF THE CITY OF NEW YORK**

August 15, 2024

TO: Hon. Justin Brannan Chair, Finance Committee  
Members of the Finance Committee

FROM: Michael Twomey, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of August 15, 2024 – Resolution approving tax exemptions for four Land Use items (Council Districts 11, 9)

### 1. **Metro North Court Amendment**

An amendment of a previously-adopted partial 40-year Article V exemption for one building in East Harlem, Manhattan. The exemption is due to expire in March 2025. The amendment will change the existing partial tax payment for the final year of the existing Article V to align with present requirements and terms of the HPD Multifamily program term sheet.

### 2. **Metro North Court Extension**

An extension of the above-referenced existing partial 40-year Article V exemption for another 40-year period. The building contains 91 residential units – 16 one-bedrooms, 64 two-bedrooms including a superintendent unit, and 12 three-bedrooms. All units are capped at 50% AMI. The proposed extension will continue the Article V exemption for another 40-year period, provide 30% of the building's units be set aside for homeless tenants per the HPD Multifamily program term sheet, complete identified critical needs and immediate repair capital work, install improvements under the HPD Aging-in-Place initiative, and provide free in-unit Wi-Fi for all residents.

#### Summary:

- Borough – Manhattan
- Block 1672, Lot 1
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 91 residential
- Type of exemption – Article V, partial, 40 years
- Population – Rental
- Sponsors – Metropolitan Realty Group
- Purpose – preservation
- Cost to the city – \$4.43 million (net present value)
- Housing Code Violations
  - Class A – 0
  - Class B – 0
  - Class C – 0

Anticipated AMI Targets: 50% for all units

### 3. **Mt. Morris Plaza**

A new partial 40-year Article XI exemption for one building in Harlem, Manhattan. The building contains 57 units – 6 studios and 51 one-bedrooms including a superintendent unit. As part of the exemption, the building will enter into an HPD regulatory agreement restricting rents to 50% AMI with 30% of the units set aside for formerly homeless tenants, and requiring completion of \$1.5 million in immediate and short-term repairs within 24 months of the project closing. HPD light-touch retention and stabilization services will also be provided on-site as part of the agreement.

Summary:

- Borough – Manhattan
- Block 1722, Lot 7
- Council District – 9
- Council Member – Salaam
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 57 residential
- Type of exemption – Article XI, partial, 40 years
- Population – rental
- Sponsors – Bethany Baptist Church
- Purpose – preservation
- Cost to the city – \$3.12 million (net present value)
- Housing Code Violations
  - Class A – 2
  - Class B – 0
  - Class C – 1

Anticipated AMI Targets: All units at 50% AMI

#### 4. **Henry Brooks Senior**

A new partial 40-year Article XI exemption for one building Harlem, Manhattan. The building contains 77 units – 19 studios and 58 one-bedrooms including a superintendent unit. As part of the exemption, the building will enter into an HPD regulatory agreement restricting rents to 50% AMI with 30% of the units set aside for formerly homeless tenants. HPD light-touch retention and stabilization services will also be provided on-site as part of the agreement, and the building will complete \$2.3 million in identified immediate and short-term repairs within 24 months of the regulatory agreement.

Summary:

- Borough – Manhattan
- Block 2047, Lot 12
- Council District – 9
- Council Member – Salaam
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 77 residential
- Type of exemption – Article XI, partial, 40 years
- Population – rental
- Sponsors – Bethany Baptist Church
- Purpose – preservation
- Cost to the city – \$4.05 million (net present value)
- Housing Code Violations
  - Class A – 1
  - Class B – 3
  - Class C – 0

Anticipated AMI Targets: All units at 50% AMI

**(For text of the coupled resolution for L.U. No. 125, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 126, 127, and 128 printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 125, 126, 127, and 128.*

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

Preconsidered Res. No. 533

**Resolution approving an exemption from real property taxes for property located at (Block 1722, Lot 7) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 125).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated July 11, 2024 that the Council take the following action regarding a housing project located at (Block 1722, Lot 7) 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 “Owner”) 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:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1722, Lot 7 on the Tax Map of the City of New York.
  - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - d. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - e. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.

- f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to twelve percent (12%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - g. “HDFC” shall mean Bethany/Development Outreach Housing Development Fund Corp. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean the HDFC.
  - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on January 19, 2000 (Resolution No. 1159).
  - l. “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 New Exemption.
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, 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.
  4. 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 Gross 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.
  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) any interest in the Exemption Area is conveyed or transferred 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 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 HDFC, the Owner, or any other person or entity 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, the owner of the Exemption Area shall, for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, YUSEF SALAAM; DAVID M. CARR; 13-0-0; *Absent*: Chi A. Ossé and Nantasha M. Williams; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Finance, August 15, 2024.

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

Report for L.U. No. 126

**Report of the Committee on Finance in favor of a Resolution approving Henry Brooks Senior: Block 2047, Lot 12, Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on August 15, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 125 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Preconsidered Res. No. 534

**Resolution approving an exemption from real property taxes for property located at (Block 2047, Lot 12) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 126).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated July 11, 2024 that the Council take the following action regarding a housing project located at (Block 2047, Lot 12) 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 “Owner”) 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:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2047, Lot 12 on the Tax Map of the City of New York.
  - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - d. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - e. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to twelve percent (12%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - g. “HDFC” shall mean Bethany Housing Development Fund Corp. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean the HDFC.
  - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on April 28, 1992 (Resolution No. 528).
  - l. “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 New Exemption.
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, 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.
  4. 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 Gross 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.
  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) any interest in the Exemption Area is conveyed or transferred 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 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 HDFC, the Owner, or any other person or entity 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, the owner of the Exemption Area shall, for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, YUSEF SALAAM; DAVID M. CARR; 13-0-0; *Absent*: Chi A. Ossé and Nantasha M. Williams; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Finance, August 15, 2024.

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

Report for L.U. No. 127

**Report of the Committee on Finance in favor of a Resolution approving Metro North Court Apartments (Amendment): Block 1672, Lot 1, Manhattan, Community District No. 11, Council District No. 8.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on August 15, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 125 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 535

**Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 125(1)(a) of the Private Housing Finance Law for property located at (Block 1672, Lot 1), Manhattan (Preconsidered L.U. No. 127).**

By Council Member Brannan.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 6, 2024 that the Council amend a previously approved tax exemption for real property located at (Block 1672, Lot 1), Manhattan (“Exemption Area”) pursuant to Section 125(1)(a) of the Private Housing Finance Law;

**WHEREAS**, the HPD’s request for amendments is related to a previously approved Board of Estimate Resolution adopted on September 15, 1983 (Cal. No. 8) (the “Prior Resolution”), granting the Exemption Area a real property tax exemption pursuant to Section 125(1)(a) of the Private Housing Finance Law;

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

**RESOLVED:**

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 125(1)(a) of the Private Housing Finance Law as follows:

Paragraph 2 of the Prior Resolution is deleted in its entirety and replaced with the following:

2. That the Board of Estimate, pursuant to subdivision 1(a) of Section 125 of the PHFL does hereby approve the exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property included in the Project (excluding, however, those portions, if any, authorized to be used for business and commercial purposes), provided that the amount of such taxes to be paid shall be as follows: (a) for all tax years prior to July 1, 2024, in the annual aggregate amount of \$30,398 representing the Minimum Annual Ten Percent of Shelter Rent taxes for the residential portion of the Project, plus an additional amount after the tax exemption first becomes effective, which additional amount shall equal 25% of the amount by which the Contract Rent applicable to the Project annually exceeds the Contract Rent in effect as of the date of occupancy of the Project by eligible tenants, and (b) for the period commencing upon July 1, 2024 and terminating on March 27, 2025, in the sum of \$365,488, provided, however, that the Housing Company enters into a new regulatory agreement with HPD on or after August 1, 2024 establishing certain controls upon the operation of the Project. Contract Rent is defined in the HUD regulations promulgated pursuant to Section 8 of the United States Housing Act of 1937, as amended or supplemented. However, total annual real estate taxes for the residential portion of the Project shall not, at any time, exceed the lesser of either 17 percent of the Contract Rent for that year or the amount of local and municipal property taxes that would be due in the absence of any form of tax exemption or abatement provided for by existing or future local law or state legislation.

The exemption granted herein shall operate and continue for so long as a federally aided and/or assisted mortgage is outstanding, but in no event for a period of more than forty (40) years, commencing on the date on which the benefits of such exemption first become available and effective; provided further that, in any given fiscal year where the amount of real estate taxes which would be payable by applying the then current City real property tax rate against the assessed valuation of the real property (both land and improvements) acquired for the Project by the Redevelopment Company, as such assessed valuation was fixed at the time of such acquisition, exceeds the amount which would be payable as minimum shelter rent taxes (as the same may be increased), the Redevelopment Company shall, in accordance with subdivision 1(a) of Section 125 of the Private Housing Finance Law, pay such higher amount.

The tax exemption shall first become available and effective on July 1, 1985

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, YUSEF SALAAM; DAVID M. CARR; 13-0-0; *Absent*: Chi A. Ossé and Nantasha M. Williams; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Finance, August 15, 2024.

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

Report for L.U. No. 128

**Report of the Committee on Finance in favor of a Resolution approving Metro North Court Apartments (Extension): Block 1672, Lot 1, Manhattan, Community District No. 11, Council District No. 8.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on August 15, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 125 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 536

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 1672, Lot 1) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 128).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 6, 2024 that the Council take the following action regarding a housing project located at (Block 1672, Lot 1) Manhattan (“Exemption Area”):

Approve an additional period of tax exemption from real property taxes pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the “Tax Exemption”);

**WHEREAS**, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “Company” shall mean Metro Court Redevelopment Associates, L.P.

- b) "Contract Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - c) "Contract Rent Differential" shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax 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 date of the Regulatory Agreement.
  - d) "Contract Rent Differential Tax" shall mean the sum of (i) \$495,922 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) 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. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - e) "Effective Date" shall mean March 27, 2025.
  - f) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - g) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1672, Lot 1 on the Tax Map of the City of New York.
  - 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 Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date upon which the Exemption Area ceases to be owned by the Owner, (v) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vi) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments contract.
  - i) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - j) "Owner" shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - k) "Redevelopment Agreement" shall mean the Agreement dated September 15, 1983 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114 and recorded on reel 750, page 124, in the office of the City Register of the City of New York.
  - l) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such regulatory agreement is executed.
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 Contract Rent Differential Tax. The Owner shall make real property tax payments in the sum of (1) commencing upon the Effective Date until June 30, 2025, \$130,434, and (2) commencing upon July 1, 2025, and during each year thereafter until the Expiration Date, the Contract Rent Differential Tax.
  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 V of the Private Housing Finance Law, (ii) the

Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) 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, (v) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vi) the owner of the Exemption Area did not apply for a new Section 8 Housing Assistance Payments contract on or before August 31, 2038 or did not receive a new HAP contract effective September 1, 2038, or (vii) 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 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 exist on the Effective Date.
  - c) Nothing herein shall entitle the Company, the Owner or any other person or entity 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.
5. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, YUSEF SALAAM; DAVID M. CARR; 13-0-0; *Absent*: Chi A. Ossé and Nantasha M. Williams; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Finance, August 15, 2024.

On motion of the Speaker (Council Member Adams), 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 General Welfare**

Report for Int. No. 123-A

**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of homeless services from requiring a child's presence in person at an intake facility when a family with children applies for shelter.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 409), respectfully

## REPORTS:

### I. Introduction

On August 16, 2024, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will consider Proposed Introduction Number (Int. No.) 123-A, sponsored by Deputy Speaker Diana Ayala and Proposed Introduction Number (Int. No.) 460-A, sponsored by Council Member Sandra Ung. The Committee previously held a hearing on Int. No. 123-A and Int. No. 460-A on June 11, 2024, where the Committee received testimony from the Department of Social Services and various advocacy organizations.

### II. Bill Analysis

#### **Proposed Int. No. 123-A**

Families with children experiencing a housing crisis and seeking shelter in a Department of Homeless Services (DHS) facility must apply at a Prevention Assistance and Temporary Housing (PATH) intake facility. Currently, according to the DHS PATH brochure, all family members seeking shelter, including children under the age of 18, must be present for the application process. PATH processes applications during normal business hours (9 a.m. to 5 p.m.) which may coincide with and disrupt children's schooling.

This bill would preclude DHS from requiring child members of a family to be present in person at its intake center when that family applies or reapplies for shelter at an intake facility and would take effect immediately upon becoming law.

Since introduction, the bill was amended to allow an exception to the preclusion for any time when DHS requests to remotely view a child and is unable to do so within 24 hours, or when a child has not checked in to their assigned shelter by the shelter curfew on the day following placement.

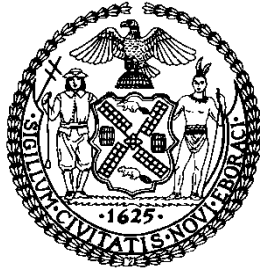
#### **Proposed Int. No. 460-A**

Currently, if a family with children is seeking shelter in a Department of Homeless Services (DHS) facility, their application may only be accepted and processed at a DHS intake facility. As of now, there is only one intake facility that services families with children, the Prevention Assistance and Temporary Housing (PATH) facility in the Bronx. While awaiting an eligibility for shelter determination following application, families with children can receive a conditional, temporary placement for up to 10 days with the possibility of extension. While in a conditional placement, families with children are ineligible for certain benefits, such as Special One-Time Assistance (SOTA), which require shelter eligibility and placement as a prerequisite. They may also be moved to their permanent shelter placement at short notice, creating further destabilization. The increasing number of families with children facing homelessness and seeking shelter, paired with the limited number of eligibility specialists at the single PATH intake facility, may lead to a longer period between application and eligibility determination for families with children, resulting in families remaining in conditional status for longer.

This bill would require DHS to report on the feasibility of partnering with community-based organizations, located throughout New York City, to accept and process application for shelter intake for families with children. The report would include information relating to legal or practical barriers to implementation of such a program, training requirements, cost estimates, access to databases or other systems and confidentiality and data privacy. The report would also include an estimated timeline for implementing such partnerships. This bill would require such report to be delivered to the mayor and speaker of the council no later than one year from the date on which this bill becomes a law.

Since introduction, the bill has not been changed substantively.

(The following is the text of the Fiscal Impact Statement for Int. No. 123-A:)



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 123-A**

**COMMITTEE: General Welfare**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of homeless services from requiring a child’s presence in person at an intake facility when a family with children applies for shelter.

**SPONSOR(S):** Council Members Ayala, Louis, Restler, Stevens, Hanif, Hudson, Brewer, Ung, Sanchez, Won, Gutiérrez, Cabán, Narcisse, Banks, and the Public Advocate Jumaane Williams.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 123-A would prohibit the Department of Homeless Services (DHS) from requiring children to be present in person at an intake facility when their family applies or reapplies for placement at a shelter except when DHS requests to remotely view a child and is unable to do so within 24 hours, or when a child has not checked in to their assigned shelter by the shelter curfew on the day following placement.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there will be no impact on expenditures resulting from the enactment of this legislation, as DHS will utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A**

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Phariha Rahman, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2024, as Proposed Int. No. 123 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on June 11, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 123-A, will be considered by the Committee at a hearing on August 15, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 123-A will be submitted to the full Council for a vote on August 15, 2024.

**DATE PREPARED:** August 8, 2024.

**(For text of Int. No. 460-A and its Fiscal Impact Statement, please see the Report of the Committee on General Welfare for Int. No. 460-A, respectively, printed in these Minutes; for text of Int. No. 123-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 123-A and 486-A.*

**(The following is the text of Int. No. 123-A:)**

Int. No. 123-A

By Council Members Ayala, Louis, Restler, Stevens, Hanif, Hudson, Brewer, Ung, Sanchez, Won, Gutiérrez, Cabán, Narcisse, Banks, Bottcher, Rivera, Feliz and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of homeless services from requiring a child's presence in person at an intake facility when a family with children applies for shelter**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-334 to read as follows:

*§ 21-334 Children's presence not required in person when applying for families with children shelter. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Family with children. The term "family with children" means a family as defined in section 900.2 of title 18 of the New York codes, rules and regulations.*

*Intake facility. The term "intake facility" means a department facility that accepts and processes applications for shelter from families with children.*

*Shelter. The term "shelter" means temporary emergency housing provided to homeless families with children by the department or by a provider under contract or similar agreement with the department pursuant to part 900 of title 18 of the New York codes, rules and regulations.*

*b. The department shall not require any child who is a member of a family with children to be present in person at an intake facility for the purpose of applying or reapplying for shelter unless (i) department staff is*



*unable to remotely view the child within 24 hours of the department requesting to remotely view such child or (ii) the child has not been checked in to the assigned shelter by the posted curfew on the day after placement. Nothing in this section precludes a family with children from bringing a child to an intake facility when applying or reapplying for shelter.*

§ 2. This local law takes effect immediately.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, CHRIS BANKS; 6-0-0; *Absent*: Alexa Avilés and Chi. A. Ossé; *Medical*: Tiffany Cabán; Committee on General Welfare, August 15, 2024.

On motion of the Speaker (Council Member Adams), 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. 460-A

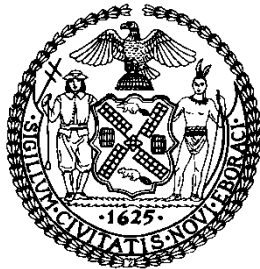
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of homeless services to report on the feasibility of contracting with community-based organizations to accept and process applications for shelter intake from families with children.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 1005), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 123-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 460-A:*



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 460-A**

**COMMITTEE: General Welfare**

**TITLE:** A local law in relation to requiring the department of homeless services to report on the feasibility of establishing contracts with community-based organizations to accept and

**SPONSOR(S):** Council Members Ung, Lee, Cabán, Joseph, Hanif, Brewer, Restler, Hudson, Schulman, Narcisse, Sanchez, and Banks.

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process applications for shelter intake from families with children.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 460-A would require the Department of Homeless Services (DHS) to report on the feasibility of contracting with community-based organizations to accept and process applications for shelter intake for families with children. DHS would be required to deliver the report to the Mayor and Speaker of the Council no later than one year after this bill's effective date. This bill would require DHS to identify potential barriers to implementing such contracts, as well as related training requirements, cost estimates, necessary information technology, confidentiality and data privacy issues, and to estimate a timeline for delivery of services under such contracts.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2025

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$500,000	\$0	\$500,000
<b>Net</b>	\$500,000	\$0	\$500,000

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

**IMPACT ON EXPENDITURES:** It is estimated that it would cost DHS approximately \$500,000 to contract with a provider to complete the study required under this bill.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Phariha Rahman, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2024, as Proposed Int. No. 460, and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on June 11, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 460-A, will be considered by the Committee at a hearing on August 15, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 460-A will be submitted to the full Council for a vote on August 15, 2024.

**DATE PREPARED:** August 8, 2024.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 460-A:)**

## Int. No. 460-A

By Council Members Ung, Lee, Cabán, Joseph, Hanif, Brewer, Restler, Hudson, Schulman, Narcisse, Sanchez, Banks, Bottcher, Won, Rivera and Feliz.

**A Local Law in relation to requiring the department of homeless services to report on the feasibility of contracting with community-based organizations to accept and process applications for shelter intake from families with children**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Department. The term “department” means the department of homeless services.

Families with children shelter. The term “families with children shelter” means temporary emergency housing provided to homeless families with children by the department or by a provider under contract or similar agreement with the department pursuant to part 900 of title 18 of the New York codes, rules and regulations.

Family with children. The term “family with children” means a family as defined in section 900.2 of title 18 of the New York codes, rules and regulations.

§ 2. a. No later than 1 year after the effective date of this local law, the commissioner of homeless services shall deliver to the mayor and the speaker of the council a report on the feasibility of contracting with community-based organizations throughout the city of New York to accept and process applications for families with children shelter.

b. Such report shall include, but not be limited to, the following information:

1. An analysis of any legal or practical barriers to contracting with community-based organizations to accept and process applications for families with children shelter, including any issues relating to confidentiality and data privacy;

2. The training, staffing, and informational technology required by the department and any community-based organizations to implement such contracts;

3. An estimate of any costs or cost savings, on an initial and ongoing annual basis, to implement such contracts in the first 5 years;

4. An estimated timeline for commencement and delivery of services pursuant to such contracts;

5. Proposals to overcome any legal or practical barriers identified pursuant to paragraph 1 of this subdivision; and

6. A determination of whether contracting with community-based organizations to accept and process applications for families with children shelter would be feasible and recommended.

§ 3. This local law takes effect immediately.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, CHRIS BANKS; 6-0-0; *Absent*: Alexa Avilés and Chi. A. Ossé; *Medical*: Tiffany Cabán; Committee on General Welfare, August 15, 2024.

On motion of the Speaker (Council Member Adams), 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. 101

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230225 RSR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, pursuant to Sections 107-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow for the construction of nine 150 foot-high lightpoles in connection with a proposed offshore wind turbine assembly facility located at 4927 Arthur Kill Road (Block 7620, Lot 1; Block 7632, Lots 6, 50, 150, and 151), in M1-1 and M3-1 Districts, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2570), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 101 & Res. No. 541 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 102

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 230227 ZRK (Arthur Kill Terminal) submitted by Arthur Kill Terminal 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 Article X, Chapter 7 (Special South Richmond Development District) for the purpose of establishing goals related to sustainability, resiliency, climate and clean energy objectives, and to modify tree removal and topography modification regulations, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2570), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 102 & Res. No. 542 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

#### Report for L.U. No. 103

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230228 MLR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, pursuant to Section 197-c of the New York City Charter for a landfill of approximately 367,327 square feet located in the Arthur Kill, in connection with the development of a wind turbine assembly facility on property generally bounded by the Outerbridge Crossing, Arthur Kill Road, Richmond Valley Road (Richmond Valley Road is proposed to be eliminated, discontinued and closed pursuant to the related application no. C 230231 MMR) and the US Bulkhead line (Block 7632, Lots 1, 6, 150, and 151, and Block 7983, Lots 100 and 110 and the demapped portions of Richmond Valley Road) in an M1-1 District, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2571), respectfully

#### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 103 & Res. No. 543 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 104

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230231 MMR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, 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 elimination, discontinuance, and closing of a portion of Richmond Valley Road between Arthur Kill Road and the US Bulkhead Line; and the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in Community District 3, Borough of Staten Island, in accordance with Map No. 4275 dated February 5, 2024 and signed by the Borough President, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2571), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 104 & Res. No. 544 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 106

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240015 ZMX (Bronx Metro-North Station Area Study) submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4a & 4b: eliminating from within an R4 District a C1-2 District, eliminating from within an existing R6 District a C1-2 District, eliminating from within an existing R4 District a C2-2 District, eliminating from within an existing R6 District a C2-2 District, eliminating a Special Planned Community Preservation District (PC), changing from a C8-1 District to an R4 District, changing from an R4 District to an R6-1 District, changing from an R5 District to an R6-1 District, changing from an R6 District to an R6-1 District, changing from a C8-1 District to an R6-1 District, changing from an M1-1 District to an R6-1 District, changing from an R5 District to an R6A District, changing from an R4 District to an R7-2 District, changing from a C8-1 District to an R7-2 District, changing from an M1-1 District to an R7-2 District, changing from an R6 District to an R8X District, changing from a C8-1 District to an R8X District, changing from a C8-4 District to an R8X District, changing from an R4 District to a C4-3 District, changing from an M1-1 District to a C4-3 District, changing from an M1-1 District to a C4-4 District, changing from a C8-1 District to a C8-2 District, changing from an M1-1 District to a C8-2 District, changing from an M1-1 District to an M1-1A/R7-3 District, establishing within an existing R4 District a C2-4 District, establishing within an existing R6 District a C2-4 District, establishing within a proposed R6-1 District a C2-4 District, establishing within an existing R6A District a C2-4 District, establishing within a proposed R7-2 District a C2-4 District,**

**establishing within a proposed R8X District a C2-4 District, and establishing a Special Eastchester – East Tremont Corridor District (ETC), related to property in the Parkchester/Van Nest and Morris Park neighborhoods, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2777), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 107

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240016 ZRX (Bronx Metro-North Station Area Study) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Eastchester – East Tremont Corridor District (Article XIV, Chapter 5), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, APPENDIX I for the purpose of expanding an existing Transit Zone, and related Sections, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2778), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 107 & Res. No. 546 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 109

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240157 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning 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 elimination, discontinuance, and closing of a portion of Unionport Road between East Tremont Avenue and Guerlain Street 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. 13153 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 109 & Res. No. 547 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 110

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240158 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the widening of Marconi Street north of Waters Place; 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. 13151 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 110 & Res. No. 548 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*



RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 111

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240159 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Morris Park Station Plaza south of Morris Park Avenue and west of Bassett 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. 13152 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 111 & Res. No. 549 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 112

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240160 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of a street volume from the northern terminus of Marconi Street to Pelham Parkway to facilitate a future bridge connection between these two streets; and the future adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with an alteration map to be prepared pursuant to the appropriate resolutions of approval, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 112 & Res. No. 550 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 113

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240163 MMX (Bronx Metro-North Station Area Study) submitted by 1601 Bronxdale Property Owner LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Pierce Avenue west of Bronxdale 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. 13150 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 113 & Res. No. 551 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 114

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230293 ZMK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M3-1 District to an M1-5 District, property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line, Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 114 & Res. No. 552 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 115

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230294 ZSK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback, and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 115 & Res. No. 553 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: *Council Member Marmorato*.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 116

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230296 ZSK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 234 parking spaces, in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 116 & Res. No. 554 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: *Council Member Marmorato*.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 117

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240131 ZMK (3033 Avenue V Rezoning) submitted by Ford Coyle Properties Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, changing from an R4 District to an R7D District, and establishing within the proposed R7D District a C2-4 District, property bounded by a line 100 feet northerly of Avenue V, Coyle Street, Avenue V, and Ford Street, Borough of Brooklyn, Community District 15, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 117 & Res. No. 555 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 118

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240132 ZRK (3033 Avenue V Rezoning) an application submitted by Ford Coyle Properties Inc., 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 Brooklyn, Community District 15, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 118 & Res. No. 556 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

## Report for L.U. No. 119

**Report of the Committee on Land Use in favor of approving Application number C 240072 ZMK (197 Berry St Rezoning) submitted by Bensing 250 LLC pursuant to Sections 197- c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 12d, by changing from an M1-2/R6B District to an M1-4/R6B District, property bounded by Berry Street, a line midway between North 4th Street and North 3rd Street, Bedford Avenue, and North 3rd Street, Borough of Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 1****C 240072 ZMK**

City Planning Commission decision approving an application submitted by Bensing 250 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 12d:

1. changing from an M1-2/R6B (MX-8) District to an M1-4/R6B (MX-8) District property bounded by Berry Street, a line midway between North 4th Street and North 3rd Street, Bedford Avenue, and North 3rd Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 20, 2024.

**INTENT**

To approve the amendment to rezone the project area from an from an M1-2/R6B (MX-8) zoning district to an M1-4/R6B (MX-8) zoning district facilitate the conversion of approximately 18,000 square feet of a 26,000 square-foot subcellar parking garage to a self-storage facility at 197 Berry Street (Block 2351, Lot 7501) in the Williamsburg neighborhood of Brooklyn, Community District 1.

**PUBLIC HEARING****DATE:** July 24, 2024**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 6, 2024

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

**In Favor:**  
Riley  
Moya  
Abreu  
Schulman

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolution.

**In Favor:**  
Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Sanchez  
Borelli

**Against:**  
None

**Abstain:**  
None

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 537

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240072 ZMK, a Zoning Map amendment (L.U. No. 119).**

By Council Members Salamanca and Riley.

**WHEREAS**, Bensing 250 LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 12d, by changing from an M1-2/R6B District to an M1-4/R6B District, which would facilitate the conversion of approximately 18,000 square feet of a 26,000 square-foot subcellar parking garage to a self-storage facility at 197 Berry Street (Block 2351, Lot 7501) in the Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 240072 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024 its decision dated June 26, 2024 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 issued February 20, 2024 (CEQR No. 24DCP002K) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240072 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 12c and 12d:

2. changing from an M1-2/R6B District to an M1-4/R6B District property bounded by Berry Street, a line midway between North 4th Street and North 3rd Street, Bedford Avenue, and North 3rd Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 20, 2024.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 120

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230258 ZMK (712 Myrtle Avenue) submitted by Joel Berkowitz pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, property bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street, Borough of Brooklyn, Community District 3, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 120 & Res. No. 557 printed in the General Orders Calendar section of these Minutes)**



*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

#### Report for L.U. No. 121

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230259 ZRK (712 Myrtle Avenue) submitted by Joel Berkowitz, 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 Brooklyn, Community District 3, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782), respectfully

#### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 121 & Res. No. 558 printed in the General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

#### Report for L.U. No. 122

**Report of the Committee on Land Use in favor of approving Application number C 230172 MMR (Prince's Point Development) submitted by PMBL LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Coastal Loop, Dune Lane, Schooner Lane, and Anchorage Lane 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. 4274 dated February 21, 2024 and signed by the Borough President, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2783) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****STATEN ISLAND CB-3 – TWO APPLICATIONS RELATED TO PRINCE’S POINT  
DEVELOPMENT & VESTING AMENDMENT****C 230172 MMR (L.U. No. 122)**

City Planning Commission decision approving application submitted by PMBL LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Coastal Loop, Dune Lane, Schooner Lane, and Anchorage Lane; 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. 4274 dated February 21, 2024, and signed by the Borough President, Borough of Staten Island, Community District 3.

**N 240120 ZRR (L.U. No. 123)**

City Planning Commission decision approving application submitted by NYC Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article I, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations) and Article X, Chapter 7 (Special South Richmond Development District), Borough of Staten Island, Community District 3.

**INTENT**

To amend the City Map which, along with the related action, would facilitate a residential development consisting of 108 detached single-family homes, in the Prince’s Bay neighborhood of Staten Island Community District 3 within the Special South Richmond Development District. The related action is to modify Zoning Resolution (ZR) Section 11-45 in order to restore a pre-LDGMA vesting provision in ZR Section 11-45 that was incorrectly removed as part of the South Richmond Zoning Relief text amendment (N 230112 ZRR) adopted on November 2, 2023.

**PUBLIC HEARING**

**DATE:** July 24, 2024

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 114-116.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 538

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230172 MMR, an amendment to the City Map (L.U. No. 122).**

By Council Members Salamanca and Riley.

**WHEREAS**, PMBL LLC, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Coastal Loop, Dune Lane, Schooner Lane, and Anchorage Lane; 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. 4274 dated February 21, 2024, and signed by the Borough President, Borough of Staten Island, Community District 3 (ULURP No. C 230172 MMR) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024, its decision dated July 10, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to application N 240120 ZRR (L.U. No. 123), a Zoning Text Amendment to correct for the removal of a vesting provision in ZR Section 11-45 that was removed as part of the South Richmond Zoning Relief (SRZR) Zoning Text Amendment (N 230112 ZRR).

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 Negative Declaration issued on March 18, 2024 (CEQR No. 24DCP061R) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Sections 197-c and 199 of the New York City Charter, that based on the Negative Declaration and the consideration described in the City Planning Commission report, the application (C 230172 MMR), for an amendment to the City Map involving:

1. the establishment of Coastal Loop, Dune Lane, Schooner Lane, and Anchorage Lane; and
2. 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. 4274 dated February 21, 2024, and signed by the Borough President is approved; and that all such approval 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. 4274 dated February 21, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter; and
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city’s interest, approved by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 123

**Report of the Committee on Land Use in favor of approving Application number N 240120 ZRR (Prince’s Point Vesting Amendment) submitted by the NYC Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article I, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations) and Article X, Chapter 7 (Special South Richmond Development District), Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2783) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 122 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 539

**Resolution approving the decision of the City Planning Commission on Application No. N 240120 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 123).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article I, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations) and Article X, Chapter 7 (Special South Richmond Development District), which would correct errors in the text adopted as part of South Richmond Zoning Relief (N 230112 ZRR) including the removal of a pre-LDGMA vesting provision in Zoning Resolution Section 11-45 in the Special South Richmond Development District (SSRDD) of Staten Island's Community District 3, (ULURP No. N 240120 ZRR), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024, its decision dated July 10, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230172 MMR (L.U. No. 122), City Map Amendment to map four new streets (Coastal Loop, Dune Lane, Schooner Lane, and Anchorage Lane) to the City Map;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

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

**WHEREAS**, the environmental impact of the proposed action was analyzed in a Technical Memorandum to the Final Environmental Impact Statement (FEIS) for the South Richmond Zoning Relief proposal issued on March 15, 2024 (the "Technical Memorandum"). Council considered the findings in the Technical Memorandum that the proposed action would not affect the conclusions of the analyses presented in the FEIS and, accordingly, would not result in any new or different significant adverse impacts or require any new or different mitigation measures than those identified in the FEIS (CEQR No. 23DCP032R).

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, Application, the Technical Memorandum, considerations described in the City Planning Commission report, N 230259 ZRK,

incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

ARTICLE I  
GENERAL PROVISIONS

Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations

\* \* \*

11-40  
EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

\* \* \*

11-45  
Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section shall apply within #lower density growth management areas#.

(a) Notwithstanding the provisions of N 040414 ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N 040414 ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:

(a)(1) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.

(b)(2) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:
  - (1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.
  - (2) #Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

\* \* \*

ARTICLE X  
SPECIAL PURPOSE DISTRICTS

Chapter 7 - Special South Richmond Development District

107-00  
GENERAL PURPOSES

\* \* \*

107-04  
Applications to the City Planning Commission Prior to November 2, 2023

- (a) Applications for authorization or special permit which were adopted prior to November 2, 2023, may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.
- (b) Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Applications for certification granted by the Commission prior to November 2, 2023, may be continued; ~~in accordance with the terms thereof or as such terms may be subsequently modified,~~ pursuant to the regulations in effect on the date that such certification was granted.

\* \* \*

107-30  
NATURAL FEATURE REGULATIONS

\* \* \*

107-32

## Tree Requirements

For all #zoning lots#, newly planted trees shall be planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.

(a) Planting in #Residence Districts# or ~~in~~ on a #zoning lot# with fewer than 10 parking spaces

In connection with any #development#, #site alteration#, or #enlargement# in a #Residence District#, or in any #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one-inch #caliper# and less than six-inch #caliper#, or pre-existing or newly planted, trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.

A newly planted tree of between one and two-inch #caliper# shall have 0.5 #tree credits#, and a newly planted tree greater than two-inch #caliper# but less than six-inch #caliper# shall have one #tree credit#. Newly planted trees appearing on a site plan in an approved application may be counted toward #tree credits# on site plans for future applications if they have not yet grown to a six-inch or greater #caliper#, provided that they remain in good health and continue to comply with the standards set forth in this Section.

Any existing tree of at least six-inch #caliper# which is preserved and has no new paving, #development#, #enlargement#, or modification of topography within eight feet of such tree, shall have one #tree credit# for the first six inches of #caliper# and an additional #tree credit# for each additional three inches of #caliper#.

## (b) Planting for parking areas

Any #development# or #enlargement# on a #zoning lot# that contains a #group parking facility# with 10 or more parking spaces that are not fully enclosed shall be subject to the tree planting and screening requirements of Section 107-483.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 124

**Report of the Committee on Land Use in favor of disapproving Application number D 2450087057 SWQ Wings & Seafood, pursuant to Section 19-160.2 of the Administrative Code of the City of New York, for a revocable consent to establish, maintain, and operate a sidewalk café located at 785 Fairview Avenue, Borough of Queens, Community District 5, Council District 30.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2783) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 5**

**D 2450087057 SWQ**

Application pursuant to Section 19-160.2 of the Administrative Code of the City of New York concerning the petition of Wings & Seafood for a new revocable consent to establish, maintain and operate a sidewalk cafe located at 785 Fairview Avenue, Ridgewood, NY 11385.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** July 24, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

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

**In Favor:**

Riley  
Moya  
Abreu  
Schulman

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Riley		
Brooks-Powers		
Abreu		
Farias		
Sanchez		
Borelli		

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 540

**Resolution disapproving the petition for a revocable consent for a sidewalk café located at 785 Fairview Avenue, Borough of Queens (Non-ULURP No. D 2450087057 SWQ; DOT No. 20240418040001; L.U. No. 124).**

By Council Members Salamanca and Riley.

**WHEREAS**, the Department of Transportation filed with the Council on July 2, 2024 its approval dated July 2, 2024 of the petition of Wings & Seafood Inc., d/b/a Wings & Seafood, for a revocable consent to establish, maintain and operate a sidewalk café located at 785 Fairview Avenue, Borough of Queens, Community District 5 (the "Petition"), pursuant to Section 19-160.2 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 19-160.2 (f) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on July 24, 2024; and

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

**RESOLVED:**

Pursuant to Section 19-160.2 of the Administrative Code, and based upon the record established before the Council, the Council disapproves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

Coupled to be Disapproved.

## Report of the Committee on Transportation and Infrastructure

Report for Int. No. 745-A

### **Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide information about bicycle and other micromobility device activity.**

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on April 11, 2024 (Minutes, page 1626), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On August 15, 2024, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a vote on Int. No. 745-A, sponsored by Majority Leader Amanda Farías, in relation to requiring the department of transportation to provide information about bicycle and other micromobility device activity. A previous version of this bill was heard at a June 25, 2024 hearing on Intersections, Sidewalks and Pedestrian Safety. Those who testified at this hearing included representatives from the New York City (NYC or City) Department of Transportation (DOT), a representative from the NYC Police Department (NYPD), transit advocates, street safety advocates, and others.

On August 15, 2024, the Committee on Transportation and Infrastructure passed Int. No. 745-A by a vote of six in the affirmative, zero in the negative, with zero abstentions.

#### **BACKGROUND**

##### **Department of Transportation**

DOT's goal is to provide for safe, efficient, and environmentally responsible movement of people and goods in NYC.<sup>1</sup> DOT works to improve traffic mobility throughout NYC; maintain the City's infrastructure; encourage the use of mass transit and other modes of transportation other than private vehicles; and provide traffic safety educational programs.<sup>2</sup> With an annual operating budget of \$1.4 billion and a 10-year \$33 billion capital program, DOT manages 6,300 miles of streets and highways, over 12,000 miles of sidewalk, and approximately 800 bridges and tunnels.<sup>3</sup> DOT's staff also installs and maintains nearly 1 million street signs, 13,250 signalized intersections, over 315,000 street lights, over 350 million linear feet of markings, and 2,600 automated enforcement cameras.<sup>4</sup>

##### ***Street Safety and Vision Zero***

Since 2014, NYC has instituted Vision Zero, a citywide initiative that seeks to improve the safety of its streets throughout every neighborhood and in every borough.<sup>5</sup> First launched under former Mayor Bill de Blasio, the initiative includes: expanded enforcement against dangerous moving violations, such as speeding and failing

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<sup>1</sup> NYC Department of Transportation (DOT), *About DOT*, available at <https://www1.nyc.gov/html/dot/html/about/about.shtml>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> NYC, *Vision Zero*, available at <https://www1.nyc.gov/content/visionzero/pages/>

to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and legislation to increase penalties for dangerous drivers.<sup>6</sup> Vision Zero rests on the belief that deaths and serious injuries in traffic incidents are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement, and education.<sup>7</sup> Traffic fatalities in NYC have fallen significantly since 1990, from 701 in 1990 to 381 in 2000 to an all-time low of 202 in 2018, with traffic deaths in NYC having fallen by a third when comparing 2018 with the year before Vision Zero began.<sup>8</sup>

Although the data through 2018 is encouraging, the citywide initiative has received a number of criticisms mainly due to the rapid increase in deaths occurring on City streets over the last several years. Notably, for a nearly 2-month period during the novel coronavirus (COVID-19) pandemic in 2020, there were zero pedestrian fatalities in NYC, largely attributed to the lack of congestion and lack of commuters in the City at that time.<sup>9</sup> However, in January 2021, the *New York Times* indicated that the total number of traffic fatalities in 2020 made it the deadliest year on record since former Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.<sup>10</sup>

In 2021, these trends continued, with 275 people killed due to traffic violence in the City, representing about a 33% increase from 2018.<sup>11</sup> There were a reported 93 hit-and-runs with critical injuries in 2021, twice as many as there had been in 2018.<sup>12</sup> Furthermore, the share of pedestrian fatalities caused by drivers of SUVs during Mayor de Blasio’s second term as mayor, which concluded in 2021, was up 42% compared to his first term.<sup>13</sup>

In 2022, the number of traffic fatalities in the City was 263.<sup>14</sup> DOT Commissioner Ydanis Rodriguez announced that in 2022, the City experienced an overall decline of about 6% in traffic fatalities from 2021, and the first decline in annual fatalities since 2019.<sup>15</sup> 2022 was one of the years with the fewest annual pedestrian deaths ever recorded in the City;<sup>16</sup> however, 2022 also marked the deadliest year since 2014 for child fatalities, with 16 children killed in traffic collisions.<sup>17</sup>

Last year, in 2023, there were 265 traffic fatalities, an increase of 2 people when compared to the year prior.<sup>18</sup> Additionally, 2023 saw a record number of cyclist fatalities in the Vision Zero era.<sup>19</sup>

During the first half of 2024, traffic crashes killed 127 people, which is the highest number of people killed in the first 6 months of any year since Vision Zero was implemented in 2014, putting it on pace to be the deadliest

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> NYC DOT & NYPD, *Vision Zero Accomplishments 2018*, at 4, available at <https://www.nyc.gov/html/dot/downloads/pdf/vz-accomplishments-core-outputs-2018.pdf>

<sup>9</sup> Jake Offenhartz, *Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era*, Gothamist, October 23, 2020, available at <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>

<sup>10</sup> Christina Goldbaum, *Why Empty Streets Meant an Especially Deadly Year for Traffic Deaths*, New York Times January 1, 2021, available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>

<sup>11</sup> NYC, *Vision Zero View*, available at <https://vzv.nyc/>

<sup>12</sup> Transportation Alternatives, *Last year was the deadliest under Vision Zero. Here’s how Mayor Adams can save lives in 2022*, January 26, 2022, available at <https://www.transalt.org/writing/last-year-was-the-deadliest-under-vision-zero-heres-how-mayor-adams-can-save-lives-in-2022>

<sup>13</sup> *Id.*

<sup>14</sup> NYC, *Vision Zero View*, available at: <https://vzv.nyc/>

<sup>15</sup> NYC DOT, Press Release, *Vision Zero: NYC Traffic Fatalities Dropped in 2022 For First Time in Three Years, Pedestrian Deaths Near Record Lows*, January 6, 2023, available at <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>

<sup>16</sup> *Id.*

<sup>17</sup> Ben Brachfield, *2022 was deadliest year for children on city streets in Vision Zero era: report*, AMNY, January 23, 2023, available at <https://www.amny.com/transit/record-children-killed-traffic-collisions-2022-nyc-streets/>

<sup>18</sup> NYC, *Vision Zero View*, available at <https://vzv.nyc/>

<sup>19</sup> Transportation Alternatives, *New York City Experiences Deadliest First Quarter in Vision Zero History, New Data from Transportation Alternatives and Families for Safe Streets Shows*, April 25, 2024, available at <https://transalt.org/press-releases/new-york-city-experiences-deadliest-first-quarter-in-vision-zero-history-new-data-from-transportation-alternatives-and-families-for-safe-streets-shows#:~:text=This%20data%20comes%20after%202023,the%20onset%20of%20Vision%20Zero>

year for traffic violence since Vision Zero was implemented if the trend continues.<sup>20</sup> Some advocates note that lack of safety infrastructure could be one major reason for this increase.<sup>21</sup> In fact, 92% of intersections where pedestrians were killed lacked daylighting measures, and 100% lacked physical daylighting measures to stop drivers from parking to the edge of crosswalks.<sup>22</sup> Moreover, 83% of cyclists were killed on streets without protected bicycle infrastructure and 66% were killed on streets without any bicycle infrastructure of any kind.<sup>23</sup> In addition, there were 51 motorist fatalities in the first 6 months of 2024, which is 21% greater than the annual average since the beginning of Vision Zero in 2014.<sup>24</sup>

### ***Street Infrastructure***

DOT is responsible for thousands of miles of streets and roadways, and conducts regular inspections to assess pavement conditions.<sup>25</sup> Furthermore, DOT is responsible for the implementation of street improvement projects, which add to the safety and accessibility of streets, including:

- Street Construction, which includes pothole repair, milling and repaving, and full reconstruction of streets;<sup>26</sup>
- Capital Street Projects, which often include full reconstruction of the sewer pipes, the roadbed and sidewalks;<sup>27</sup>
- Resiliency projects, which includes addressing threats from storm surge and extreme heat;<sup>28</sup>
- Sidewalk repair and maintenance, which is used to ensure sidewalks are safe for pedestrians and helps prevent injuries caused by defective sidewalks;<sup>29</sup>
- Traffic Signals and Street Signs, which are used to ensure less congestion and more safety for all road users;<sup>30</sup> and
- Street Lights, which provide lighting for road users.<sup>31</sup>

### ***Cycling in the City***

Cycling in NYC has rapidly expanded and improved since 1980, when the City first began collecting cycling ridership data.<sup>32</sup> This growth is, in part, due to a greater investment in cycling infrastructure by the City, enabling bike riding to become a viable form of transportation for both commuting and recreation.<sup>33</sup> Between 2012 and 2022, the number of daily cyclists in the City increased by 94%.<sup>34</sup> In 2022, there were approximately 610,000

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<sup>20</sup> Transportation Alternatives, *New York City Experiences Deadliest First Six Months in Vision Zero History, New Analysis from Transportation Alternatives and Families for Safe Streets Shows*, July 23, 2024, available at <https://transalt.org/press-releases/new-york-city-experiences-deadliest-first-six-months-in-vision-zero-history-new-analysis-from-transportation-alternatives-and-families-for-safe-streets-shows>

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> NYC DOT, *Infrastructure-Street and Roadway Construction*, available at <https://www.nyc.gov/html/dot/html/infrastructure/construction.shtml>

<sup>26</sup> NYC DOT, *Infrastructure*, available at <https://www.nyc.gov/html/dot/html/infrastructure/infrastructure.shtml>

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> NYC DOT, *Cycling in the City, Cycling Trends in NYC*, September 2021, available at <https://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city-2021.pdf>

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

cycling trips made on an average day in NYC.<sup>35</sup> In Fiscal Year 2022, approximately 888,000 adult New Yorkers regularly rode a bicycle.<sup>36</sup>

Along with greater investment in and commitment to cycling infrastructure, including the installation of over 1,500 miles of bike lanes and more than 650 miles of protected bike lanes (as of 2023)<sup>37</sup>, the introduction of bike sharing in the City has likely contributed to the expansion of cycling ridership. Introduced as Citi Bike in 2013, bike sharing in NYC has grown in popularity, to 127,485 annual members as of June 2024.<sup>38</sup> According to DOT's latest *Cycling in the City* report, "[Citi Bike] makes it more convenient for New Yorkers—even those who don't own a bicycle—to make short, point-to-point trips by bicycle and has become an integral part of New York's transportation network."<sup>39</sup> As of the end of June 2024, there were 2,078 active Citi Bike stations and 34,358 bikes in the fleet.<sup>40</sup>

DOT has reported on the growth of cycling in the City in its *Cycling in the City* Reports, published in 2013, and 2016 through 2021.<sup>41</sup> It has not published a *Cycling in the City* Report since 2021, and its *Cycling in the City* website contains cycling data only through 2022.<sup>42</sup>

## **LEGISLATIVE ANALYSIS**

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, review the full text of the bill, which is included below.

### **Int. No. 745-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide information about bicycle and other micromobility device activity**

This bill would require the Department of Transportation (DOT) to publish on its website information about current bicycle and micromobility ridership activity in the City, including data from automated counters and other relevant sources. DOT would be required to update the website monthly when available, and at least annually. DOT would also be required to include a description of its projects to enhance the safety and movement of bicycles and other micromobility devices on the streets and bridges under its jurisdiction, and to study bicycle use data, crash data, and other data to determine such projects.

This bill would take effect 30 days after it becomes law.

## **UPDATE**

On August 15, 2024, the Committee on Transportation and Infrastructure passed Int. No. 745-A by a vote of six in the affirmative, zero in the negative, with zero abstentions.

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<sup>35</sup> *Id.*

<sup>36</sup> NYC, *DOT Fiscal 2023 Preliminary Mayor's Management Report*, available at <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/dot.pdf>

<sup>37</sup> NYC DOT, *NYC Streets Plan Update 2024*, available for download at <https://www.nyc.gov/html/dot/downloads/pdf/nyc-streets-plan-update-2024.pdf>

<sup>38</sup> Citi Bike, Citi Bike June 2024 Monthly Report, available at <https://mot-marketing-whitelabel-prod.s3.amazonaws.com/nyc/June-2024-Citi-Bike-Monthly-Report.pdf>

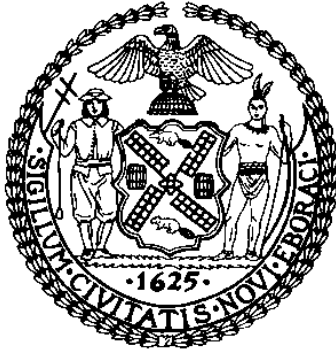
<sup>39</sup> NYC DOT, *Cycling in the City, Cycling Trends in NYC*, September 2021, available at <https://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city-2021.pdf>

<sup>40</sup> Citi Bike, Citi Bike June 2024 Monthly Report, available at <https://mot-marketing-whitelabel-prod.s3.amazonaws.com/nyc/June-2024-Citi-Bike-Monthly-Report.pdf>

<sup>41</sup> NYC DOT, *Cycling in the City*, available at <https://www.nyc.gov/html/dot/html/bicyclists/cyclinginthecity.shtml>

<sup>42</sup> *Id.*

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



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

**TANISHA EDWARDS, CFO AND DEPUTY CHIEF OF STAFF TO THE SPEAKER**

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO 745-A**

**COMMITTEE: Transportation & Infrastructure**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide information about bicycle and other micromobility device activity.

**SPONSOR(S):** Council Members Farias, Brooks-Powers, Restler, Hudson, and Schulman.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 745-A would require the Department of Transportation (DOT) to, no later than February 1, 2025, publish on its website information relating to current bicycle and other micromobility device ridership, as well as historical trends relating to such ridership. Additionally, DOT would be required to include data from automated counters as well as from other relevant sources and to update the website monthly when available, and at least annually. The bill would also require DOT to include a description of projects to enhance the safety and movement of bicycles and other micromobility devices on the streets and bridges under its jurisdiction, and to study bicycle use data, crash data, and other data to determine such projects.

**EFFECTIVE DATE:** This local law would take effect 30 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**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 anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as DOT will use existing resources to fulfill its requirement.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
NYC Department of Transportation

**ESTIMATE PREPARED BY:** Adrian Drepaul, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 11, 2024, as Proposed Int. No. 745 and was referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on June 25, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Into. No. 745-A, will be voted on by the Committee at a hearing on August 15, 2024. Upon a successful vote by the Committee, Proposed Int. No. 745-A will be submitted to the full Council for a vote on August 15, 2024.

**DATE PREPARED:** August 12, 2024.

*Accordingly, this Committee recommends its adoption, as amended.*

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

Int. No. 745-A

By Council Members Farías, Brooks-Powers, Restler, Hudson, Schulman, Won, Rivera, Cabán, Dinowitz, Brewer, Hanif and Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide information about bicycle and other micromobility device activity**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

*§ 19-187 Information on bicycle and other micromobility device activity. a. Definitions. As used in this section, the term “micromobility device” means a device intended for personal transportation within the city of New York that is not a motor vehicle, as such term is defined in section 125 of the vehicle and traffic law. The term “micromobility device” includes, but is not limited to, bicycles, electric bicycles, scooters, and electric scooters.*

*b. Webpage. 1. No later than February 1, 2025, the department shall publish a page on its website providing information about current bicycle and other micromobility device ridership as well as historical trends relating to such ridership. The department shall include on such page data from automated counters as well as data from other relevant sources. The department shall update such page monthly if updated data is available, or within a reasonable amount of time after such data is available, and shall update such page no less frequently than annually.*

*2. The department shall include, or provide a link on such page to, a description of any projects of the department to enhance the safety and movement of bicycles and other micromobility devices on the streets and bridges under the jurisdiction of the department. The department shall study and consider bicycle crash data, bicycle use data, and any other data the department deems relevant and appropriate to determine the projects described on such page, and shall explain how such projects respond to the needs of users of bicycles and other*



*micromobility devices. The department shall include such project descriptions as part of the update required to be submitted by paragraph 2 of subdivision d of section 19-199.1.*

§ 2. This local law takes effect 30 days after it becomes law.

SELVENA N. BROOKS-POWERS, *Chairperson*; CARLINA RIVERA, CARMEN N. De La ROSA, AMANDA C. FARIAS, CHRIS BANKS, JOANN ARIOLA; 6-0-0; *Absent*: Mercedes Narcisse; *Medical*: Farah N. Louis; *Parental*: Julie Won; Committee on Transportation and Infrastructure, August 15, 2024. *Other Council Members Attending: Council Member Restler.*

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

## GENERAL ORDERS CALENDAR

Report for L.U. No. 101 & Res. No. 541

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230225 RSR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, pursuant to Sections 107-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow for the construction of nine 150 foot-high lightpoles in connection with a proposed offshore wind turbine assembly facility located at 4927 Arthur Kill Road (Block 7620, Lot 1; Block 7632, Lots 6, 50, 150, and 151), in M1-1 and M3-1 Districts, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2570) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### REPORTS:

#### SUBJECT

#### **STATEN ISLAND CB-3 – FOUR APPLICATIONS RELATED TO ARTHUR KILL**

##### **C 230225 RSR (L.U. No. 101)**

City Planning Commission decision approving an application submitted by Arthur Kill Terminal LLC, pursuant to Sections 107-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow for the construction of nine 150 foot-high lightpoles in connection with a proposed offshore wind turbine assembly facility located at 4927 Arthur Kill Road (Block 7620, Lot 1; Block 7632, Lots 6, 50, 150, and 151), in M1-1 and M3-1 Districts, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

##### **N 230227 ZRR (L.U. No. 102)**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying authorization provisions of Article X, Chapter 7 (Special South Richmond Development District) in the Borough of Staten Island, Community District 3.

##### **C 230228 MLR (L.U. No. 103)**

City Planning Commission decision approving an application submitted by Arthur Kill Terminal, LLC pursuant to Section 197-c of the New York City Charter for a landfill of approximately 367,327 square feet located in the Arthur Kill, in connection with the development of a wind turbine assembly facility on property generally bounded by the Outerbridge Crossing, Arthur Kill Road, Richmond Valley Road\* and the US Bulkhead line (Block 7632, Lots 1, 6, 150, and 151, and Block 7983, Lots 100 and 110 and the demapped portions of Richmond Valley Road) in an M1-1 District, in the Borough of Staten Island, Community District 3.

**C 230231 MMR (L.U. No. 104)**

City Planning Commission decision an application submitted by Arthur Kill Terminal, LLC 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 elimination, discontinuance, and closing of a portion of Richmond Valley Road between Arthur Kill Road and the US Bulkhead Line; 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. 4275 dated February 5, 2024 and signed by the Borough President, Community District 3, Borough of Staten Island

**INTENT**

To approve with modifications four actions to facilitate the development of a windmill assemblage site just South of the Outerbridge Crossing on Staten Island’s western shore. The proposed development requires amending the existing authorization in the Zoning Resolution to modify topography and natural features on the proposed site, which is located in the Special South Richmond Development District. The proposal also requires demapping a portion of Richmond Valley Road, filling a portion of the site located underwater to create a dock, and a special permit to accommodate the height of the needed light poles.

**PUBLIC HEARING**

**DATE:** June 26, 2024

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 101, 103, and 104, and approve with modifications the decision of the City Planning Commission on L.U. No. 102.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**  
 Salamanca  
 Moya  
 Riley  
 Brooks-Powers  
 Abreu  
 Farias  
 Sanchez  
 Borelli

**Against:**  
 None

**Abstain:**  
 None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_ 2024, 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 Salamanca and Riley offered the following resolution:

Res. No. 541

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230225 RSR, for the grant of a special permit (L.U. No. 101).**

By Council Members Salamanca and Riley.

**WHEREAS**, Arthur Kill Terminal, LLC, filed an application pursuant to Sections 107-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow for the construction of nine 150 foot-high light poles in connection with a proposed offshore wind turbine assembly facility located at 4927 Arthur Kill Road (Block 7620, Lot 1; Block 7632, Lots 6, 50, 150, and 151), in M1-1 and M3-1 Districts, which in conjunction with the related actions would facilitate construction of a 32.5-acre marine port for the staging, assembly, and pre-commissioning of wind turbine generators and other offshore wind components and an 18-acre navigable basin at 4949 Arthur Kill Road in the Richmond Valley neighborhood of Staten Island, Community District 3 (ULURP No. C 230225 RSR) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on June 20, 2024, its decision dated June 12, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications N 230227 ZRR (L.U. No. 102), a zoning text amendment; C 230228 MLR (L.U. No. 103), a proposed landfill action; and C 230231 MMR (L.U. No. 104), a city map amendment.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 26, 2024;

**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 Positive

Declaration issued November 14, 2022 (CEQR No. 23DCP056R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 31, 2024, in which the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historical and cultural resources, natural resources, and noise (nighttime operations). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 15, "Mitigation". To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in a restrictive declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts related to Historic and Cultural Resources and Noise identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration attached to this report, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the City Planning Commission report, C 230225 RSR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 230225 RSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Mueser Rutledge Consulting Engineers PLLC, T. LaPorta Architect, P.C., Stonefield Engineering & Design, and Bohler Engineering NY, PLLC, filed with this application and incorporated in this Resolution:

<i>Dwg. No.</i>	<i>Title</i>	<i>Last Date Revised</i>
CPC 000.00	Cover Sheet	August 12, 2022
CPC 001.00	Zoning Analysis	August 12, 2022
CPC 002.00	Site Plan	August 12, 2022
CPC 003.00	Building 1 Landscape Plan	August 12, 2022
CPC 004.00	Building 2 Landscape Plan	August 12, 2022
CPC 005.00	Building 1 Elevations	August 12, 2022
CPC 006.00	Building 2 Elevations	August 12, 2022

CPC 007.00	Site Sections	August 12, 2022
CPC 008.00	Grading Plan	August 12, 2022
CPC 009.00	Cut And Fill Plan	August 12, 2022
CPC 010.00	Cut And Fill Plan Sections	August 12, 2022
CPC 011.00	Drainage Plan	August 12, 2022
CPC-012.00	Tree Removal Plan	November 7, 2023
CPC-013.00	Tree Schedule I	November 7, 2023
CPC-014.00	Tree Schedule II	November 7, 2023
CPC-015.00	Tree Schedule III	November 7, 2023
CPC 016.00	Landfill Plan	August 12, 2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Richmond County; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 23DCP056R) issued on May 31, 2024.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 102 & Res. No. 542

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 230227 ZRK (Arthur Kill Terminal) submitted by Arthur Kill Terminal 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 Article X, Chapter 7 (Special South Richmond Development District) for the purpose of establishing goals related to sustainability, resiliency, climate and clean energy objectives, and to modify tree removal and topography modification regulations, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2570) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 101 & Res. No. 541 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 542

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230227 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 102).**

By Council Members Salamanca and Riley.

**WHEREAS**, The Department of City Planning filed an application, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying authorization provisions of Article X, Chapter 7 (Special South Richmond Development District) in the Borough of Staten Island, Community District 3. (ULURP No. N 230227 ZRR), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 20, 2024, its decision dated June 12, 2024 (the "Decision") on the Application;

**WHEREAS**, the application is related to applications C 230225 RSR (L.U. No. 101), a special permit for bulk modifications; C 230228 MLR (L.U. No. 103), a proposed landfill action; and C 230231 MMR (L.U. No. 104), a city map amendment;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 26, 2024;

**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 Positive Declaration issued November 14, 2022 (CEQR No. 23DCP056R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 31, 2024, in which the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historical and cultural resources, natural resources, and noise (nighttime operations). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 15, "Mitigation." To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in a restrictive declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts related to Historic and Cultural Resources and Noise identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration attached to this report, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS, issued May 31, 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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, Application, the environmental determination, considerations described in the City Planning Commission report, C 230225 RSR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**



**CHAPTER 7  
Special South Richmond Development District**

**107-00  
GENERAL PURPOSES**

The “Special South Richmond Development District” established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features;  
~~and~~
- (d) to promote water-dependent uses that provide a substantial environmental benefit; and
- (e) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City’s tax revenues.

\* \* \*

**107-60  
AUTHORIZATIONS**

\* \* \*

**107-65  
Authorization for Modifications of Natural Features**

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023, beyond the amount specified in Section 107- 31 (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Sections 107-312 (Regulations within plan review sites), in accordance with the provisions of either paragraph (a) or (b) of this Section.

(a) ~~For all #zoning lots#, the~~ The Commission may authorize modifications to natural features, provided that the Commission finds that:

- ~~(a)~~(1) the modifications are the minimum necessary to facilitate the project;
- ~~(b)~~(2) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;
- ~~(c)~~(3) such modification will not cause unnecessary disturbance of the drainage pattern in the area;
- ~~(d)~~(4) such modification will have minimal impact on the existing natural features of the surrounding area and will blend harmoniously with such area; and
- ~~(e)~~(5) areas that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #wetland-adjacent areas#, or other area containing mostly natural features.

(b) ~~For~~ In order to support the development of renewable energy infrastructure, for #waterfront zoning lots# in #Manufacturing Districts# that contain Water-Dependent (WD) #uses#, as set forth in Section 62-211, where the area allocated to such #uses# exceeds 75 percent of the land above water in the #upland lot#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

- (1) the WD #use# requires unenclosed operations, not limited to vehicle movement or storage, that would not be feasible without the modification of natural features;
- (2) such modification is the minimum necessary to facilitate such #use# on the #zoning lot#;
- (3) the WD #use# would provide a substantial environmental benefit; and
- (4) such modification would not have an adverse effect on the surrounding area.

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

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 103 &amp; Res. No. 543

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230228 MLR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, pursuant to Section 197-c of the New York City Charter for a landfill of approximately 367,327 square feet located in the Arthur Kill, in connection with the development of a wind turbine assembly facility on property generally bounded by the Outerbridge Crossing, Arthur Kill Road, Richmond Valley Road (Richmond Valley Road is proposed to be eliminated, discontinued and closed pursuant to the related application no. C 230231 MMR) and the US Bulkhead line (Block 7632, Lots 1, 6, 150, and 151, and Block 7983, Lots 100 and 110 and the demapped portions of Richmond Valley Road) in an M1-1 District, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2571) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 101 & Res. No. 541 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 543

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230228 MLR, for a landfill action (L.U. No. 103).**

By Council Members Salamanca and Riley.

**WHEREAS**, Arthur Kill Terminal, LLC, filed an application pursuant to Section 197-c of the New York City Charter for a landfill of approximately 367,327 square feet located in the Arthur Kill, in connection with the development of a wind turbine assembly facility on property generally bounded by the Outerbridge Crossing, Arthur Kill Road, Richmond Valley Road\* and the US Bulkhead line (Block 7632, Lots 1, 6, 150, and 151, and Block 7983, Lots 100 and 110 and the demapped portions of Richmond Valley Road) in an M1-1 District, which in conjunction with the related actions would facilitate a 32.5 acre marine port for the staging, assembly, and pre-commissioning of wind turbine generators and other offshore wind components with an 18-acre navigable basin at 4949 Arthur Kill Road in the Richmond Valley neighborhood of Staten Island, Community District 3 (ULURP No. C 230228 MLR) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 20, 2024 its decision dated June 12, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 230225 RSR (L.U. No. 101), a special permit for bulk modifications; N 230227 ZRR (L.U. No. 102), a zoning text amendment; and C 230231 MMR (L.U. No. 104), a city map amendment;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 26, 2024;

**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 Positive Declaration issued November 14, 2022 (CEQR No. 23DCP056R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 31, 2024, in which the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historical and cultural resources, natural resources, and noise (nighttime operations). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 15, "Mitigation". To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in a restrictive declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts related to Historic and Cultural Resources and Noise identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration attached to this report, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the City Planning Commission report, C 230228 MLR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission for a landfill of approximately 1,176,544 cubic feet of fill to create a quay along the Arthur Kill, in connection with a proposed offshore wind turbine assembly marine port on property generally bounded by the Outerbridge Crossing to the north, Arthur Kill to the east, Arthur Kill Road to the west, and by the mapped but unbuilt portion of Richmond Valley Road to the south (Block 7620, Lot 1; Block 7632, Lots 6, 50, 150, 151) in M1-1 and M3-1 Districts within an offshore wind turbine port development, Community District 3, Borough of Staten Island.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending: Council Member Marmorato.*

On motion of the Speaker (Council Member Adams), 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. 104 &amp; Res. No. 544

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 230231 MMR (Arthur Kill Terminal) submitted by Arthur Kill Terminal LLC, 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 elimination, discontinuance, and closing of a portion of Richmond Valley Road between Arthur Kill Road and the US Bulkhead Line; and the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in Community District 3, Borough of Staten Island, in accordance with Map No. 4275 dated February 5, 2024 and signed by the Borough President, Borough of Staten Island, Community District 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 20, 2024 (Minutes, page 2571) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 101 & Res. No. 541 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 544

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230231 MMR, an amendment to the City Map (L.U. No. 104).**

By Council Members Salamanca and Riley.

**WHEREAS**, Arthur Kill Terminal, LLC, filed an application 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 elimination, discontinuance, and closing of a portion of Richmond Valley Road between Arthur Kill Road and the US Bulkhead Line; 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. 4275 dated February 5, 2024 and signed by the Borough President, Borough of Staten Island, Community District 3 (ULURP No. C 230231 MMR) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 20, 2024, its decision dated June 12, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to application C 230225 RSR (L.U. No. 101), a Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow for the construction of nine 150 foot-high light poles in connection with a proposed offshore wind turbine assembly facility located at 4927 Arthur Kill Road; N 230227 ZRR (L.U. No. 102), a Zoning Text Amendment to establish a new goal within the Special South Richmond Development District (SRD) in Zoning Resolution §107-00 to promote water-dependent uses that provide a substantial environmental benefit; and in Zoning Resolution § 107-65 to allow the City Planning Commission to authorize the modification of natural features for water-dependent uses located within manufacturing districts of the SRD provided that certain findings related to tree removal, site operations, and environmental benefits are satisfied; C 230228 MLR (L.U. No. 103), a Landfill action to add approximately

1,177,00 cubic feet of fill to create an approximately 1,365 foot linear quay along the Arthur Kill from the mean high-water line to the U.S. bulkhead line;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 26, 2024;

**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 Positive Declaration issued November 14<sup>th</sup>, 2022 (CEQR No. 23DCP056R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 31, 2024, in which the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historical and cultural resources, natural resources, and noise (nighttime operations). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 15, "Mitigation". To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in a restrictive declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts related to Historic and Cultural Resources and Noise identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration attached to this report, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 230231 MMR, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of a portion of Richmond Valley Road between Arthur Kill Road and the US Bulkhead Line; and
2. 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. 4275 dated February 5, 2024 and signed by the Borough President is approved; and that 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 certifies counterparts of Map No. 4275, dated February 5, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the City’s interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by the resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 106 & Res. No. 545

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240015 ZMX (Bronx Metro-North Station Area Study) submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4a & 4b: eliminating from within an R4 District a C1-2 District, eliminating from within an existing R6 District a C1-2 District, eliminating from within an existing R4 District a C2-2 District, eliminating from within an existing R6 District a C2-2 District, eliminating a Special Planned Community Preservation District (PC), changing from a C8-1 District to an R4 District, changing from an R4 District to an R6-1 District, changing from an R5 District to an R6-1 District, changing from an R6 District to an R6-1 District, changing from a C8-1 District to an R6-1 District, changing from an M1-1 District to an R6-1 District, changing from an R5 District to an R6A District, changing from an R4 District to an R7-2 District, changing from a C8-1 District to an R7-2 District, changing from an M1-1 District to an R7-2 District, changing from an R6 District to an R8X District, changing from a C8-1 District to an R8X District, changing from a C8-4 District to an R8X District, changing from an R4 District to a C4-3 District, changing from an M1-1 District to a C4-3 District, changing from an M1-1 District to a C4-4 District, changing from a C8-1 District to a C8-2 District, changing from an M1-1 District to a C8-2 District, changing from an M1-1 District to an M1-1A/R7-3 District, establishing within an existing R4 District a C2-4 District, establishing within an existing R6 District a C2-4 District, establishing within a proposed R6-1 District a C2-4 District, establishing within an existing R6A District a C2-4 District, establishing within a proposed R7-2 District a C2-4 District, establishing within a proposed R8X District a C2-4 District, and establishing a Special Eastchester – East Tremont Corridor District (ETC), related to property in the Parkchester/Van Nest and Morris Park neighborhoods, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2777) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CBs 9, 10, 11 – SEVEN APPLICATIONS RELATED TO BRONX METRO  
NORTH STATION AREA**

**C 240015 ZMX (L.U. No. 106)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4a and 4b:

1. eliminating from within an R4 District a C1-2 District bounded by a line 200 feet northerly of Morris Park Avenue, Seminole Avenue, Morris Park Avenue and Tenbroeck Avenue.
2. eliminating from within an existing R6 District a C1-2 District bounded by East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southerly of East Tremont Avenue, and a line 100 feet northeasterly of White Plains Road;
3. eliminating from within an existing R4 District a C2-2 District bounded by:
  - a. the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, Silver Street, and a line 150 feet southwesterly of Williamsbridge Road and its northwesterly prolongation; and
  - b. Poplar Street, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, Silver Street, East Tremont Avenue, and Bronxdale Avenue;
4. eliminating from within an existing R6 District a C2-2 District bounded by:
  - a. Eastchester Road, a line 150 feet northeasterly of Williamsbridge Road, Chesbrough Avenue, and Williamsbridge Road;
  - b. Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, and East Tremont Avenue; and
  - c. East Tremont Avenue, Saint Peters Avenue, a line 150 feet southerly of East Tremont Avenue, and Seddon Street;
5. eliminating a Special Planned Community Preservation District (PC) bounded by a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the



- northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue;
6. changing from a C8-1 District to an R4 District property bounded by a line 100 feet northeasterly of Bronxdale Avenue, a line 100 feet southeasterly of Pierce Avenue, and a line 265 feet southwesterly of Bogart Avenue;
  7. changing from an R4 District to an R6-1 District property bounded by:
    - a. a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhinelander Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, Rhinelander Avenue, a line perpendicular to the southerly street line of Rhinelander Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, a line midway between Rhinelander Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, McDonald Street, and Eastchester Road;
    - b. the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Williamsbridge Road, Silver Street, a line 80 feet southwesterly of Williamsbridge Road, Poplar Street, and a line 180 feet southwesterly of Williamsbridge Road and its northwesterly prolongation;
    - c. the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line 100 feet easterly of Lurting Avenue, a line 110 feet southerly of Poplar Street, a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street, East Tremont Avenue, Bronxdale Avenue, Poplar Street, and a line 100 feet northeasterly of Bronxdale Avenue;
    - d. a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, and a line 100 feet southwesterly of Fowler Avenue;
    - e. Pierce Avenue, a line 265 southwesterly of Bogart Avenue, and a line 100 feet northeasterly of Bronxdale Avenue; and
    - f. a line 100 feet southeasterly of Pierce Avenue, a line 90 feet southwesterly of Bogart Avenue, and a line 100 feet northeasterly of Bronxdale Avenue;
  8. changing from an R5 District to an R6-1 District property bounded by Baker Avenue, White Plains Road, the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, the southeasterly centerline prolongation of Garfield Street, a line 100 feet southeasterly of Baker Avenue, and a line 100 feet southwesterly of White Plains Road;
  9. changing from an R6 District to an R6-1 District property bounded by:

- a. Eastchester Road, a line 150 feet northeasterly of Williamsbridge Road, Chesbrough Avenue, and Williamsbridge Road; and
  - b. Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, and East Tremont Avenue;
10. changing from a C8-1 District to an R6-1 District property bounded by a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Fowler Avenue, Pierce Avenue, a line 100 feet northeasterly of Bronxdale Avenue, a line 265 feet southwesterly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue, a line 100 feet northeasterly of Bronxdale Avenue, Poplar Street, and Bronxdale Avenue;
11. changing from an M1-1 District to an R6-1 District property bounded by:
  - a. McDonald Street, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, Rhinelander Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, a line 100 feet northwesterly of Stillwell Avenue, a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, a line 100 feet southerly of Seminole Street, and Eastchester Road; and
  - b. a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, a line 150 feet northeasterly of Williamsbridge Road, and Eastchester Road;
12. changing from an R5 District to an R6A District property bounded by Baker Avenue, a line 100 feet southwesterly of White Plains Road, a line 100 feet southeasterly of Baker Avenue, and Garfield Street;
13. changing from an R4 District to an R7-2 District property bounded by the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, and Williamsbridge Road;
14. changing from a C8-1 District to an R7-2 District property bounded by East Tremont Avenue, Beach Avenue, a line 100 feet southerly of East Tremont Avenue, and St. Lawrence Avenue;
15. changing from an M1-1 District to an R7-2 District property bounded by the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, Bronxdale Avenue, East Tremont Avenue, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue

and the northeasterly street line of Unionport Road;

16. changing from an R6 District to an R8X District property bounded by East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southeasterly of East Tremont Avenue, and a line 100 feet northeasterly of White Plains Road;
17. changing from a C8-1 District to an R8X District property bounded by East Tremont Avenue, a line 100 feet northeasterly of White Plains Road, a line 100 feet southeasterly of East Tremont Avenue, and Beach Avenue;
18. changing from a C8-4 District to an R8X District property bounded by a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue;
19. changing from an R4 District to a C4-3 District property bounded by:
  - a. Pelham Parkway South, Eastchester Road, the westerly centerline prolongation of Rhinelander Avenue, and a line 520 feet westerly of Eastchester Road;
  - b. a line 1,060 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, and a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road; and
  - c. a line 120 feet northerly of Morris Park Avenue, Seminole Avenue, Morris Park Avenue, Tenbroeck Avenue, and a line perpendicular to the northeasterly street line of Tenbroeck Avenue distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Tenbroeck Avenue and the northerly street line of Morris Park Avenue;
20. changing from an M1-1 District to a C4-3 District property bounded by a line 100 feet southerly of Seminole Street, Stillwell Avenue, and Eastchester Road;
21. changing from an M1-1 District to a C4-4 District property bounded by McDonald Street and its southeasterly centerline prolongation, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, the centerline of former Morris Park Avenue, the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, Jarret Place and its northwesterly centerline prolongation, the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Eastchester Road, and Stillwell Avenue;
22. changing from a C8-1 District to a C8-2 District property bounded by the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, White Plains Road, East Tremont Avenue, and Taylor Avenue Bridge and its southerly prolongation;

23. changing from an M1-1 District to a C8-2 District property bounded by Unionport Road, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, a line perpendicular to the northerly street line of East Tremont Avenue distant 1,965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, and White Plains Road;
24. changing from an M1-1 District to an M1-1A/R7-3 District property bounded by a line 500 feet northerly of East Tremont Avenue, Bronxdale Avenue, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1,020 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road;
25. establishing within an existing R4 District a C2-4 District bounded by:
  - a. a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 120 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, and a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road;
  - b. Poplar Street, a line 80 feet southwesterly of Williamsbridge Road, Silver Street, and a line 150 feet southwesterly of Williamsbridge Road; and
  - c. a line 100 feet northerly of East Tremont Avenue, Silver Street, East Tremont Avenue, and a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street;
26. establishing within an existing R6 District a C2-4 District bounded by:
  - a. a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, Morris Park Avenue, a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road, a line 100 feet northerly of Morris Park Avenue, and a line 100 feet northwesterly of Eastchester Road; and
  - b. East Tremont Avenue, Saint Peters Avenue, a line 150 southerly of East Tremont Avenue, and Seddon Street;
27. establishing within a proposed R6-1 District a C2-4 District bounded by:
  - a. a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhinelander Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, Rhinelander Avenue, a line perpendicular to the southerly street

line of Rhinelander Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, a line midway between Rhinelander Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 85 feet easterly of Eastchester Road, a line 100 feet southerly of Seminole Street, and Eastchester Road;

- b. a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, a line 100 feet southerly of Seminole Street, a line 85 feet northwesterly of Stillwell Avenue, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, a line midway between Seminole Street and McDonald street, a line perpendicular to the southerly street line of McDonald Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of McDonald Street and the northwesterly street line of Stillwell Avenue, a line 100 feet northwesterly of Stillwell Avenue, a line midway between McDonald Street and Rhinelander Avenue, a line perpendicular to the southerly street line of Rhinelander Avenue distant 145 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Rhinelander Avenue and the northwesterly street line of Stillwell Avenue, a line 100 northwesterly of Stillwell Avenue, Rhinelander Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, and a line 100 northwesterly of Stillwell Avenue;
- c. a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, Williamsbridge Road, and Eastchester Road;
- d. the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Williamsbridge Road, Silver Street, a line 80 feet southwestery of Williamsbridge Road, Poplar Street, and a line 180 feet southwestery of Williamsbridge Road and its northwesterly prolongation;
- e. a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwestery (as measured along the street line) from the point of intersection of the southwestery street line of Williamsbridge Road and the southeasterly street line of Silver Street, a line 100 southeasterly of Silver Street, East Tremont Avenue, and Silver Street;
- f. the southeasterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line perpendicular to the northwesterly street line of Poplar Street distant 25 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Poplar Street and the northeasterly street line of Bronxdale Avenue, Poplar Street, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line

perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street, East Tremont Avenue, and Bronxdale Avenue;

- g. a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Fowler Avenue, a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, a line 265 southwesterly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue, a line 90 feet southwesterly of Bogart Avenue, a line 100 feet northeasterly of Bronxdale Avenue, a line perpendicular to the southeasterly street line of Sacket Avenue distant 145 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Sacket Avenue and the northeasterly street line of Bronxdale Avenue, the northwesterly boundary line of the New York, New Haven, and Hartford Railroad right-of-way, and Bronxdale Avenue; and
  - h. Baker Avenue, White Plains Road, the northwesterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, and line 100 feet southwesterly of White Plains Road;
28. establishing within an existing R6A District a C2-4 District bounded by a line 125 feet southerly of Pelham Parkway South, a line 100 feet northwesterly of Stillwell Avenue, and a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road;
29. establishing within a proposed R7-2 District a C2-4 District bounded by:
- a. the southeasterly boundary line of the New York, New Haven, and Hartford Railroad right-of-way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, and Williamsbridge Road;
  - b. the southeasterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, Bronxdale Avenue, East Tremont Avenue, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road; and
  - c. East Tremont Avenue, Beach Avenue, a line 100 feet southerly of East Tremont Avenue, and Saint Lawrence Avenue;
30. establishing within a proposed R8X District a C2-4 District bounded by:
- a. a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue; and

- b. East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 southerly of East Tremont Avenue, and Beach Avenue;
31. establishing a Special Eastchester – East Tremont Corridor District (ETC) bounded by:
- a. Pelham Parkway South, Eastchester Road, a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhineland Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, Rhineland Avenue, a line perpendicular to the southerly street line of Rhineland Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, a line midway between Rhineland Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, Rhineland Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, a line 100 northwesterly of Stillwell Avenue, a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, McDonald Street and its southeasterly centerline prolongation, the centerline of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, the centerline of former Morris Park Avenue, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, Williamsbridge Road, Silver Street, a line 80 feet southwestly of Williamsbridge Road, Poplar Street, a line 180 feet southwestly of Williamsbridge Road and its northwesterly prolongation, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, Eastchester Road, a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road, a line 1,060 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, the westerly centerline prolongation of Rhineland Avenue, and a line 520 feet westerly of Eastchester Road; and
  - b. a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwestly of Fowler Avenue, a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, a line 265 feet southwestly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue, a line 90 feet southwestly of Bogart Avenue, a line 100 feet northeasterly of Bronxdale Avenue. the southerly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-

Way, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line 100 feet easterly of Lurting Avenue, a line 110 feet southerly of Poplar Street, a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street, a line 100 feet northerly of East Tremont Avenue, Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, the northwesterly centerline of Benson Street, Maclay Avenue, Overing Street, a line 100 feet southerly of East Tremont Avenue, Saint Peters Avenue, a line 150 feet southerly of East Tremont Avenue, Seddon Street, a line 100 feet southerly of East Tremont Avenue, Castle Hill Avenue, East Tremont Avenue, a line 858 feet easterly of a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, a line 150 feet southerly of East Tremont Avenue, a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southerly of East Tremont Avenue, St. Lawrence Avenue, East Tremont Avenue, Taylor Avenue Bridge and its southerly prolongation, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, Garfield Street and its southeasterly centerline prolongation, Baker Avenue, White Plains Road, Unionport Road, the centerline of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line perpendicular to the northerly street line of East Tremont Avenue distant 1,020 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, a line 500 feet northerly of East Tremont Avenue, and Bronxdale Avenue;

as shown on a diagram (for illustrative purposes only) dated January 16, 2024, and subject to the conditions of CEQR Declaration E-750.

**N 240016 ZRX (L.U. No. 107)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Eastchester – East Tremont Corridor District (Article XIV, Chapter 5), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, APPENDIX I for the purpose of expanding an existing Transit Zone, and related Sections.

**C 240157 MMX (L.U. No. 109)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of a portion of Unionport Road between East Tremont



Avenue and Guerlain Street; and

2. 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. 13153 dated January 20, 2024, and signed by the Borough President.

**C 240158 MMX (L.U. No. 110)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, 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:

1. the widening of Marconi Street north of Waters Place; and
2. 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. 13151 dated January 20, 2024, and signed by the Borough President.

**C 240159 MMX (L.U. No. 111)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the City Map involving:

1. the establishment of Morris Park Station Plaza south of Morris Park Avenue and west of Bassett Avenue; and
2. 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. 13152 dated January 20, 2024, and signed by the Borough President.

**C 240160 MMX (L.U. No. 112)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, 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:

1. the establishment of a street volume from the northern terminus of Marconi Street to Pelham Parkway to facilitate a future bridge connection between these two streets; and

2. the future adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with an alteration map to be prepared pursuant to the appropriate resolutions of approval.

### **C 240163 MMX (L.U. No. 113)**

City Planning Commission decision approving an application submitted by 1601 Bronxdale Property Owner, LLC, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

1. the establishment of Pierce Avenue west of Bronxdale Avenue; and
2. 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. 13150 dated January 20, 2024, and signed by the Borough President.

### **INTENT**

To approve with modifications the Administration's proposal to create approximately 7,500 new units of housing next to the Morris Park, Parkchester and Van Ness new Metro North Stations that are scheduled to open in 2027. The proposal consists of rezoning a 46-block area around the two stations, a zoning text amendment that would create the Special Eastchester – East Tremont Corridor District, and several mapping actions. Of the units created, approximately 20% to 30% would be affordable housing with income restrictions averaging between 40 and 80% AMI. The rezoning is also anticipated to facilitate the expansion of the medical campuses around Morris Park and spur job growth.

### **PUBLIC HEARING**

*For L.U. Nos. 106 and 107*

**DATE:** July 9, 2024

**Witnesses in Favor:** Twenty-six

**Witnesses Against:** Six

*For L.U. Nos. 109, 110, 111, 112, and 113*

**DATE:** July 24, 2024

**Witnesses in Favor:** None

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 106, 107, and 113. and approve the decisions of the City Planning Commission on L.U. Nos. 109-112.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_ 2024, 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 Salamanca and Riley offered the following resolution:

Res. No. 545

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 240015 ZMX, a Zoning Map amendment (L.U. No. 106).**

By Council Members Salamanca and Riley.

**WHEREAS**, NYC Department of City Planning, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 3d, 4a, and 4b, eliminating from within an R4 District a C1-2 District; eliminating from within an existing R6 District a C1-2 District; eliminating from within an existing R4 District a C2-2 District; eliminating from within an existing R6 District a C2-2 District; eliminating a Special Planned Community Preservation District (PC); changing from a C8-1 District to an R4 District property; changing from an R4 District to an R6-1 District; changing from an R5 District to an R6-1 District; changing from an R6 District to an R6-1 District; changing from a C8-1 District to an R6-1 District; changing from an M1-1 District to an R6-1 District; changing from an R5 District to an R6A District; changing from an R4 District to an R7-2 District; changing from a C8-1 District to an R7-2 District; changing from an M1-1 District to an R7-2 District; changing from an R6 District to an R8X District; changing from a C8-1 District to an R8X District; changing from a C8-4 District to an R8X District; changing from an R4 District to a C4-3 District; changing from an M1-1 District to a C4-3 District; changing from an M1-1 District to a C4-4 District; changing from a C8-1 District to a C8-2 District; changing from an M1-1 District to a C8-2 District; changing from an M1-1 District to an M1-1A/R7-3 District; establishing within an existing R4 District a C2-4 District; establishing within an existing R6 District a C2-4 District; establishing within a proposed R6-1 District a C2-4 District; establishing within an existing R6A District a C2-4 District; establishing within a proposed R7-2 District a C2-4 District; establishing within a proposed R8X District a C2-4 District; establishing a Special Eastchester – East Tremont Corridor District (ETC); which in conjunction with the related actions would facilitate land use changes for 46 full or partial blocks associated with the Bronx Metro-North Station Area Plan. The Bronx Metro-North Station Area Plan is a comprehensive plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, that identifies needs and opportunities to support a shared long-term vision for sustainable, inclusive, and mixed-use neighborhoods around each of the four new Metro-North stations, including new housing and jobs to be facilitated by land use actions around the Morris Park and Parkchester/Van Nest stations that are the subject of this report, located in Bronx Community Districts 9, 10 and 11 (ULURP No. C 240015 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024 its decision dated June 26, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240163 MMX (L.U. No.113), C 240158 MMX (L.U. No. 110), C 240157 MMX (L.U. No. 109), C 240160 MMX (L.U. No. 112), and C 240159 MMX (L.U. No. 111), which are City map amendments;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 9, 2024;

**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 Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-750) on selected projected and potential development sites as specified in Chapters 9, 14, and 16, respectively of the FEIS. The FEIS determined that the proposed actions would have identified significant adverse impacts with respect to community facilities (schools), open space (total, passive, and active), shadows (Pelham Parkway, the Greenstreet at Sacket Avenue, and a small portion of the Parkchester Special Planned Community Preservation District), historic and cultural resources (archaeological and architectural), transportation (traffic, transit, and pedestrians), and construction (traffic, noise, and architectural and archaeological resources). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are

summarized in Chapter 21, “Mitigation” of the FEIS. A Technical Memorandum was issued on June 21, 2024 in relation a City Planning Commission modification to the boundary affecting the proposed C4-3, C2-4, and R6 boundaries affecting Block 4205, Lots 2 and 40, and concludes that these additional changes do not alter the conclusions presented in the FEIS (the “Technical Memorandum I”). The Council has also considered a technical memorandum dated [\_\_\_\_], 2024 (“Technical Memorandum II”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report C 240015 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 4a & 4b:

~~1. eliminating from within an R4 District a C1-2 District bounded by a line 200 feet northerly of Morris Park Avenue, Seminole Avenue, Morris Park Avenue and Tenbroeck Avenue.~~

21. eliminating from within an existing R6 District a C1-2 District bounded by East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southerly of East Tremont Avenue, and a line 100 feet northeasterly of White Plains Road;

32. eliminating from within an existing R4 District a C2-2 District bounded by:

- a. the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, Silver Street,

- and a line 150 feet southwesterly of Williamsbridge Road and its northwesterly prolongation;  
and
- b. Poplar Street, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, Silver Street, East Tremont Avenue, and Bronxdale Avenue;
43. eliminating from within an existing R6 District a C2-2 District bounded by:
- a. Eastchester Road, a line 150 feet northeasterly of Williamsbridge Road, Chesbrough Avenue, and Williamsbridge Road;
- b. Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, and East Tremont Avenue; and
- c. East Tremont Avenue, Saint Peters Avenue, a line 150 feet southerly of East Tremont Avenue, and Seddon Street;
54. eliminating a Special Planned Community Preservation District (PC) bounded by a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue;
65. changing from a C8-1 District to an R4 District property bounded by a line 100 feet northeasterly of Bronxdale Avenue, a line 100 feet southeasterly of Pierce Avenue, and a line 265 feet southwesterly of Bogart Avenue;
76. changing from an R4 District to an R6 District property bounded by a line 740 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, and a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road;
87. changing from an R4 District to an R6-1 District property bounded by:
- ~~a. a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhineland Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, Rhineland Avenue, a line perpendicular to the southerly street line of Rhineland Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, a line midway between Rhineland Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, McDonald Street, and Eastchester Road;~~
- ba. the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Williamsbridge Road, Silver Street, a line 80 feet southwesterly of Williamsbridge Road, Poplar Street, and a line 180 feet southwesterly of Williamsbridge Road and its northwesterly prolongation;
- eb. the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line 100 feet easterly of Lurting Avenue, a line 110 feet southerly of Poplar Street, a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the

- southwesterly street line of Roselle Street, East Tremont Avenue, Bronxdale Avenue, Poplar Street, and a line 100 feet northeasterly of Bronxdale Avenue;
- ~~dc.~~ a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, and a line 100 feet southwesterly of Fowler Avenue;
- ~~ed.~~ Pierce Avenue, a line 265 feet southwesterly of Bogart Avenue, and a line 100 feet northeasterly of Bronxdale Avenue; and
- ~~fe.~~ a line 100 feet southeasterly of Pierce Avenue, a line 90 feet southwesterly of Bogart Avenue, and a line 100 feet northeasterly of Bronxdale Avenue;
- ~~98.~~ changing from an R5 District to an R6-1 District property bounded by Baker Avenue, White Plains Road, the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, the southeasterly centerline prolongation of Garfield Street, a line 100 feet southeasterly of Baker Avenue, and a line 100 feet southwesterly of White Plains Road;
- ~~109.~~ changing from an R6 District to an R6-1 District property bounded by:
- a. Eastchester Road, a line 150 feet northeasterly of Williamsbridge Road, Chesbrough Avenue, and Williamsbridge Road; and
  - b. Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, and East Tremont Avenue;
- ~~110.~~ changing from a C8-1 District to an R6-1 District property bounded by a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Fowler Avenue, Pierce Avenue, a line 100 feet northeasterly of Bronxdale Avenue, a line 265 feet southwesterly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue, a line 100 feet northeasterly of Bronxdale Avenue, Poplar Street, and Bronxdale Avenue;
- ~~121.~~ changing from an M1-1 District to an R6-1 District property bounded by:
- ~~a. McDonald Street, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, Rhineland Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, a line 100 feet northwesterly of Stillwell Avenue, a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, a line 100 feet southerly of Seminole Street, and Eastchester Road; and~~
  - ~~b. a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, a line 150 feet northeasterly of Williamsbridge Road, and Eastchester Road;~~
- ~~1312.~~ changing from an R5 District to an R6A District property bounded by Baker Avenue, a line 100 feet southwesterly of White Plains Road, a line 100 feet southeasterly of Baker Avenue, and Garfield Street;

- ~~1413.~~ changing from an R4 District to an R7-2 District property bounded by the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, and Williamsbridge Road;
- ~~1514.~~ changing from a C8-1 District to an R7-2 District property bounded by East Tremont Avenue, Beach Avenue, a line 100 feet southerly of East Tremont Avenue, and St. Lawrence Avenue;
- ~~1615.~~ changing from an M1-1 District to an R7-2 District property bounded by the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, Bronxdale Avenue, East Tremont Avenue, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road;
- ~~1716.~~ changing from an R6 District to an R8X District property bounded by East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southeasterly of East Tremont Avenue, and a line 100 feet northeasterly of White Plains Road;
17. changing from a C8-1 District to an R8 District property bounded by East Tremont Avenue, a line 100 feet northeasterly of White Plains Road, a line 100 feet southeasterly of East Tremont Avenue, and White Plains Road;
- ~~1918.~~ changing from a C8-4 District to an R8X District property bounded by a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue;
- ~~1819.~~ changing from a C8-1 District to an R8X District property bounded by East Tremont Avenue, ~~a line 100 feet northeasterly of~~ White Plains Road, a line 100 feet southeasterly of East Tremont Avenue, and Beach Avenue;
20. changing from an R4 District to a C4-3 District property bounded by:
- a. Pelham Parkway South, Eastchester Road, the westerly centerline prolongation of Rhinelander Avenue, and a line 520 feet westerly of Eastchester Road; and
  - b. a line 1,060 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, a line 740 feet northerly of Morris Park Avenue and its easterly prolongation, and a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road; ~~and~~
  - ~~e. a line 120 feet northerly of Morris Park Avenue, Seminole Avenue, Morris Park Avenue, Tenbroeck Avenue, and a line perpendicular to the northeasterly street line of Tenbroeck Avenue distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Tenbroeck Avenue and the northerly street line of Morris Park Avenue;~~
21. changing from an M1-1 District to a C4-3 District property bounded by a line 100 feet southerly of Seminole Street, Stillwell Avenue, and Eastchester Road;
22. changing from an M1-1 District to a C4-4 District property bounded by McDonald Street and its southeasterly centerline prolongation, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, the centerline of former Morris Park Avenue, the northwesterly boundary line of the



- New York, New Haven & Hartford Railroad Right-Of-Way, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, Jarret Place and its northwesterly centerline prolongation, the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Eastchester Road, and Stillwell Avenue;
23. changing from a C8-1 District to a C8-2 District property bounded by the northwesterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, White Plains Road, East Tremont Avenue, and Taylor Avenue Bridge and its southerly prolongation;
  24. changing from an M1-1 District to a C8-2 District property bounded by Unionport Road, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, a line perpendicular to the northerly street line of East Tremont Avenue distant 1,965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, and White Plains Road;
  25. changing from an M1-1 District to an M1-1A/R7-3 District property bounded by a line 500 feet northerly of East Tremont Avenue, Bronxdale Avenue, the centerline of the New York, New Haven & Hartford Railroad Right-Of-Way, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1,020 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road;
  26. establishing within an existing R4 District a C2-4 District bounded by:
    - ~~a. a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 120 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, and a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road;~~
    - ~~b.~~ ba. Poplar Street, a line 80 feet southwesterly of Williamsbridge Road, Silver Street, and a line 150 feet southwesterly of Williamsbridge Road; and ~~b.~~ bb. a line 100 feet northerly of East Tremont Avenue, Silver Street, East Tremont Avenue, and a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street;
  27. establishing within an existing R6 District a C2-4 District bounded by:
    - a. a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, Morris Park Avenue, a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road, a line 100 feet northerly of Morris Park Avenue, and a line 100 feet northwesterly of Eastchester Road; and
    - b. East Tremont Avenue, Saint Peters Avenue, a line 150 southerly of East Tremont Avenue, and Seddon Street;
  28. establishing within a proposed R6 District a C2-4 District bounded by a line 740 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, a line 700 feet northerly of Morris Park Avenue and its easterly prolongation, and a line 100 feet westerly of Eastchester Road;

29. establishing within a proposed R6-1 District a C2-4 District bounded by:

- ~~a.~~ a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhinelander Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, Rhinelander Avenue, a line perpendicular to the southerly street line of Rhinelander Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhinelander Avenue and the easterly street line of Eastchester Road, a line midway between Rhinelander Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 85 feet easterly of Eastchester Road, a line 100 feet southerly of Seminole Street, and Eastchester Road;
- ~~b.~~ a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, a line 100 feet southerly of Seminole Street, a line 85 feet northwesterly of Stillwell Avenue, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, a line midway between Seminole Street and McDonald street, a line perpendicular to the southerly street line of McDonald Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of McDonald Street and the northwesterly street line of Stillwell Avenue, a line 100 feet northwesterly of Stillwell Avenue, a line midway between McDonald Street and Rhinelander Avenue, a line perpendicular to the southerly street line of Rhinelander Avenue distant 145 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Rhinelander Avenue and the northwesterly street line of Stillwell Avenue, a line 100 feet northwesterly of Stillwell Avenue, Rhinelander Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, and a line 100 feet northwesterly of Stillwell Avenue;
- ~~ea.~~ a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, Williamsbridge Road, and Eastchester Road;
- ~~eb.~~ the southeasterly boundary line of the New York, New Haven & Hartford Railroad Right-Of-Way, Williamsbridge Road, Silver Street, a line 80 feet southwesterly of Williamsbridge Road, Poplar Street, and a line 180 feet southwesterly of Williamsbridge Road and its northwesterly prolongation;
- ~~ec.~~ a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Williamsbridge Road and the southeasterly street line of Silver Street, a line 100 feet southeasterly of Silver Street, East Tremont Avenue, and Silver Street;
- ~~ed.~~ the southeasterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line perpendicular to the northwesterly street line of Poplar Street distant 25 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Poplar Street and the northeasterly street line of Bronxdale Avenue, Poplar Street, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street

and the southwesterly street line of Roselle Street, East Tremont Avenue, and Bronxdale Avenue;

~~g.~~ a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Fowler Avenue, a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, a line 265 southwesterly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue, a line 90 feet southwesterly of Bogart Avenue, a line 100 feet northeasterly of Bronxdale Avenue, a line perpendicular to the southeasterly street line of Sacket Avenue distant 145 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Sacket Avenue and the northeasterly street line of Bronxdale Avenue, the northwesterly boundary line of the New York, New Haven, and Hartford Railroad right-of-way, and Bronxdale Avenue; and

~~h.~~ Baker Avenue, White Plains Road, the northwesterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, and line 100 feet southwesterly of White Plains Road;

~~30.~~ establishing within an existing R6A District a C2-4 District bounded by a line 125 feet southerly of Pelham Parkway South, a line 100 feet northwesterly of Stillwell Avenue, and a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road;

~~31.~~30. establishing within a proposed R7-2 District a C2-4 District bounded by:

- a. the southeasterly boundary line of the New York, New Haven, and Hartford Railroad right-of-way, Jarret Place and its northwesterly centerline prolongation, Eastchester Road, and Williamsbridge Road;
- b. the southeasterly boundary line of the New York, New Haven, and Hartford Railroad Right-Of-Way, Bronxdale Avenue, East Tremont Avenue, and a line perpendicular to the northerly street line of East Tremont Avenue distant 1965 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road; and
- c. East Tremont Avenue, Beach Avenue, a line 100 feet southerly of East Tremont Avenue, and Saint Lawrence Avenue;

~~32.~~31. establishing within a proposed R8X District a C2-4 District bounded by:

- a. a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, a line 858 feet easterly of the first named course, and a line 150 feet southerly of East Tremont Avenue; and
- b. East Tremont Avenue, Unionport Road, Guerlain Street, and White Plains Road, ~~a line 100 southerly of East Tremont Avenue, and Beach Avenue;~~

~~33.~~32. establishing within a proposed R8X District a C2-4 District bounded by East Tremont Avenue, White Plains Road, a line 100 feet southerly of East Tremont Avenue, and Beach Avenue;

33. establishing a Special Eastchester – East Tremont Corridor District (ETC) bounded by:

- a. Pelham Parkway South, Eastchester Road, the westerly centerline prolongation of Rhinelander Avenue, and a line 520 feet westerly of Eastchester Road;

- ~~ab.~~ ~~Pelham Parkway South, Eastchester Road, a line 200 feet southerly of Pelham Parkway South, a line perpendicular to the northerly street line of Rhineland Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, Rhineland Avenue, a line perpendicular to the southerly street line of Rhineland Avenue distant 130 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Rhineland Avenue and the easterly street line of Eastchester Road, a line midway between Rhineland Avenue and McDonald Street, a line perpendicular to the northerly street line of McDonald Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of McDonald Street and the easterly street line of Eastchester Road, a line 80 feet easterly of Eastchester Road, a line midway between McDonald Street and Seminole Street, a line perpendicular to the northerly street line of Seminole Street distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Seminole Street and the easterly street line of Eastchester Road, Seminole Street, a line 100 feet northwesterly of Stillwell Avenue, Rhineland Avenue, a line perpendicular to the southerly street line of Pelham Parkway South distant 850 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Pelham Parkway South and the easterly street line of Eastchester Road, a line 100 northwesterly of Stillwell Avenue, a line 125 feet southerly of Pelham Parkway South, Stillwell Avenue, McDonald Street and its southeasterly centerline prolongation, the centerline of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, the centerline of former Morris Park Avenue, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, a line perpendicular to the easterly street line of Eastchester Road distant 95 feet northerly (as measured along the street line) from the point of intersection of easterly street line of Eastchester Road and the northeasterly street line of Blondell Avenue, a line 95 feet easterly of Eastchester Road, a line 100 feet northeasterly of Blondell Avenue, Chesbrough Avenue and its northeasterly centerline prolongation, Williamsbridge Road, Silver Street, a line 80 feet southwesterly of Williamsbridge Road, Poplar Street, a line 180 feet southwesterly of Williamsbridge Road and its northwesterly prolongation, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, Eastchester Road, a line 740 feet northerly of Morris Park Avenue and its easterly prolongation, a line perpendicular to the northerly street line of Morris Park Avenue distant 210 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Morris Park Avenue and the northwesterly street line of Eastchester Road, a line 1,060 feet northerly of Morris Park Avenue and its easterly prolongation, Eastchester Road, a line 100 feet southerly of Seminole Street, and Stillwell Avenue; ~~the westerly centerline prolongation of Rhineland Avenue, and a line 520 feet westerly of Eastchester Road;~~ and~~
- ~~bc.~~ a line 290 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Fowler Avenue, a line 90 feet northwesterly of Pierce Avenue, Fowler Avenue, Pierce Avenue, a line 265 feet southwesterly of Bogart Avenue, a line 100 feet southeasterly of Pierce Avenue , a line 90 feet southwesterly of Bogart Avenue, a line 100 feet northeasterly of Bronxdale Avenue. the southerly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, Paulding Avenue, a line 100 feet northerly of East Tremont Avenue, a line 100 feet easterly of Lurting Avenue, a line 110 feet southerly of Poplar Street, a line perpendicular to the southerly street line of Poplar Street distant 75 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Poplar Street and the southwesterly street line of Roselle Street, a line 100 feet northerly of East Tremont Avenue, Silver Street, a line perpendicular to the southeasterly street line of Silver Street distant 375 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Silver Street and the southwesterly street line of Williamsbridge Road, a line 100 feet southeasterly of Silver Street, the northwesterly centerline of Benson

Street, Maclay Avenue, Overing Street, a line 100 feet southerly of East Tremont Avenue, Saint Peters Avenue, a line 150 feet southerly of East Tremont Avenue, Seddon Street, a line 100 feet southerly of East Tremont Avenue, Castle Hill Avenue, East Tremont Avenue, a line 858 feet easterly of a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, a line 150 feet southerly of East Tremont Avenue, a line perpendicular to the southerly street line of East Tremont Avenue distant 650 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, East Tremont Avenue, Unionport Road, Guerlain Street, White Plains Road, a line 100 feet southerly of East Tremont Avenue, St. Lawrence Avenue, East Tremont Avenue, Taylor Avenue Bridge and its southerly prolongation, the northwesterly boundary line of the of the New York, New Haven, and Hartford Railroad Right-Of-Way, Garfield Street and its southeasterly centerline prolongation, Baker Avenue, White Plains Road, Unionport Road, the centerline of the New York, New Haven, and Hartford Railroad Right-Of-Way, a line perpendicular to the northerly street line of East Tremont Avenue distant 1,020 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of East Tremont Avenue and the northeasterly street line of Unionport Road, a line 500 feet northerly of East Tremont Avenue, and Bronxdale Avenue;

as shown on a diagram (for illustrative purposes only) dated January 16, 2024, modified by the City Planning Commission on June 26, 2024, and subject to the conditions of CEQR Declaration E-750.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 107 & Res. No. 546

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240016 ZRX (Bronx Metro-North Station Area Study) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Eastchester – East Tremont Corridor District (Article XIV, Chapter 5), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, APPENDIX I for the purpose of expanding an existing Transit Zone, and related Sections, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2778) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 546

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 240016 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 107).**

By Council Members Salamanca and Riley.

**WHEREAS**, New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, establishing the Special Eastchester – East Tremont Corridor District (Article XIV, Chapter 5), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, APPENDIX I for the purpose of expanding an existing Transit Zone, and related Sections, which in conjunction with the related actions would facilitate the Bronx Metro-North Plan, a comprehensive plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, that identifies needs and opportunities to support a shared long-term vision of a sustainable, inclusive, and mixed-use districts around new regional rail stations in the East Bronx. Implementation of the objectives of the plan and the shared long-term vision for the neighborhood would create affordable housing; spur economic and job growth; foster safer, active streets; create a vibrant, accessible, and resilient public realm; generate new community resources; and incentivize the creation of new, publicly accessible open spaces located in Bronx Community Districts 9, 10 and 11 (ULURP No. N 240016 ZRX), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZRX (L.U. No. 106), a zoning map amendment; and C 240163 MMX (L.U. No.113), C 240158 MMX (L.U. No. 110), C 240157 MMX (L.U. No. 109), C 240160 MMX (L.U. No. 112), and C 240159 MMX (L.U. No. 111), which are City map amendments;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 9, 2024;

**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 Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-750) on selected projected and potential development sites as specified in Chapters 9, 14, and 16, respectively of the FEIS. The FEIS determined that the proposed actions would have identified significant adverse impacts with respect to community facilities (schools), open space (total, passive, and active), shadows (Pelham Parkway, the Greenstreet at Sacket Avenue, and a small portion of the Parkchester Special Planned Community Preservation District), historic and cultural resources (archaeological and architectural), transportation (traffic, transit, and pedestrians), and construction (traffic, noise, and architectural and archaeological resources).The

identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 21, “Mitigation” of the FEIS. A Technical Memorandum was issued on June 21, 2024 in relation to a City Planning Commission modification to the boundary affecting the proposed C4-3, C2-4, and R6 boundaries affecting Block 4205, Lots 2 and 40, and concludes that these additional changes do not alter the conclusions presented in the FEIS (the “Technical Memorandum I”). The Council has also considered a technical memorandum dated [\_\_\_\_], 2024 (“Technical Memorandum II”).

## **RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS, issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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, Application, the environmental determination, considerations described in the City Planning Commission report, N 240016 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **Chapter 1**

#### **Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

#### **11-10**

#### **ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS**

\* \* \*

**11-122**

**Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

\* \* \*

- R6 General Residence District
- R6-1 General Residence District
- R6A General Residence District

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Eastchester – East Tremont Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 5, the #Special Eastchester – East Tremont Corridor District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

\* \* \*

**Chapter 2**

**Construction of Language and Definitions**

\* \* \*

**12-10**

**DEFINITIONS**

\* \* \*



Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Eastchester – East Tremont Corridor District

The “Special Eastchester – East Tremont Corridor District” is a Special Purpose District designated by the letters “ETC” in which special regulations set forth in Article XIV, Chapter 5, apply.

Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

\* \* \*

**Chapter 3  
Residence Bulk Regulations in Residence Districts**

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-01  
Applicability of This Chapter**

\* \* \*

**23-011  
Quality Housing Program**

\* \* \*

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

\* \* \*

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

\* \* \*

#Special East Harlem Corridors District#;

#Special Eastchester – East Tremont Corridor District#;

#Special Flushing Waterfront District#;

\* \* \*

**23-10**

**OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-15**

**Open Space and Floor Area Regulations in R6 Through R10 Districts**

\* \* \*

**23-154**

**Inclusionary Housing**

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# and #lot coverage# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. ~~The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district.~~ For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

\* \* \*

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

\* \* \*

(2) Maximum #floor area ratio# and maximum #lot coverage#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section and the maximum #lot coverage# for the applicable zoning district set forth in Section 23-153 shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

(i) in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:

(a) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(b) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) in an R6-1 District, the maximum #floor area ratio# shall be 3.6, and the maximum #lot coverage# for #interior lots# or #through lots# shall be 65 percent;

~~(ii)~~(iii) in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section;

~~(iii)~~(iv) in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and

~~(iv)~~(v) in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# or maximum #lot coverage# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3  
Special Planned Community Preservation District**

\* \* \*

**103-10****GENERAL PROVISIONS**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 and 103-12.

~~In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.~~

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

**ARTICLE XIV****SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 5****Special Eastchester – East Tremont Corridor District****145-00****GENERAL PURPOSES**

The “Special Eastchester – East Tremont Corridor District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage the development of a mixed-use neighborhood around planned mass transit stations in Parkchester, Van Nest, and Morris Park;

(b) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(c) to support a variety of community facility and commercial uses and provide opportunities for the expansion of large academic, scientific and medical facilities in a manner that benefits the surrounding community;

(d) to establish walkable retail corridors in the neighborhood;

(e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers, and visitors;

(f) to coordinate development with planned mass transit stations and facilitate improved pedestrian access to such facilities; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

### **145-01**

#### **General Provisions**

The provisions of this Chapter shall apply within the #Special Eastchester – East Tremont Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

### **145-02**

#### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Eastchester – East Tremont Corridor District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

Map 3. Subdistrict A Site Plan

Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan

### **145-03**

#### **Subdistricts**

In order to carry out the provisions of this Chapter, two subdistricts, Subdistrict A and Subdistrict B, are established. In Subdistrict B, Subarea B1 is established. The location and boundaries of these subdistricts and subarea are shown on Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix to this Chapter.

**145-04****Definitions**

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), 66-11 (Definitions) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying public realm improvement sites

For the purposes of this Chapter, “qualifying public realm improvement sites” shall refer to #zoning lots# in Subarea B1, as shown in Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix, that have a #lot area# of 20,000 square feet or more.

**145-05****Applicability****145-051****Applicability of the Quality Housing Program**

Within the #Special Eastchester – East Tremont Corridor District#, any #building# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

**145-052****Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90 (Inclusionary Housing), #Mandatory Inclusionary Housing areas# within the #Special Eastchester – East Tremont Corridor District# are shown in APPENDIX F of this Resolution.

**145-053****Applicability of Article VI, Chapter 4**

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

**145-054****Applicability of Article XII, Chapter 3**

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

**145-10****SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

**145-11****Streetscape Regulations**

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that

- (a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter shall be considered #Tier C street frontages#; and
- (b) remaining applicable frontages shall be considered #Tier B street frontages#.

**145-20****SPECIAL BULK REGULATIONS**

The #bulk# regulations of the underlying districts shall apply except as modified by the provisions of this Section, inclusive. For the purposes of applying the provisions of this Section, inclusive, the #bulk# regulations for #residential# portions of #buildings# in #Commercial Districts# are modified as follows:

- (a) In C4-3 Districts, the applicable residential equivalent shall be an R6-1 District, as modified by the provisions of this Section, inclusive, shall apply; and
- (b) In C4-4 Districts within Subdistrict B, of the applicable residential equivalent shall be an ~~R8 District~~ R7-3 District, without a letter suffix, shall apply.

**145-21****Floor Area Regulations**

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

**145-211****Basic floor area regulations****(a) Residential floor area ratio**

In R6A, R6-1 or R7-2 Residence Districts, and Commercial Districts mapped within or with a residential equivalent of such Districts, the maximum residential floor area ratio for zoning lots in a Mandatory Inclusionary Housing area set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) shall be modified as follows:

(1) in R6A or R6-1 Districts, the maximum floor area ratio for residential uses shall be 3.9; and

(2) in R7-2 Districts, the maximum floor area ratio for residential uses shall be 5.0.

**(b) Commercial floor area ratio**

In C4-3 or C4-4 Districts, the maximum floor area ratio for commercial uses shall be 4.0.

**(c) Community Facility floor area ratio**

In M1 Districts with an A suffix paired with an R7-3 District, the maximum floor area ratio for community facility uses shall be 6.5.

**145-212****Floor area provisions for zoning lots containing schools in Subdistrict A**

In Subdistrict A, on a zoning lot improved with public schools pursuant to an agreement with the New York City School Construction Authority, up to 100,000 square feet of floor space within such public schools shall be exempt from the definition of floor area for the purposes of calculating the permitted floor area ratio for community facility uses and the total maximum floor area ratio of the zoning lot.

**145-22****Yard Regulations**

The yard regulations of the underlying districts shall apply except that in C8-2 Districts, no rear yard regulations shall apply to any zoning lot abutting a railroad or transit right-of-way.

**145-23****Height and Setback Regulations**

In all districts, except in C8-2 Districts, all developments and enlargements shall comply with the height and setback provisions of this Section.

**(a) Street wall location rules**



For #zoning lots#, or portions thereof, along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter, the #street wall# location provisions applicable to a C2 District mapped within an R7A District, as set forth in Section 35-651 (Street wall location), shall apply. For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be set forth in paragraph (b) of this Section.

Along other #streets#, no #street wall# location rules shall apply.

(b) Maximum base and building heights

The table in this Section sets forth the maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For the purposes of this Section, in a #Commercial District#, the applicable height and setback provisions are the regulations for the #Residence District# within which such #Commercial District# is mapped, the equivalent #Residence District#, or the designated #Residence District# where such district is paired with an M1 District with an A suffix.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES

<u>District</u>	<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# (in feet)</u>	<u>Maximum Number of #Stories#</u>
<u>R6A</u>	<u>40</u>	<u>65</u>	<u>95</u>	<u>9</u>
<u>R6-1</u>	<u>40</u>	<u>65</u>	<u>125</u>	<u>12</u>
<u>R7-2</u>	<u>40</u>	<u>85</u>	<u>155</u>	<u>15</u>
<u>R7-3</u>	<u>60</u>	<u>95</u>	<u>185</u>	<u>18</u>
<u>R8X</u>	<u>60</u>	<u>105</u>	<u>175</u>	<u>17</u>
<u>R8</u>	<u>60</u>	<u>105</u>	<u>215</u>	<u>21</u>

(c) Modifications in certain areas

In ~~Subdistricts A and B~~ Subdistrict B and in other areas, the provisions of paragraphs (a) and (b) of this Section shall be modified as follows:

(1) ~~Modifications in Subdistrict A~~

~~In Subdistrict A, for #zoning lots# containing #schools# regulated by Section 145-212 (Floor area provisions for zoning lots containing schools in Subdistrict A), the maximum height specified in paragraph (b) of this Section may be increased as of right by 40 feet.~~

~~(1)~~ Modifications in Subdistrict B

- (i) In Subdistrict B, the maximum base and #building# height provisions of an R8 District without a letter suffix, as set forth in paragraph (b) of this Section, shall apply.
- (ii) In Subarea B1, portions of #buildings or other structures# located adjacent to an open space, as designated on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, may rise without setback, provided that such open space has a minimum depth of 30 feet from the point of intersection of two #street lines#. For the purposes of applying the #street wall# location rules of paragraph (a) of this Section, the interior boundary of such publicly accessible area shall be considered a #street line#.

(2) Modifications in other areas

In C2 Districts mapped within R8 Districts without a letter suffix, for #zoning lots# with a #street# frontage of at least 200 feet along East Tremont Avenue, the maximum building height set forth in paragraph (b) of this Section shall be increased by 20 feet.

(d) Dormers

For all #buildings#, dormers shall be a permitted obstruction in a required setback, and may be provided in accordance with the provisions of paragraph (c) of Section 23-623. However, as an alternative to such provisions, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the street wall of the highest story entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

**145-30**

**SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS**

The #accessory# off-street parking and loading regulations of the underlying districts are modified by the provisions of this Section, inclusive.

**145-31**

**Accessory Off-street Parking Spaces for Residences**

~~In the #Special Eastchester – East Tremont Corridor District#, no #accessory# off-street parking shall be required for #residences#.~~

**145-32 145-31****Accessory Off-street Parking Spaces for Non-residential Uses**

In all #Commercial Districts#, the #accessory# off-street parking requirements for #manufacturing#, #commercial# or #community facility# #uses#, applicable to a C4-4 District, shall apply.

**145-33 145-32****Public Use of Accessory Parking**

All required or permitted #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days of a written request for such space made to the landlord.

**145-34 145-33****Loading Regulations**

For the purposes of applying the provisions of Section 36-60 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of C4-4 Districts shall apply in all #Commercial Districts#.

**145-40****SPECIAL APPROVALS**

In Subdistrict A, a #floor area# bonus for public realm improvements shall be granted pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A).

In portions of Subdistrict B, special approvals for a transfer of #floor area# or #floor area# bonus for public realm improvements may be granted pursuant to the provisions of Section 145-42 (Special Approvals in Subdistrict B).

**145-41****Special Approvals in Subdistrict A**

In Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, a #floor area# bonus where public realm improvements, pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), are provided on a single #zoning lot# or on two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or #street# intersection, and:

(a) has or will have an area of at least 1.5 acres; and

(b) has or will be #developed# or #enlarged# as a unit under single fee ownership or alternate ownership arrangements as set forth in the definition of #zoning lot#.

In conjunction with such #floor area# bonus, the Commission may authorize the modification of bulk regulations, other than #floor area ratio#, pursuant to Section 145-412 (Authorization for additional modifications in Subdistrict A).

### **145-411**

#### **Certification for public realm improvements in Subdistrict A**

In Subdistrict A, the Chairperson of the City Planning Commission shall allow a 20 percent increase in the maximum permitted #floor area ratio# on #zoning lots# pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A), upon certification to the Commissioner of the Department of Buildings that public realm improvements comprising an Entry Open Space, Western Open Space, Pierce Avenue Extension and supplementary open spaces as designated on Map 3 (Subdistrict A Site Plan) in the Appendix to this Chapter, are provided. Such #floor area ratio# increase and public realm improvements shall be subject to the rules and limitations of paragraph (a), the general requirements of paragraphs (b) and (c), application requirements of paragraph (d), and additional requirements of paragraph (e) of this Section.

#### **(a) Rules and limitations**

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and
- (2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

#### **(b) General requirements for publicly accessible open spaces**

Publicly accessible open spaces shall include the Entry Open Space, Western Open Space and supplementary open spaces, as designated on Map 3 in the Appendix to this Chapter.

#### **(1) Location and minimum dimensions**

Publicly accessible open spaces shall be provided in the location designated on Map 3 in the Appendix. Such publicly accessible open spaces shall comprise

- (i) An Entry Open Space with a minimum area of at least 8,500 square feet and the minimum dimensions set forth on Map 3;
- (ii) A Western Open Space with a minimum area of at least 10,000 square feet and the minimum dimensions set forth on Map 3; and
- (iii) Three supplementary open spaces with a minimum area of at least 4,800 square feet each, with minimum dimensions set forth on Map 3.

#### **(2) Design requirements**

All publicly accessible open spaces shall comply with the following design provisions:

- (i) Seating shall be provided in accordance with the requirements of Section 37-741 (Seating);
- (ii) Planting and trees shall be provided in accordance with the provisions of Section 37-742 (Planting and trees);
- (iii) An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required;
- (iv) Litter receptacles shall be provided in accordance with the standards of Section 37-744 (Litter receptacles);
- (iv) Bicycle parking shall be provided in accordance with the standards of Section 37-745 (Bicycle parking);
- (v) Drinking fountains shall be provided pursuant to the standards set forth in Section 37-746 (Drinking fountains);
- (vi) Additional amenities shall be provided and designed pursuant to the standards set forth in Section 37-748 (Additional amenities)
- (vii) Permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);
- (viii) The provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps); and
- (ix) Entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems).

Notwithstanding the foregoing, up to 50% of two of the publicly accessible open spaces, as designated on Map 3, may consist of playground space designed and equipped in a manner consistent with New York City Department of Parks and Recreation standards.

(3) Hours of public access

Such publicly accessible open spaces shall be accessible to the public each day from 6:00 A.M. to 10:00 P.M..

(c) General requirements for Pierce Avenue Extension

The Pierce Avenue Extension shall be publicly accessible and constructed in accordance with the Department of Transportation Design Streets Manual and approved by the New York City Department of Transportation.

(d) Application requirements

An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include the following materials:

- (1) a site plan indicating the area and dimensions of the publicly accessible open space, or portions thereof, and the location of all proposed #developments# subject to the application;
- (2) a landscape plan, prepared by a registered landscape architect, for the publicly accessible open spaces; and
- (3) for #zoning lots# undergoing phased #development#, a phasing plan shall be submitted to implement the public realm improvements. Such phasing plan shall set forth the amount and location of public realm improvements that will be provided at the time each phase is #developed#. The amount of improvements in any phase shall be proportionate to the #lot area# being #developed# in such phase, except where physical or programmatic constraints make it infeasible to provide such amount of improvements.

(e) Additional requirements

The owner(s) shall be responsible for the maintenance of the Pierce Avenue Extension and other required publicly accessible open spaces, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

At the time of certification, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the improvements required for the phase associated with such bonus #floor area# have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

**145-412****Authorization for additional modifications in Subdistrict A**

In conjunction with an application pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), the City Planning Commission may, by authorization, allow the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within Subdistrict A to be distributed without regard for #zoning# lot lines. Additionally, the Commission may modify other #bulk# regulations, other than #floor area ratio#.

All such modifications shall be subject to the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section.

(a) Conditions and limitations

~~Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.~~

For #zoning lots# or portions thereof within 150 feet of Bronxdale Avenue, modifications to maximum permitted #building# height shall not apply. For #zoning lots# or portions thereof beyond 150 feet of Bronxdale Avenue, the maximum permitted #building# height may be modified provided that such modification does not result in an increase that exceeds 13 percent of the maximum #building height#, as set forth in paragraph (b) of Section 145-23 (Height and Setback Regulations).

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

- (1) such distribution of #floor area#, #lot coverage#, #dwelling units#, or #rooming units# will result in a better site plan, and will not:
 
  - (i) unduly increase the #bulk# of #buildings# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#; or
  - (ii) adversely affect any other #zoning lots# outside of the Subdistrict, by restricting access to light and air; and
- (2) modifications to other #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

#### **145-42**

##### **Special Approvals in Subdistrict B**

For certain portions of Subarea B1, a transfer of #floor area# from a granting site to a receiving site shall be allowed by certification of the Chairperson of the City Planning Commission, pursuant to Section 145-421 (Certification for transfer of floor area).

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may grant, by authorization, a #floor area# bonus for transit and station area improvements pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites). In conjunction with such #floor area# bonus, the Commission may authorize #bulk# modifications, other than modifications to the #floor area ratio#, pursuant to Section 145-423 (Authorization for additional modifications on qualifying public realm improvement sites).

#### **145-421**

##### **Certification for transfer of floor area**

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from the Improvement Area located in Subarea B1, as shown on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, to a #zoning lot# fronting on Morris Park Avenue or other #zoning lots# on the #block# contiguous to the Improvement Area. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a), and application requirements of paragraph (b) of this Section.

For the purposes of this Section, the “granting site” shall mean the Improvement Area that transfers #floor area# pursuant to this Section, and a “receiving site” shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

##### (a) Conditions

- (1) the maximum amount of #floor area# that may be transferred from the granting site shall equal the area designated on Map 4 multiplied by the maximum #floor area ratios# pursuant to the zoning district within Subdistrict B. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred; and
- ~~(2) the maximum #building# height for a receiving site shall be increased by 25 percent; and~~
- (3) all certificates of occupancy have been surrendered for such granting site, and all structures on such granting site have been demolished.

##### (b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting site and the receiving site. Such application shall include site



plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing #floor area# associated with the transfer on the receiving site until the granting site has been conveyed to the City for improvement, as a #street#, as provided on the City Map.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

#### **145-422**

#### **Authorization for qualifying public realm improvement sites**

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may authorize an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, where transit and public realm improvements are provided to enhance access, circulation and complementary open spaces between a future #mass transit station# and its surrounding area. All applications pursuant to this Section shall be subject to the rules and limitations set forth in paragraph (a), conditions set forth in paragraph (b), application requirements set forth in paragraph (c), findings set forth in paragraph (d), and additional requirements set forth in paragraph (e) of this Section.

#### **(a) Rules and limitations**

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) Conditions

All applications shall include on-site or off-site improvements that will enhance access to and circulation between such #mass transit station# and its surrounding areas. Such improvements may consist of:

- (1) accessibility or capacity-enhancing improvements to the #mass transit station#, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to #the #mass transit station#; or
- (2) publicly accessible open spaces, of ample size, for public use and enjoyment, at or around the #mass transit station#. Such improvements may include pedestrian plazas and other types of active or passive open spaces and shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation.

(c) Application requirements

All applications shall include a site plan indicating the area and dimensions of the proposed improvements to the #mass transit station# or proposed publicly accessible open spaces. In addition, for applications involving accessibility or capacity-enhancing improvements to the #mass transit station#, the following shall be provided:

- (1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the Metropolitan Transportation Authority to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of application referral, the Commission shall be provided with the following application materials:
  - (i) a letter from the Metropolitan Transportation Authority containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
  - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
  - (iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

- (1) the public benefit derived from such improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization;
- (2) for accessibility or capacity-enhancing improvements for the #mass transit station#, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and
- (3) for publicly accessible open spaces, the proposed improvements will, to the extent practicable:
  - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public, resulting in high-quality public space;
  - (ii) provide comfortable places for resting, suitable amenities for occupants and opportunities for planting; and
  - (iii) be designed in a manner that is cohesive and harmonious with the pedestrian circulation network.

(e) Additional requirements

For all applications, additional requirements set forth in this paragraph shall apply

- (1) For applications involving accessibility or capacity-enhancing improvements to the #mass transit station# the following requirements shall be met prior to the granting of such #floor area# bonus:
  - (i) To the extent required by the Metropolitan Transportation Authority, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the Metropolitan Transportation Authority deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and
  - (ii) The City Planning Commission shall be provided with a final letter of approval from the Metropolitan Transportation Authority stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the building utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

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

### **145-423**

#### **Authorization for additional modifications for qualifying public realm improvement sites**

In conjunction with an application pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites), the City Planning Commission may, by authorization, modify bulk regulations, other than #floor area ratio# and maximum #building height#, provided that the Commission determines that ~~the conditions and limitations set forth in paragraph (a)~~, the application requirements of paragraph ~~(b)~~ (a) and the findings set forth in paragraph ~~(c)~~ (b) of this Section are met.

#### ~~(a)~~ Conditions and limitations

~~Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.~~

#### ~~(b)~~(a) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

#### ~~(c)~~(b) Findings

The Commission shall find that:

- (1) such proposed modifications are necessary to accommodate the additional #floor area# granted pursuant to Section 145-422; and
- (2) any modifications to #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

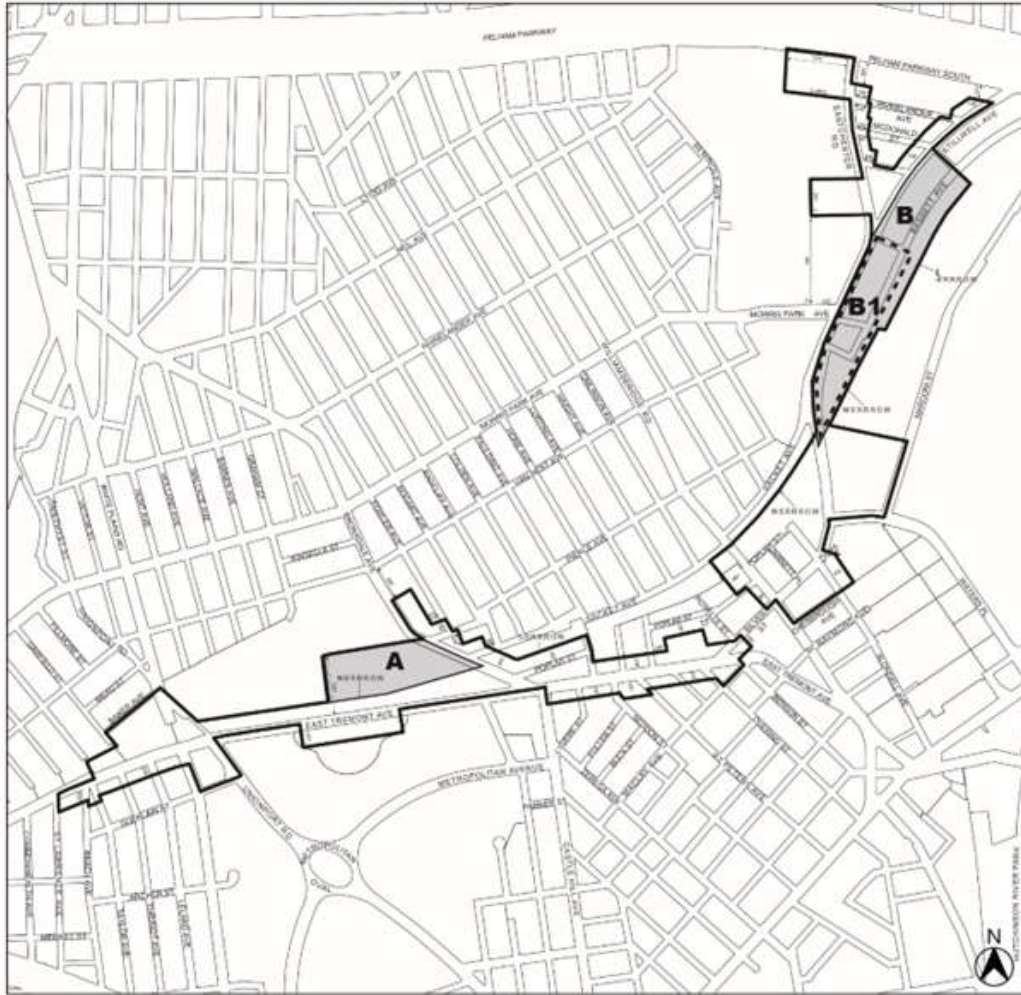
The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.




## **APPENDIX**

### **Special Eastchester – East Tremont Corridor District Plan**

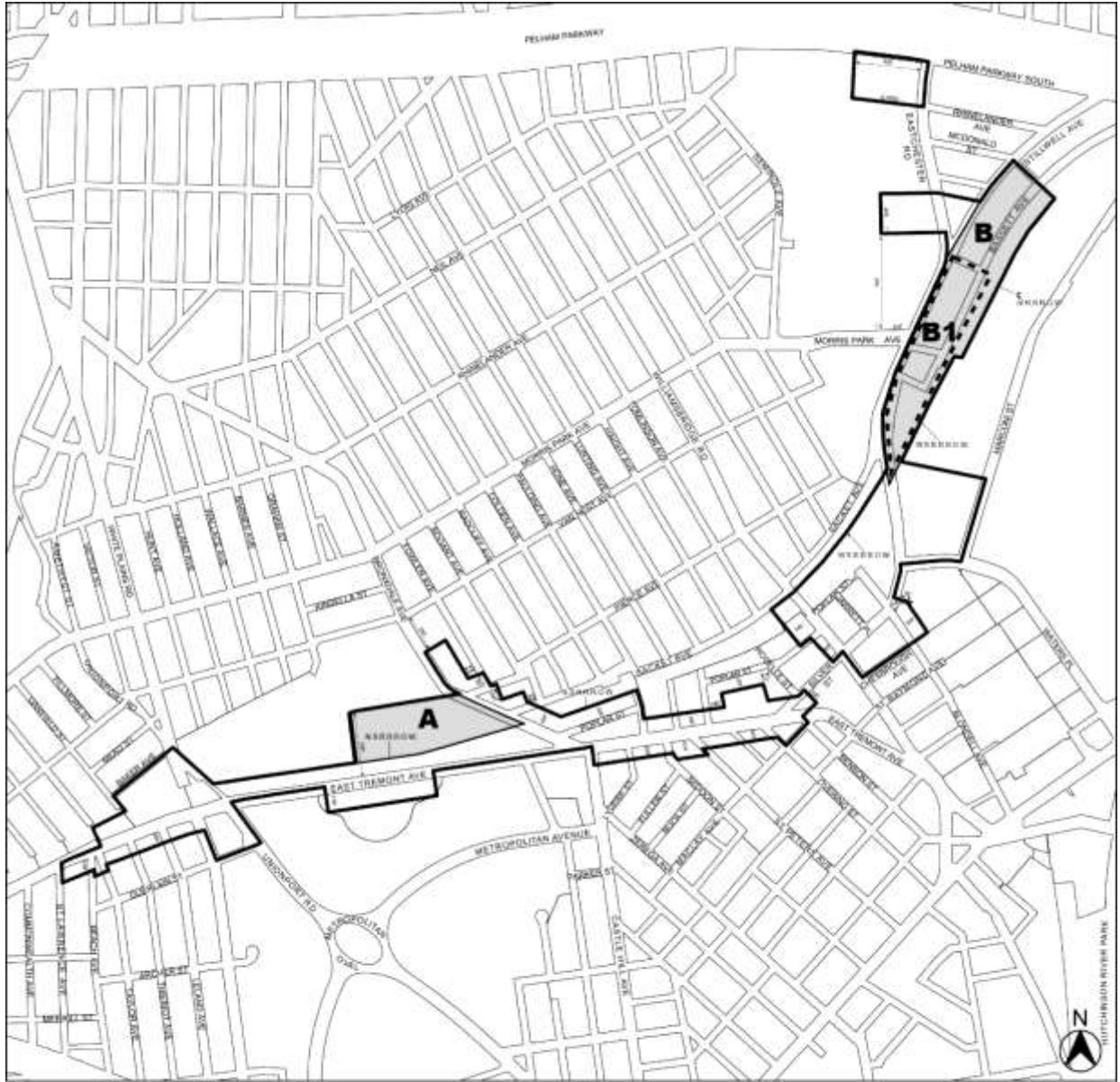
#### **Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas**




[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]



-  Special Eastchester - East Tremont Corridor District
-  Subdistrict
-  Subarea

[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]



-  *Special Eastchester - East Tremont Corridor District*
-  Subdistrict
-  Subarea

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

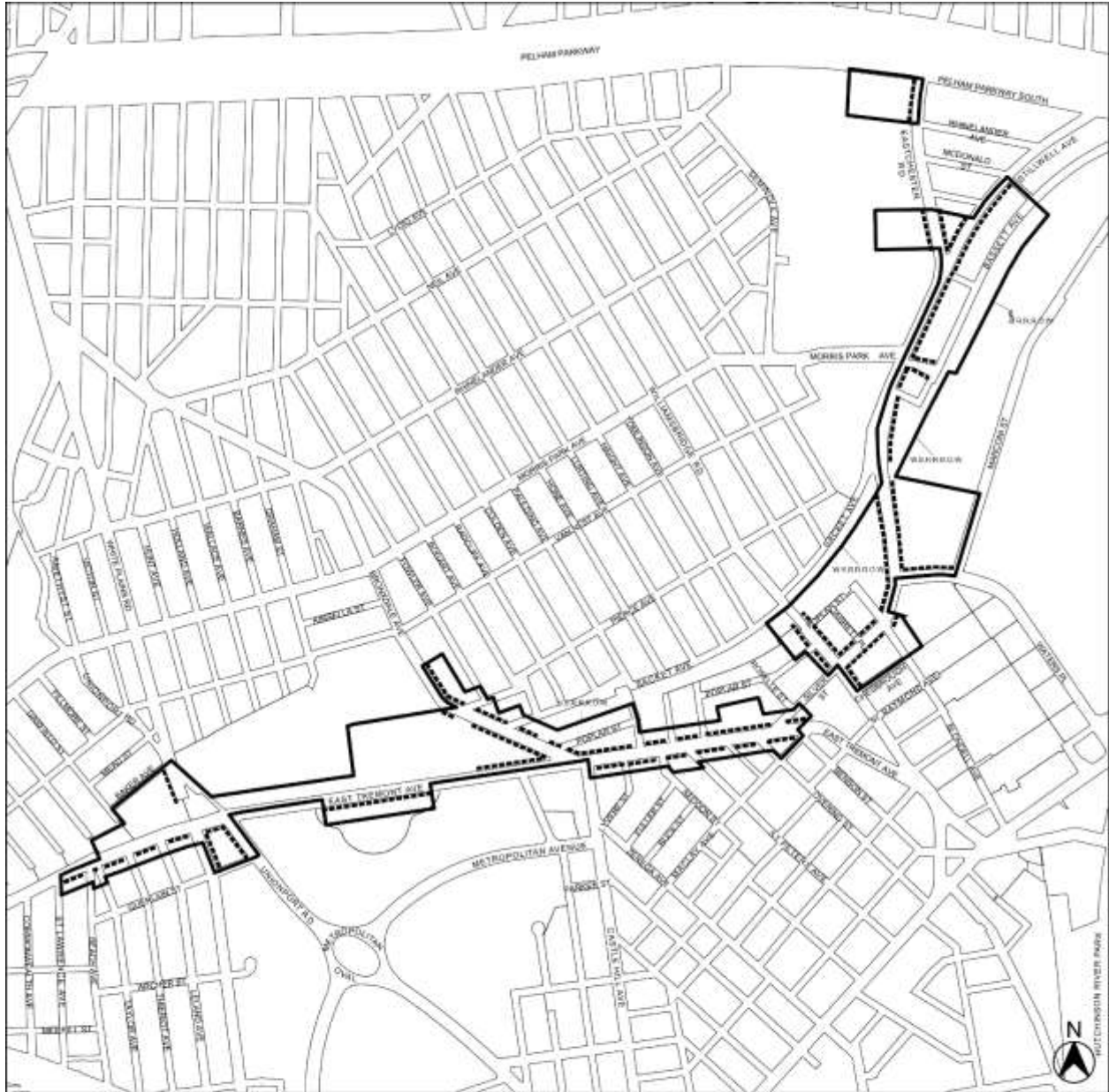
[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]



-  Special Eastchester - East Tremont Corridor District
-  Tier C Street Frontage



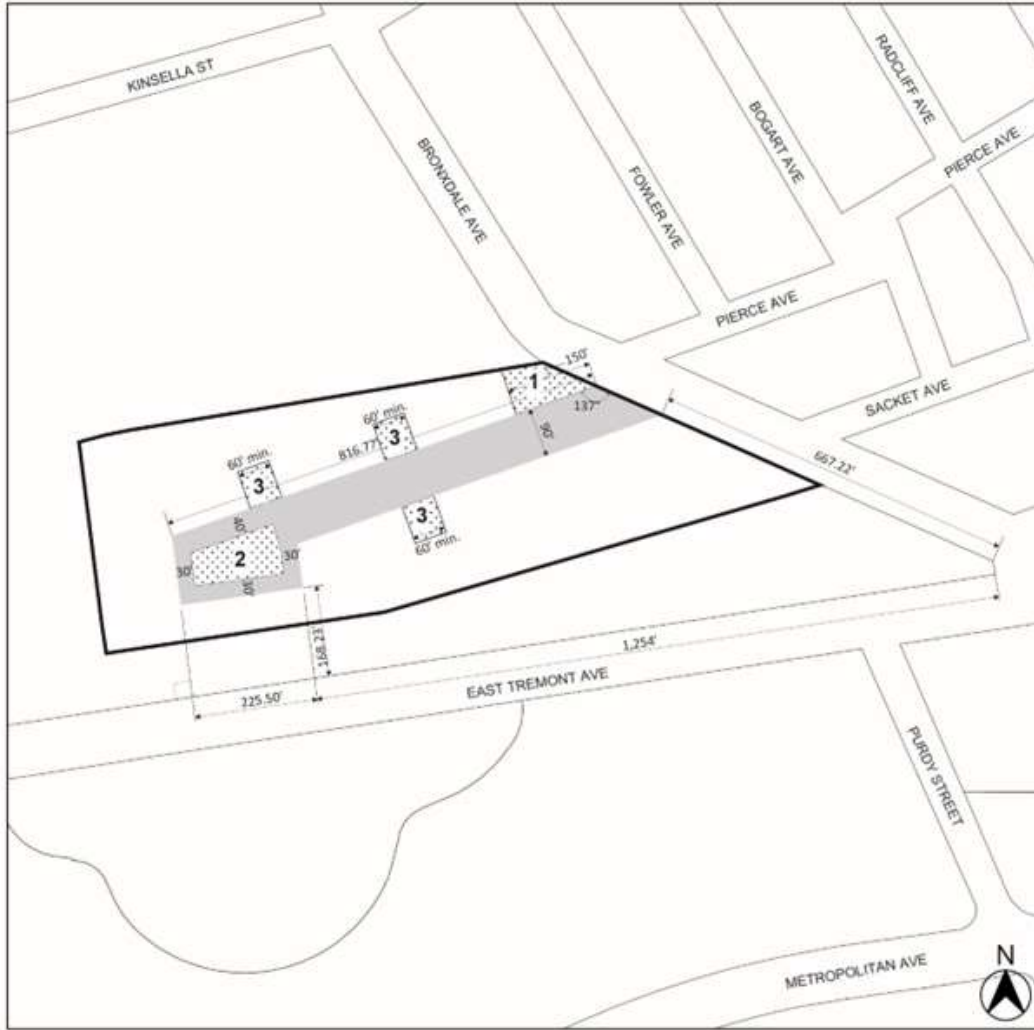
[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]




□ Special Eastchester - East Tremont Corridor District

----- Tier C Street Frontage

Map 3. Subdistrict A Site Plan



-  Subdistrict
-  Pierce Avenue Extension
-  Publicly Accessible Open Space
  - 1** Entry Open Space
  - 2** Western Open Space
  - 3** Supplementary Open Space

Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan



-  *Special Eastchester - East Tremont Corridor District*
-  Improvement Area
-  Location where open space and modified setback provisions are permitted

\* \* \*

**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

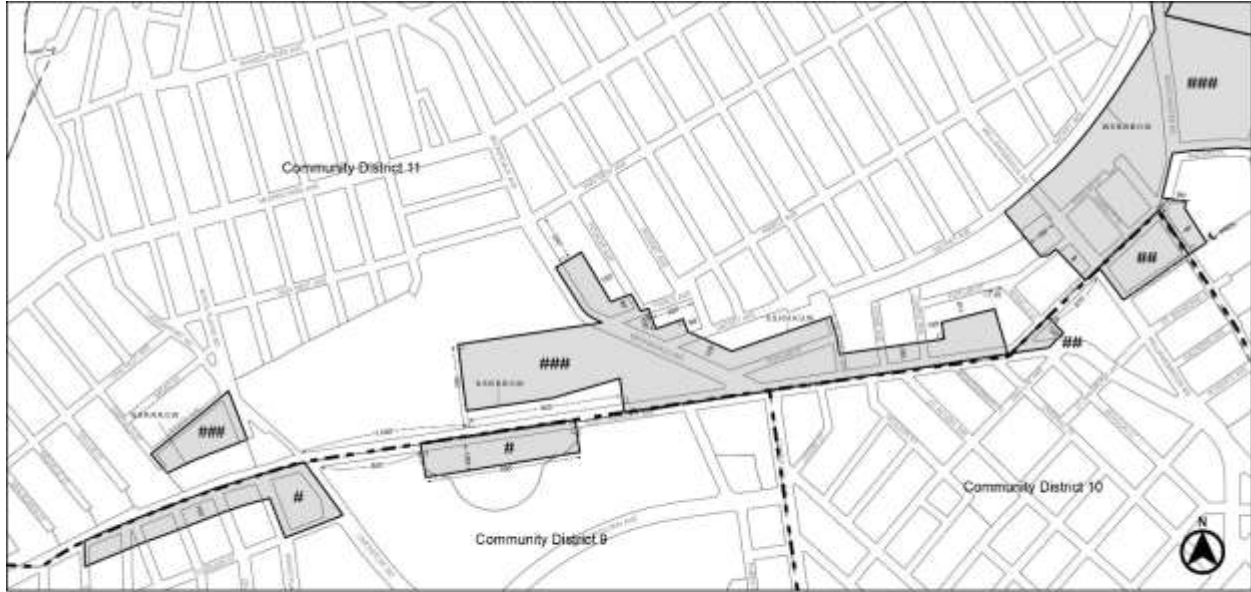
**THE BRONX**

\* \* \*

**Bronx Community District 9, 10, 11**

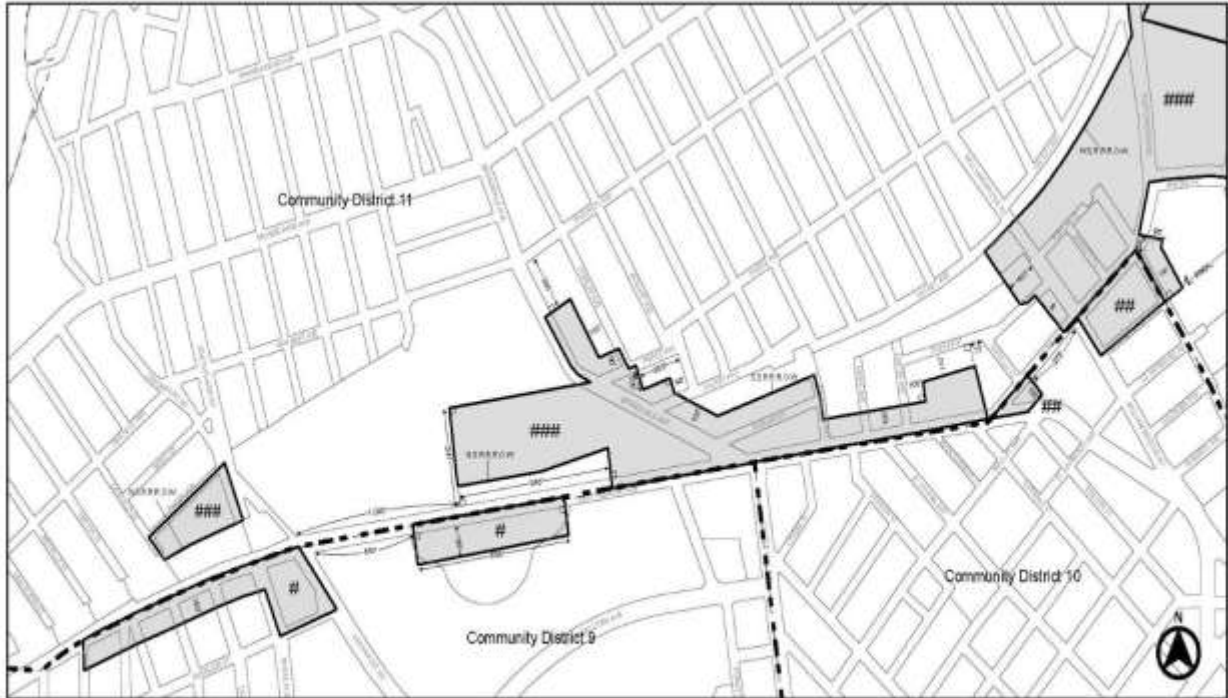
Map 1 – [date of adoption]

[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)   
 - - - - Community District Boundaries  
 Area # – [date of adoption] MIH Program Options 1 and 2  
 Area ## – [date of adoption] MIH Program Options 1 and 2  
 Area ### – [date of adoption] MIH Program Options 1 and 2

[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)    - - - - Community District Boundaries  
 Area # – [date of adoption] MIH Program Option ~~1~~ and ~~2~~ Deep Affordability Option  
 Area ## – [date of adoption] MIH Program Option ~~1~~ and ~~2~~ Deep Affordability Option  
 Area ### – [date of adoption] MIH Program Option ~~1~~ and ~~2~~

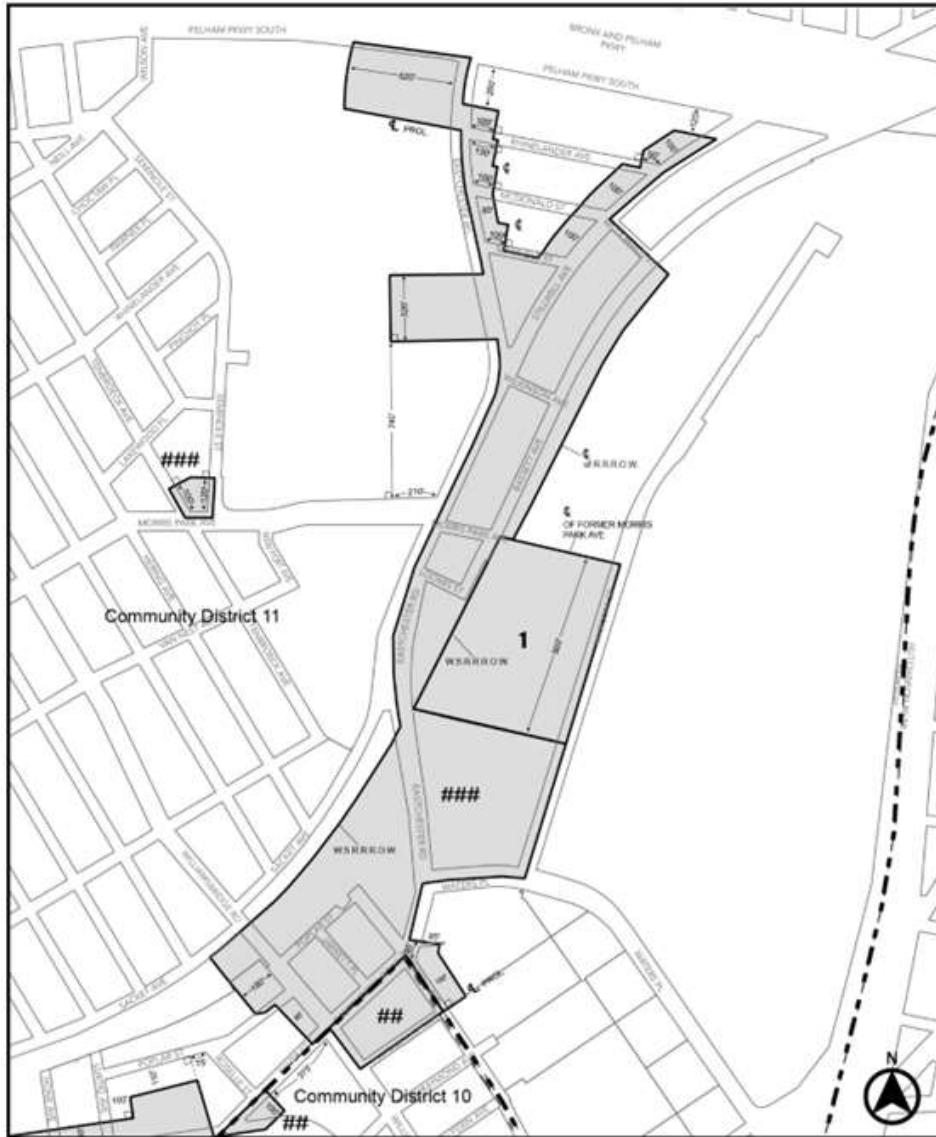
Portion of Community Districts 9, 10 and 11, The Bronx

\* \* \*

**Bronx Community District ~~9~~, 10, 11**

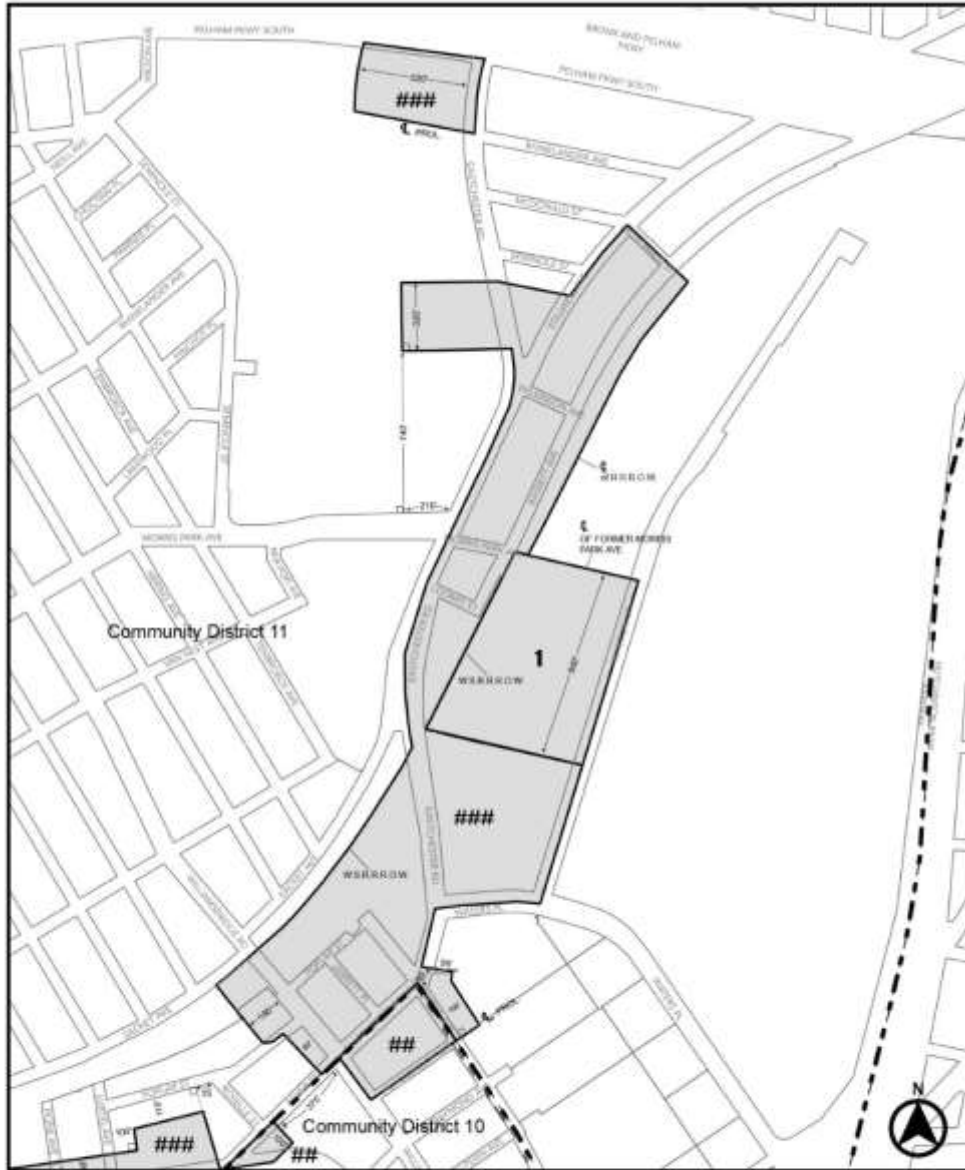
Map 1 – [date of adoption]

[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]



- - - Community District Boundaries
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
 Area 1 – 12/19/17 MIH Program Option 2  
 Area ## – [date of adoption] MIH Program Options 1 and 2  
 Area ### – [date of adoption] MIH Program Options 1 and 2

[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]



- - - Community District Boundaries
- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
  - Area 1 – 12/19/17 MIH Program Option 2
  - Area ## – [date of adoption] MIH Program Options 1 and 2 Deep Affordability Option
  - Area ### – [date of adoption] MIH Program Options 1 and 2

Portion of Community Districts 10 and 11, The Bronx

\* \* \*

**APPENDIX I**  
**Transit Zone**

The boundaries of the Transit Zone are shown on the maps in this APPENDIX. The Transit Zone includes:

all of Manhattan Community Districts 9, 10, 11 and 12;

all of Bronx Community Districts 1, 2, 4, 5, 6, and 7; and

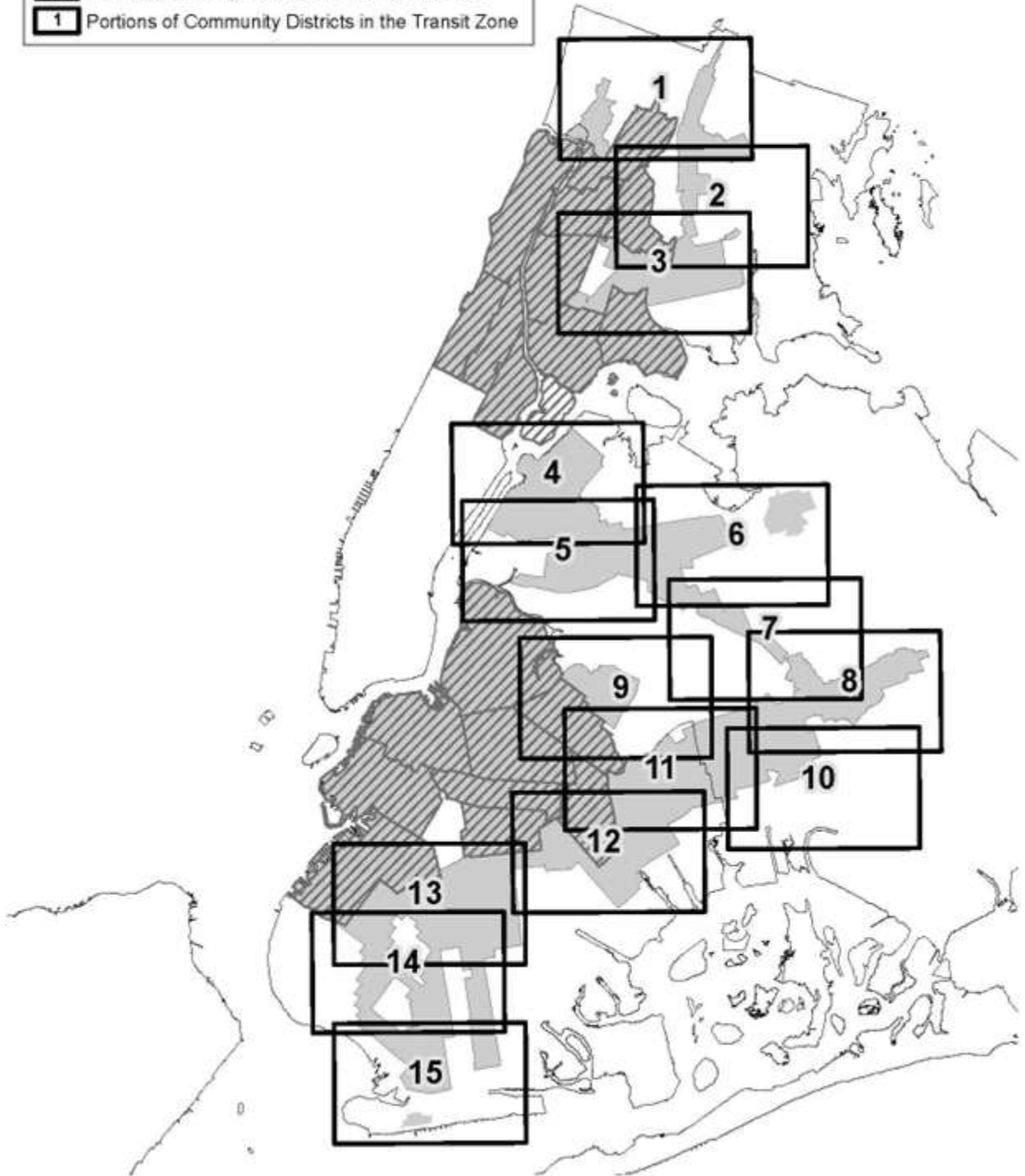
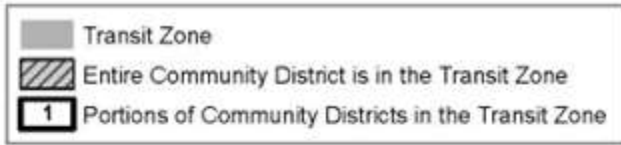
all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16.

Portions of other Community Districts in the Transit Zone are shown on Transit Zone Maps 1 through 15 in this APPENDIX.

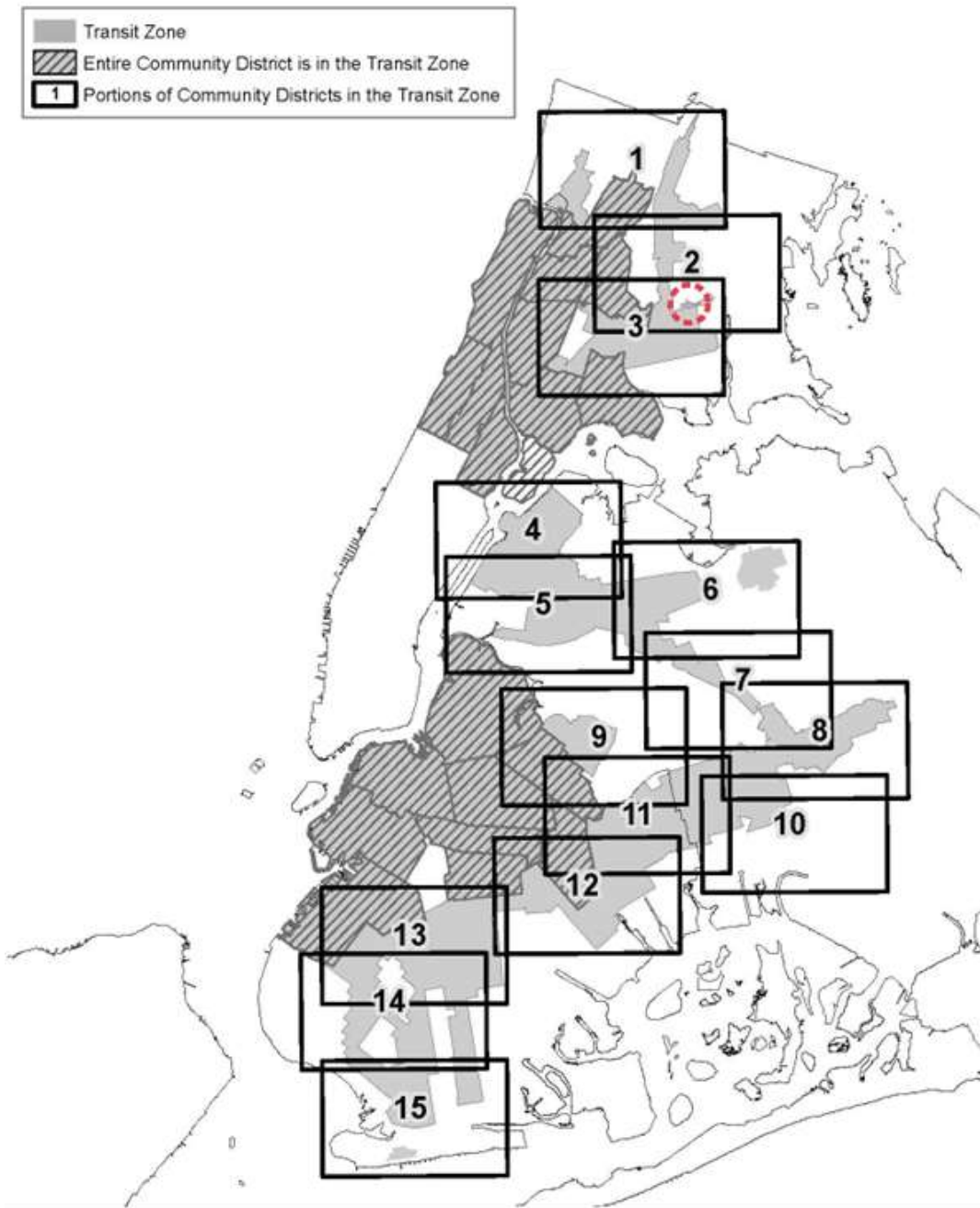
\* \* \*

[EXISTING MAP]





[PROPOSED MAP]

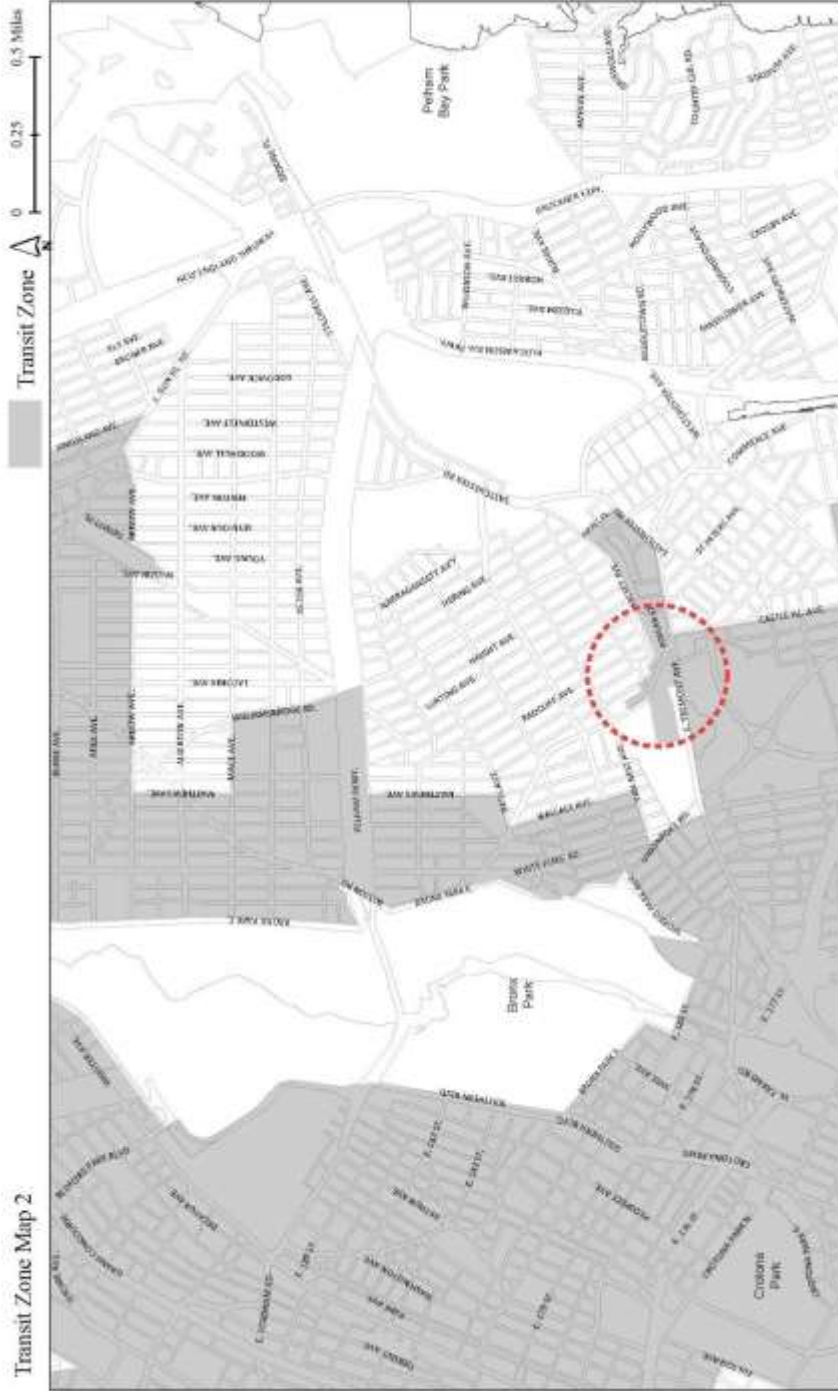


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[EXISTING MAP]



[PROPOSED MAP]



[EXISTING MAP]



[PROPOSED MAP]



\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 109 &amp; Res. No. 547

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240157 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning 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 elimination, discontinuance, and closing of a portion of Unionport Road between East Tremont Avenue and Guerlain Street 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. 13153 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 547

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240157 MMX, an amendment to the City Map (L.U. No. 109).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application pursuant Sections 197-c and 201 of the New York City Charter for an amendment to the City Map involving:

3. the elimination, discontinuance, and closing of a portion of Unionport Road between East Tremont Avenue and Guerlain Street; and
4. 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. 13153 dated January 20, 2024, and signed by the Borough President, which in conjunction with the related actions would eliminate, discontinue, and close a portion of Unionport Road between East Tremont Avenue and Guerlain Street in Morris Park neighborhood in the Bronx, Community District 11 (ULURP No. C 240157 MMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZMX (L.U. No. 106), a zoning map amendment, N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240163 MMX (L.U. No.113), C 240158 MMX (L.U. No. 110), C 240160 MMX (L.U. No. 112), and C 240159 MMX (L.U. No. 111), which are City map amendments (the "Related Applications");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 related to the Application, which were analyzed along with the Related Applications, as part of the Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024. The Council has also considered the Technical Memorandum dated June 21, 2024 (“Technical Memorandum I”) and the Technical Memorandum dated [\_\_\_\_], 2024 (“Technical Memorandum II”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 240157 MMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of a portion of Unionport Road between East Tremont Avenue and Guerlain Street; and
2. 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. 13153 dated January 20, 2024, and signed by the Borough President, is approved; and that 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. 13153, dated January 20, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject street to be discontinued and closed shall be discontinued and closed on the day following



the day on which such maps adopted by the resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 110 & Res. No. 548

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240158 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the widening of Marconi Street north of Waters Place; 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. 13151 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 548

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240158 MMX, an amendment to the City Map (L.U. No. 110).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application 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:

1. the widening of Marconi Street north of Waters Place; and
2. 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. 13151 dated January 20, 2024, and signed by the Borough President, which in conjunction with the related actions would map portions of Block 4226, Lots 1, 11, and 50 to widen the existing Marconi Street in Morris Park neighborhood of the Bronx, Community District 11 (ULURP No. C 240158 MMX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZMX (L.U. No. 106), a zoning map amendment, N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240163 MMX (L.U. No.113), C 240157 MMX (L.U. No. 109), C 240160 MMX (L.U. No. 112), and C 240159 MMX (L.U. No. 111), which are City map amendments (the “Related Applications”);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 related to the Application, which were analyzed along with the Related Applications, as part of the Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024. The Council has also considered the Technical Memorandum dated June 21, 2024 (“Technical Memorandum I”) and the Technical Memorandum dated [\_\_\_\_], 2024 (“Technical Memorandum II”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 240158 MMX, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map

involving:

1. the widening of Marconi Street north of Waters Place; and
2. 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. 13151 dated January 20, 2024 and signed by the Borough President is approved; and that all such approvals being subject to the following condition:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13151 dated January 20, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 111 & Res. No. 549

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240159 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Morris Park Station Plaza south of Morris Park Avenue and west of Bassett 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. 13152 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2779) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 549

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240159 MMX, an amendment to the City Map (L.U. No. 111).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the City Map involving:

3. the establishment of Morris Park Station Plaza south of Morris Park Avenue and west of Bassett Avenue; and
4. 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. 13152 dated January 20, 2024, and signed by the Borough President, which in conjunction with the related actions would map a new pedestrian plaza on Block 4209, Lots 10 and 70 (a.k.a. 1320 Morris Park Avenue), in Morris Park neighborhood in the Bronx, Community District 11 (ULURP No. C 240159 MMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZMX (L.U. No. 106), a zoning map amendment, N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240163 MMX (L.U. No.113), C 240158 MMX (L.U. No. 110), C 240160 MMX (L.U. No. 112), and C 240157 MMX (L.U. No. 109), which are City map amendments (the "Related Applications");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 related to the Application, which were analyzed along with the Related Applications, as part of the Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024. The Council has also considered the Technical Memorandum dated June 21, 2024 ("Technical Memorandum I") and the Technical Memorandum dated [\_\_\_\_], 2024 ("Technical Memorandum II").

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 240159 MMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the establishment of Morris Park Station Plaza south of Morris Park Avenue and west of Bassett Avenue; and
2. 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. 13152 dated January 20, 2024, and signed by the Borough President is approved; and that all such approvals being subject to the following conditions:

- b. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13152 dated January 19, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 112 & Res. No. 550

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240160 MMX (Bronx Metro-North Station Area Study) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of a street volume from the northern terminus of Marconi Street to Pelham Parkway to facilitate a future bridge connection between these two streets; and the future adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with an alteration map to be prepared pursuant to the appropriate resolutions of approval, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 550

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240160 MMX, an amendment to the City Map (L.U. No. 112).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application 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:

1. the establishment of a street volume from the northern terminus of Marconi Street to Pelham Parkway to facilitate a future bridge connection between these two streets; and
2. the future adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with an alteration map to be prepared pursuant to the appropriate resolutions of approval, which in conjunction with the related actions would facilitate the proposed future extension of Marconi Street to connect with Pelham Parkway in the Bronx, Community District 11, (ULURP No. C 240160 MMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZMX (L.U. No. 106), a zoning map amendment, N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240163 MMX (L.U. No. 113), C 240158 MMX (L.U. No. 110), C 240157 MMX (L.U. No. 109), and C 240159 MMX (L.U. No. 111), which are City map amendments (the "Related Applications");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 related to the Application, which were analyzed along with the Related Applications, as part of the Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024. The Council has also considered the Technical Memorandum dated June 21, 2024 ("Technical Memorandum I") and the Technical Memorandum dated [\_\_\_\_], 2024 ("Technical Memorandum II").

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 240160 MMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the establishment of a street volume from the northern terminus of Marconi Street to Pelham Parkway to facilitate a future bridge connection between these two streets; and
2. the future adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with an alteration map to be prepared pursuant to the appropriate resolutions of approval; and that all such approvals being subject to the following conditions:

- a. A duly signed alteration map conforming to all relevant standards and requirements and showing the establishment of Marconi Street within boundaries in plan and section that accommodate a final design of a connection between Marconi Street the Bronx-Pelham Parkway as described herein and that conform to the spatial limits shown in the mapping diagram dated November 7, 2023 and included in this application (C 240160 MMX) shall be prepared.
- b. Such alteration map shall be certified by the Chair of the City Planning Commission to be consistent and compliant with this approval and the requirements of paragraph (a) of this clause.
- c. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of a signed alteration map showing the final mapped streetlines compliant with paragraph (a) of this clause and certified in accordance with paragraph (b) of this clause are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 113 &amp; Res. No. 551

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 240163 MMX (Bronx Metro-North Station Area Study) submitted by 1601 Bronxdale Property Owner LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the establishment of Pierce Avenue west of Bronxdale 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. 13150 dated January 20, 2024 and signed by the Borough President, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 106 & Res. No. 545 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 551

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 240163 MMX, an amendment to the City Map (L.U. No. 113).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

1. the establishment of Pierce Avenue west of Bronxdale Avenue; and
2. 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. 13150 dated January 20, 2024, and signed by the Borough President, which in conjunction with the related actions in which the proposed City Map amendment includes the mapping of a new street network on portions of Bronx Block 4042, Lot 200 (a.k.a. 1601 Bronxdale Avenue) in the Van Nest neighborhood of Bronx, Community District 11 (ULURP No. C 240163 MMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications N 240015 ZMX (L.U. No. 106), a zoning map amendment, N 240016 ZRX (L.U. No. 107), a zoning text amendment; and C 240157 MMX (L.U. No.109), C 240158 MMX (L.U. No. 110), C 240160 MMX (L.U. No. 112), and C 240159 MMX (L.U. No. 111), which are City map amendments (the "Related Applications");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of



the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 related to the Application, which were analyzed along with the Related Applications, as part of the Positive Declaration issued December 8, 2022 (CEQR No. 23DCP065X) and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024. The Council has also considered the Technical Memorandum dated June 21, 2024 (“Technical Memorandum I”) and the Technical Memorandum dated [\_\_\_\_], 2024 (“Technical Memorandum II”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum I and Technical Memorandum II 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS issued June 14, 2024, the Technical Memorandum I dated June 21, 2024, and the Technical Memorandum II dated [\_\_\_\_], 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council;

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 the report, C 240163 MMX, incorporated by reference herein, and the record before the Council, the Council approves, with the following modifications, the Decision for an amendment to the City Map involving:

1. the establishment of Pierce Avenue west of Bronxdale Avenue; and
2. 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. 13150 dated January 20, 2024, and signed by the Borough President; and that 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. 13150 dated January 19, 2024, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the City’s interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.
- c. Map No. 13150 shall be amended to include the following notation: The mapping of the terminus of Pierce Avenue shall be subject to a reservation of subsurface volumes by the owner of Lot 200 delineated by one or more lower-limiting planes, and a reservation of surface easements for ventilation and similar purposes, in order to facilitate below grade parking facilities, as may agreed to by the City of New York pursuant to the Mapping Agreement.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 114 & Res. No. 552

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230293 ZMK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M3-1 District to an M1-5 District, property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line, Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2780) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-2 – THREE APPLICATIONS RELATED TO 500 KENT AVENUE**

#### **C 230293 ZMK (L.U. No. 114)**

City Planning Commission decision approving an application submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M3-1 District to an M1-5 District property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line, as shown on a diagram (for illustrative purposes only), dated January 22, 2024, and subject to the conditions of CEQR Declaration E-738, Borough of Brooklyn, Community District 2.

**C 230294 ZSK (L.U. No. 115)**

City Planning Commission decision approving an application submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback, and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), in an M1-5 District, Borough of Brooklyn, Community District 2.

**C 230296 ZSK (L.U. No. 116)**

City Planning Commission decision approving application submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 234 parking spaces, in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), in an M1-5 District, Borough of Brooklyn, Community District 2.

**INTENT**

To approve the amendment to rezone an M3-1 district to an M1-5 district, approve a special permit pursuant to Section 62-837(a) to modify height and setback regulations and modify the permitted width of walls facing the shoreline, and approve a special permit pursuant to Section 74-52 of the ZR to permit a public parking garage with 234 parking spaces to facilitate the development of a new 23-story, approximately 576,200-square-foot commercial development with approximately 555,470 square feet of office space, 20,740 square feet of retail space, and 49,450 square feet of publicly accessible open space at 500 Kent Avenue (Block 2023, Lot 10), in the South Williamsburg neighborhood of Brooklyn, Community District 2.

**PUBLIC HEARING**

**DATE:** July 24, 2024

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 114, and approve with modifications the decision of the City Planning Commission on L.U., Nos. 115 and 116.

**In Favor:**  
Riley  
Moya  
Abreu  
Schulman

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**  
Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Sanchez  
Borelli

**Against:**  
None

**Abstain:**  
None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_ 2024, 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 Salamanca and Riley offered the following resolution:

Res. No. 552

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230293 ZMK, a Zoning Map amendment (L.U. No. 114).**

By Council Members Salamanca and Riley.

**WHEREAS**, 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M3-1 District to an M1-5 District, which in conjunction with the related actions would facilitate the development of a new 23-story, approximately 576,200-square-foot commercial development with approximately 555,470 square feet of office space, 20,740 square feet of retail space, and 49,450 square feet of publicly accessible open space at 500 Kent Avenue (Block 2023, Lot 10), in the South Williamsburg neighborhood of Brooklyn Community District 2 (ULURP No. C 230293 ZMK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024 its decision dated June 26, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application C 230294 ZSK (L.U. No. 115), a special permit pursuant to Zoning Resolution Section 62-837(a) to modify height and setback regulations and modify the permitted width of walls facing the shoreline, and C 230296 ZSK (L.U. No. 116), a special permit pursuant to Zoning Resolution Section 74-52 to permit a public parking garage with 234 parking spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 Positive Declaration issued February 23, 2021 (CEQR No. 21DCP139K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024, in which significant adverse impacts related to air quality would be avoided through the placement of (E) designations (E-738) on the project site. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and pedestrians) and construction (traffic). The identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 17, "Mitigation", of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated June 25, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 230293 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d, changing from an M3-1 District to an M1-5 District property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line, as shown on a diagram (for illustrative purposes only),

dated January 22, 2024, and subject to the conditions of CEQR Declaration E-738, Borough of Brooklyn, Community District 2.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 115 & Res. No. 553

**Report of the Committee on Land Use in favor of approving Application number C 230294 ZSK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback, and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 114 & Res. No. 552 printed above in this General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 553

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230294 ZSK, for the grant of a special permit (L.U. No. 115).**

By Council Members Salamanca and Riley.

**WHEREAS**, 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback, and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), in an M1-5 District. in the South Williamsburg neighborhood of Brooklyn Community District 2 (ULURP No. C 230294 ZSK) (the “Application”)

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230293 ZMK (L.U. No. 114), a zoning map amendment to rezone an M3-1 district to an M1-5 district; and C 230296 ZSK (L.U. No. 116), a special permit pursuant to Zoning Resolution Section 74-52 to permit a public parking garage with 234 parking spaces;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 62-837(a) 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 July 24, 2023;

**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 Positive Declaration issued February 23, 2021 (CEQR No. 21DCP139K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024, in which significant adverse impacts related to air quality would be avoided through the placement of (E) designations (E-738) on the project site. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and pedestrians) and construction (traffic). The identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 17, “Mitigation”, of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated June 25, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the New York City Charter, and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230294 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications: that Section 15.2(a)(i) of the restrictive declaration dated June 25, 2024, as referenced below, shall be amended as follows:

Matter ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council;

15.2. Mitigation Measures. Declarant shall, in accordance with the FEIS, undertake the mitigation Measures set forth therein when triggered, as follows:

(a) Transportation

(i) Declarant shall coordinate with DOT to effectuate the widening of the south crosswalk located at Kent Avenue and Division Avenue by two feet, from 18.5 feet to 20.5 feet. This mitigation measure shall be subject to review and approval by DOT. Declarant, at no cost to them, shall coordinate with DOT on DOT’s implementation of the other transportation mitigation measures identified in Chapter 19 of the FEIS and shall notify DOT at the address listed in Article 12, six months prior to the full occupancy of the development.

- 1. The property that is the subject of this application (C 230294 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Marvel Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
n/a	SURVEY	10/02/2023
Z-002.00	ZONING ANALYSIS	10/02/2023
Z-004.00	BASEPLANE ANALYSIS	10/02/2023
Z-010.00	ZONING LOT SITE PLAN	01/11/2024
Z-020.00	WAIVER PLAN	10/02/2023
Z-030.00	ZONING SECTIONS	10/02/2023
Z-031.00	ZONING SECTIONS	10/02/2023
Z-070.00	ZONING AXONOMETRICS	10/02/2023
Z-071.00	ZONING AXONOMETRICS	10/02/2023

- 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3. Such development shall confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated June 25, 2024, executed by Kent Member LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Brooklyn.
- 5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
- 7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the 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 agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 116 & Res. No. 554

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230296 ZSK (500 Kent Avenue) submitted by 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 234 parking spaces, in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead and Bulkhead Line (Block 2023, Lot 10), Borough of Brooklyn, Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 114 & Res. No. 552 printed above in this General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 554

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230296 ZSK, for the grant of a special permit (L.U. No. 116).**

By Council Members Salamanca and Riley.

**WHEREAS**, 500 Kent LLC and United Jewish Organizations of Williamsburg, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 234 parking spaces, in connection with a proposed commercial development on property bounded by Division Avenue, Kent Avenue, the easterly prolongation of the N.Y.C. Pierhead Line, and the U.S. Pierhead

and Bulkhead Line (Block 2023, Lot 10), in an M1-5 District, in the South Williamsburg neighborhood of Brooklyn, Community District 2 (ULURP No. C 230296 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 1, 2024, its decision dated June 26, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230293 ZMK (L.U. No. 114), a Zoning Map Amendment to rezone an M3-1 district to an M1-5 district; and C 230294 ZSK (L.U. No. 115), Special permit to pursuant to Section 62-837(a) to modify height and setback regulations and modify the permitted width of walls facing the shoreline;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-52 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 July 24, 2023;

**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 Positive Declaration issued February 23, 2021 (CEQR No. 21DCP139K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 14, 2024, in which significant adverse impacts related to air quality would be avoided through the placement of (E) designations (E-738) on the project site. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and pedestrians) and construction (traffic). The identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 17, “Mitigation”, of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

**RESOLVED:**

Having considered the FEIS 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated June 25, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

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 this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

Application, and based on the environmental determination and consideration described in the report, C 230296 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications: that Section 15.2(a)(i) of the restrictive declaration dated June 25, 2024, as referenced below, shall be amended as follows:

Matter ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council;

15.2. Mitigation Measures. Declarant shall, in accordance with the FEIS, undertake the mitigation Measures set forth therein when triggered, as follows:

(a) Transportation

(i) Declarant shall coordinate with DOT to effectuate the widening of the south crosswalk located at Kent Avenue and Division Avenue by two feet, from 18.5 feet to 20.5 feet. This mitigation measure shall be subject to review and approval by DOT. Declarant, at no cost to them, shall coordinate with DOT on DOT’s implementation of the other transportation mitigation measures identified in Chapter 19 of the FEIS and shall notify DOT at the address listed in Article 12, six months prior to the full occupancy of the development.

- 1. The property that is the subject of this application (C 230296 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Marvel Architects, filed with this application, and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-201.00	Special Permit Parking Plan – Zoning Lot Site Plan	10/02/2023
Z-202.00	Special Permit Parking Plan Cellar Floor	10/02/2023

- 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated June 25, 2024, executed by Kent Member LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Brooklyn.
- 5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners’ or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
- 7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the 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 agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the

conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 117 & Res. No. 555

**Report of the Committee on Land Use in favor of approving Application number C 240131 ZMK (3033 Avenue V Rezoning) submitted by Ford Coyle Properties Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, changing from an R4 District to an R7D District, and establishing within the proposed R7D District a C2-4 District, property bounded by a line 100 feet northerly of Avenue V, Coyle Street, Avenue V, and Ford Street, Borough of Brooklyn, Community District 15, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2781) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 3303 AVENUE V REZONING**

#### **C 240131 ZMK (L.U. No. 117)**

City Planning Commission decision approving an application submitted by Ford Coyle Properties Inc, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R7D District property bounded by a line 100 feet southerly of Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet southerly of

Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street.

as shown on a diagram (for illustrative purposes only) dated March 18, 2024, and subject to the conditions of CEQR Declaration E-752, Borough of Brooklyn, Community District 15.

**N 240132 ZRK (L.U. No. 118)**

City Planning Commission decision approving an application submitted by Ford Coyle Properties Inc, 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 approve the amendment to rezone the project area from an R4/C1-2 zoning district to an R7D/C2-4 zoning district and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Option 1, which would facilitate the development of a new nine-story, approximately 112,000 square-foot, mixed-use building with 109 dwelling units (27 of which would be permanently income-restricted), approximately 13,650 square-feet of ground-floor retail, and 98,350 square-feet of residential floor area located at 3033 Avenue V in the Sheepshead Bay neighborhood of Brooklyn, Community District 15.

**PUBLIC HEARING**

**DATE:** July 24, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 117 and approve with modifications the decision of the City Planning Commission on L.U. No. 118.

**In Favor:**  
Riley  
Moya  
Abreu  
Schulman

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION****DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Riley		
Brooks-Powers		
Abreu		
Farias		
Sanchez		
Borelli		

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated [\_\_\_\_], with the Council on [\_\_\_\_], 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 Salamanca and Riley offered the following resolution:

Res. No. 555

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240131 ZMK, a Zoning Map amendment (L.U. No. 117).**

By Council Members Salamanca and Riley

**WHEREAS**, Ford Coyle Properties Inc, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, by eliminating from within an existing R4 District a C1-2 District, changing from an R4 District to an R7D District, and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related action for a zoning text amendment (N 240132 ZRK), would facilitate the development of a new nine-story, approximately 112,000 square-foot, mixed-use building with 109 dwelling units (approximately 27 to 33 of which would be permanently income-restricted), approximately 13,650 square-feet of ground-floor retail, and 98,350 square-feet of residential floor area, located at 3033 Avenue V in the Sheepshead Bay neighborhood of Brooklyn, Community District 15 (ULURP No. C 240131 ZMK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024 its decision dated June 26, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application N 240132 ZRK (L.U. No. 118), a zoning text amendment to Appendix F to designate a Mandatory Inclusionary Housing (“MIH”) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 issued on March 18, 2024 (CEQR No. 24DCP052K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-752) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-752) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240131 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by a line 100 feet southerly of Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street;
2. changing from an R4 District to an R7D District property bounded by a line 100 feet southerly of Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street; and
3. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet southerly of Avenue V, Coyle Street, a line 100 feet northerly of Avenue U, and a line midway between Ford Street and Coyle Street.

as shown on a diagram (for illustrative purposes only) dated March 18, 2024, and subject to the conditions of CEQR Declaration E-752, Borough of Brooklyn, Community District 15.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 118 &amp; Res. No. 556

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240132 ZRK (3033 Avenue V Rezoning) an application submitted by Ford Coyle Properties Inc., 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 Brooklyn, Community District 15, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 117 & Res. No. 555 printed above in this General Orders Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 556

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 240132 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 118).**

By Council Members Salamanca and Riley.

**WHEREAS**, Ford Coyle Properties Inc, filed an application 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, which in conjunction with the related action for a zoning map amendment (C 240131 ZMK), would facilitate the development of a nine-story, approximately 112,000 square-foot, mixed-use building with 109 dwelling units (27 to 33 of which would be permanently income-restricted), approximately 13,650 square-feet of ground-floor retail, and 98,350 square-feet of residential floor area located at 3033 Avenue V in the Sheepshead Bay neighborhood of Brooklyn, Community District 15 (ULURP No. N 240132 ZRK), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024, its decision dated June 26, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application C 240131 ZMK (L.U. No. 117), a zoning map amendment to change an R4/C1-2 zoning district to an R7D/C2-4 zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 issued on March 18, 2024 (CEQR No. 24DCP052K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-752) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-752) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 240132 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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**

\* \* \*

**BROOKLYN**

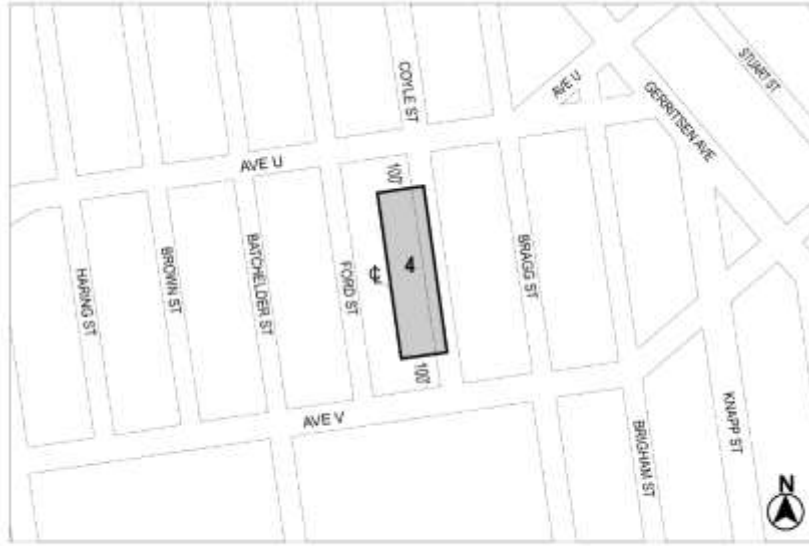
\* \* \*

**Brooklyn Community District 15**

\* \* \*

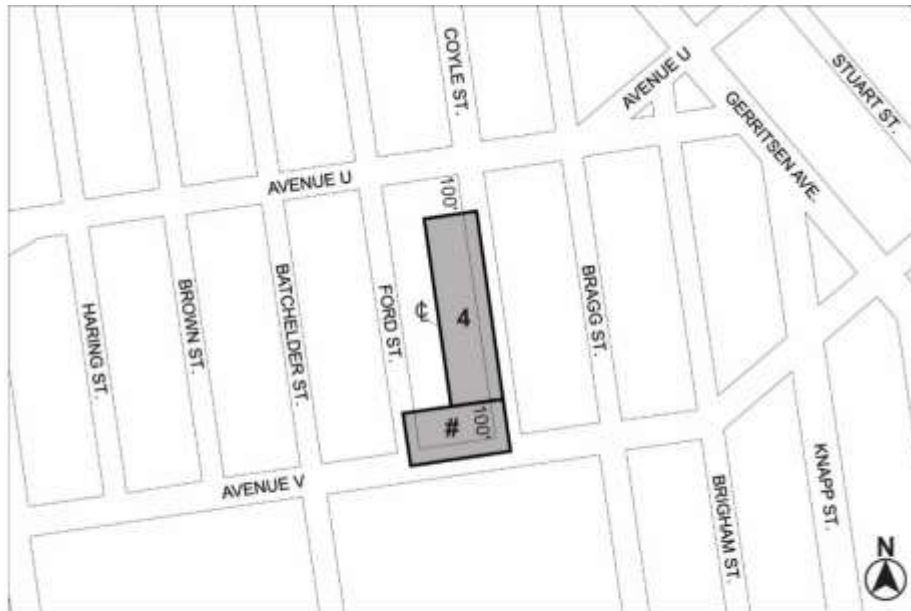
Map 4 – [date of adoption]

[EXISTING MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)  
 Area 4 — 2/24/22 MIH Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



Mandatory inclusionary Housing Program Area see Section 23-154(d)(3)  
 Area 4 — 2/24/22 MIH Program Option 1 and Deep Affordability Option  
 Area # — [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 15, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: Council Member Marmorato.

On motion of the Speaker (Council Member Adams), 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. 120 & Res. No. 557

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230258 ZMK (712 Myrtle Avenue) submitted by Joel Berkowitz pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, property bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street, Borough of Brooklyn, Community District 3, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 712 MYRTLE AVENUE**

#### **C 230258 ZMK (L.U. No. 120)**

City Planning Commission decision approving an application submitted by Joel Berkowitz, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-2 District to an R7D District property bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street; and
2. establishing within the proposed R7D District a C2-4 District bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street;

as shown on a diagram (for illustrative purposes only) dated February 20, 2024, and subject to the conditions of CEQR Declaration E-731, Borough of Brooklyn, Community District 3.

#### **N 230259 ZRK (L.U. No. 121)**

City Planning Commission decision approving an application submitted by Joel Berkowitz, 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 approve the amendment to rezone the project area from an M1-2 zoning district to an R7D/C2-4 zoning district; amend the zoning text to map the project area as a Mandatory Inclusionary Housing (MIH) area, to facilitate the construction of a new nine-story residential building containing 41 dwelling units, 10 of which would be permanently income-restricted, at 712 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

**PUBLIC HEARING**

**DATE:** July 24, 2024

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** August 6, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 120 and approve with modifications the decision of the City Planning Commission on L.U. No. 121.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** August 6, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_ 2024, 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 Salamanca and Riley offered the following resolution:

Res. No. 557

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230258 ZMK, a Zoning Map amendment (L.U. No. 120).**

By Council Members Salamanca and Riley.

**WHEREAS**, Joel Berkowitz, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, by changing from an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related zoning text amendment action (N 230259 ZRK), would facilitate the construction of a new nine-story residential building containing 41 dwelling units, 10 of which would be permanently income-restricted, at 712 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 230258 ZMK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024 its decision dated July 10, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application N 230259 ZRK (L.U. No. 121), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 issued on February 16, 2024 (CEQR No. 23DCP128K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-731) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-731) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230258 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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. 13b:

1. changing from an M1-2 District to an R7D District property bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street; and
2. establishing within the proposed R7D District a C2-4 District bounded by Myrtle Avenue, Walworth Street, a line 100 feet southerly of Myrtle Avenue, and Spencer Street;

as shown on a diagram (for illustrative purposes only) dated February 20, 2024, and subject to the conditions of CEQR Declaration E-731, Borough of Brooklyn, Community District 3.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: *Council Member Marmorato*.

On motion of the Speaker (Council Member Adams), 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. 121 & Res. No. 558

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230259 ZRK (712 Myrtle Avenue) submitted by Joel Berkowitz, 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 Brooklyn, Community District 3, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2024 (Minutes, page 2782) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 120 & Res. No. 557 printed above in this General Orders Calendars section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 558

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230259 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 121).**

By Council Members Salamanca and Riley.

**WHEREAS**, Joel Berkowitz, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action (C 230258 ZMK), would facilitate the construction of a new nine-story residential building containing 41

dwelling units, ten of which would be permanently income restricted, at 712 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. N 230259 ZRK), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 12, 2024, its decision dated July 10, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application C 230258 ZMK (L.U. No. 120), a zoning map amendment to change an M1-2 zoning district to an R7D/C2-4 zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 24, 2024;

**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 issued on February 16, 2024 (CEQR No. 23DCP128K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-731) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-731) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, Application, the environmental determination, considerations described in the report, N 230259 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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**

\* \* \*

**BROOKLYN**

\* \* \*

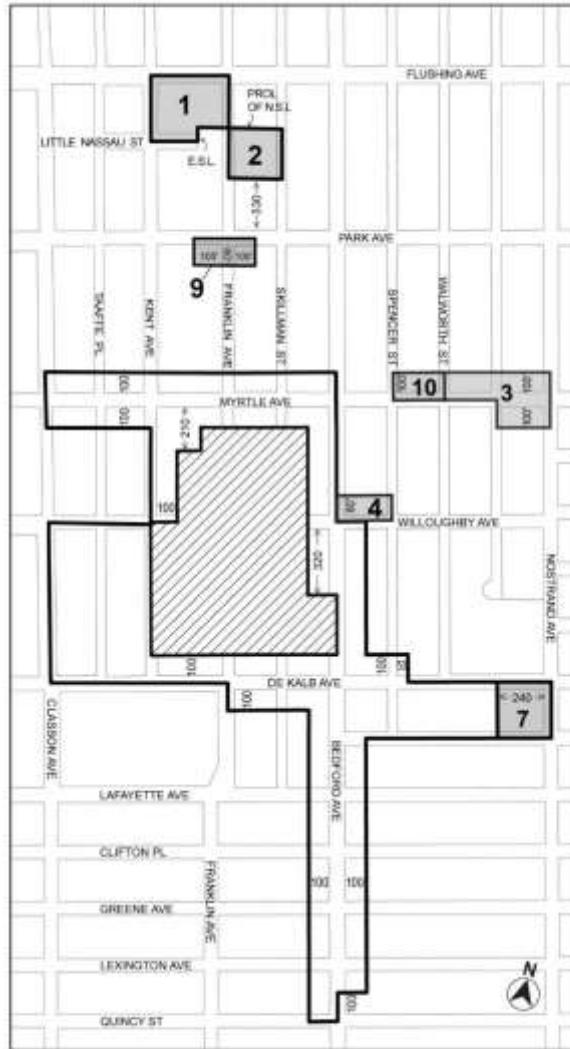
**Brooklyn Community District 3**




\* \* \*

Map 3 – [date of adoption]

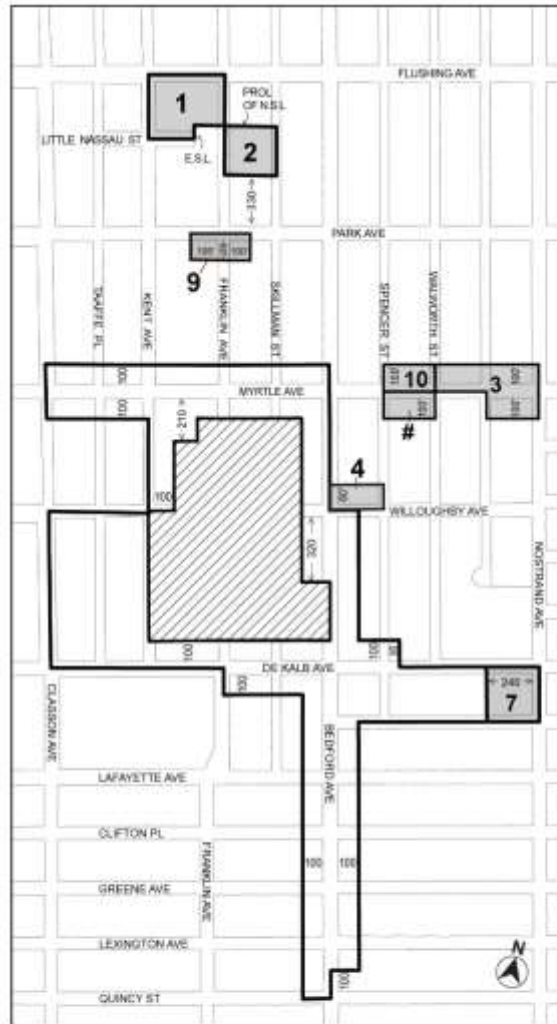





[EXISTING MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
  - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
  - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
  - Area 3 – 11/30/17 MIH Program Option 1
  - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
  - Area 7 – 11/10/21 MIH Program Option 2
  - Area 9 – 2/2/23 MIH Program Option 1
  - Area 10 – 11/2/23 MIH Program Option 1 and Deep Affordability Option
-  Excluded Area

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
  - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
  - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
  - Area 3 – 11/30/17 MIH Program Option 1
  - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
  - Area 7 – 11/10/21 MIH Program Option 2
  - Area 9 – 2/2/23 MIH Program Option 1
  - Area 10 – 11/2/23 MIH Program Option 1 and Deep Affordability Option
  - Area # – [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option
-  Excluded Area

Portion of Community District 3, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 8-0-0; *Absent*: Kamillah M. Hanks and Crystal Hudson; *Parental*: Carlina Rivera; Committee on Land Use, August 6, 2024. *Other Council Members Attending*: *Council Member Marmorato*.

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

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
SHAQUANNA MONEA GREENE	555 10th Ave, Apt 36B New York, New York 10018	3
ELAINE G. JONES	1964 First Ave, Apt 5T New York, New York 10029	8
ROBERT ANTHONY GLESSMAN	1400 5th Ave, Apt 2L New York, New York 10026	9
LISA OLMO	704 W 180th St, Apt 41 New York, New York 10033	10
DEDRA Y. WADE	3227 Mickle Ave Bronx, New York 10469	12
JAMES J. WADE	3227 Mickle Ave Bronx, New York 10469	12
GABRIEL MEGA CALDERON	3013 Baisley Ave, #PH Bronx, New York 10461	13
REGINALD J. HADLEY	97-15 Horace Harding Expwy, Apt 17K Queens, New York 11368	21
MOUREE MIZAN KHAN	92-83 219th Street Queens, New York 11428	23
NINA DOLORES C. VILLANUEVA	47-07 90th St Queens, New York 11373	25
ARIELLE HOLZWANGER	83-14 Grand Ave Queens, New York 11373	30
SANDRA BRAITHWAITE DIAZ	218-14 135th Ave, 1st Fl Springfield Gardens, New York 11413	31

MARY S. GLENN

1408 New York Ave, Apt 6G  
Brooklyn, New York 11210

45

On motion of the Speaker (Council Member Adams), 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 Orders Calendar)**

- (1) **Int. No. 123-A -** Prohibiting the Department of Homeless Services from requiring a child's presence in person at an intake facility when a family with children applies for shelter
- (2) **Int. No. 460-A -** Feasibility of contracting with community-based organizations to accept and process applications for shelter intake from families with children.
- (3) **Int. No. 745-A -** Bicycle and other micromobility device activity.
- (4) **Preconsidered Res. No. 517 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (5) **L.U. No. 101 & Res. No. 541 -** **App. C 230225 RSR (Arthur Kill Terminal)**, Borough of Staten Island, Community District 3, Council District 51.
- (6) **L.U. No. 102 & Res. No. 542 -** **App. N 230227 ZRK (Arthur Kill Terminal)**, Borough of Staten Island, Community District 3, Council District 51.
- (7) **L.U. No. 103 & Res. No. 543 -** **App. C 230228 MLR (Arthur Kill Terminal)**, Borough of Staten Island, Community District 3, Council District 51.
- (8) **L.U. No. 104 & Res. No. 544 -** **App. C 230231 MMR (Arthur Kill Terminal)**, Borough of Staten Island, Community District 3, Council District 51.
- (9) **L.U. No. 106 & Res. No. 545** **App C 240015 ZMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.

- (10) **L.U. No. 107 & Res. No. 546 -** **App. N 240016 ZRX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (11) **L.U. No. 109 & Res. No. 547 -** **App. C 240157 MMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (12) **L.U. No. 110 & Res. No. 548 -** **App. C 240158 MMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (13) **L.U. No. 111 & Res. No. 549 -** **App. C 240159 MMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (14) **L.U. No. 112 & Res. No. 550 -** **App. C 240160 MMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (15) **L.U. No. 113 & Res. No. 551 -** **App. C 240163 MMX (Bronx Metro-North Station Area Study)**, Borough of the Bronx, Community Districts 9, 10 & 11, Council Districts 13, 17, and 18.
- (16) **L.U. No. 114 & Res. No. 552 -** **App. C 230293 ZMK (500 Kent Avenue)**, Borough of Brooklyn, Community District 2, Council District 33.
- (17) **L.U. No. 115 & Res. No. 553 -** **App. C 230294 ZSK (500 Kent Avenue)**, Borough of Brooklyn, Community District 2, Council District 33.
- (18) **L.U. No. 116 & Res. No. 554 -** **App. C 230296 ZSK (500 Kent Avenue)**, Borough of Brooklyn, Community District 2, Council District 33.

- (19) **L.U. No. 117 & Res. No. 555 -** **App. C 240131 ZMK (3033 Avenue V Rezoning)**, Borough of Brooklyn, Community District 15, Council District 46.
- (20) **L.U. No. 118 & Res. No. 556 -** **App. N 240132 ZRK (3033 Avenue V Rezoning)** Borough of Brooklyn, Community District 15, Council District 46.
- (21) **L.U. No. 119 & Res. No. 537 -** **App. C 240072 ZMK (197 Berry St Rezoning)**, Borough of Brooklyn, Community District 1, Council District 34.
- (22) **L.U. No. 120 & Res. No. 557 -** **App. C 230258 ZMK (712 Myrtle Avenue)**, Borough of Brooklyn, Community District 3, Council District 33.
- (23) **L.U. No. 121 & Res. No. 558 -** **App. N 230259 ZRK (712 Myrtle Avenue)**, Borough of Brooklyn, Community District 3, Council District 33.
- (24) **L.U. No. 122 & Res. No. 538 -** **App. C 230172 MMR (Prince's Point Development)**, Borough of Staten Island, Community District 3, Council District 51.
- (25) **L.U. No. 123 & Res. No. 539 -** **App. N 240120 ZRR (Prince's Point Vesting Amendment)**, Borough of Staten Island, Community District 3, Council District 51.
- (26) **L.U. No. 124 & Res. No. 540 -** **App. D 2450087057 SWQ Wings & Seafood, Borough of Queens, Community District 5, Council District 30 (Coupled to be Disapproved).**
- (27) **Preconsidered L.U. No. 125 & Res. No. 533 -** Mt. Morris Plaza: Block 1722, Lot 7, Manhattan, Community District No. 10, Council District No. 9.
- (28) **Preconsidered L.U. No. 126 & Res. No. 534 -** Henry Brooks Senior: Block 2047, Lot 12, Manhattan, Community District No. 10, Council District No. 9.



- |   |   |
|---|---|
| (29) <b>Preconsidered</b><br><b>L.U. No. 127 &amp;</b><br><b>Res. No. 535 -</b> | Metro North Court Apartments<br>(Amendment): Block 1672, Lot 1,<br>Manhattan, Community District No.<br>11, Council District No. 8. |
| (30) <b>Preconsidered</b><br><b>L.U. No. 128 &amp;</b><br><b>Res. No. 536 -</b> | Metro North Court Apartments<br>(Extension): Block 1672, Lot 1,<br>Manhattan, Community District No.<br>11, Council District No. 8. |
| (31) <b>Resolution approving various persons Commissioners of Deeds.</b>        |   |

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

**Affirmative** – Abreu, Ariola, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Nurse, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **44**.

**The General Order vote recorded for this Stated Meeting was 44-0-0 as shown above.**

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 123-A, 460-A, and 745-A.*

**RESOLUTIONS**  
*presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote item Res. No. 372

**Report of the Committee on Education in favor of approving a Resolution calling on the New York City Department of Education to provide support for a student newspaper at every high school.**

The Committee on Education, to which the annexed resolution was referred on April 18, 2024 (Minutes, page 1878), respectfully

**REPORTS:**

**I. INTRODUCTION**

On August 15, 2024, the Committee on Education, chaired by Council Member Rita Joseph, considered Resolution Number (“Res. No.”) 372, sponsored by Council Member Joseph, calling on the New York City Department of Education to provide support for a student newspaper at every high school. The Committee previously held a hearing on Res. No. 372 on June 18, 2024. At that hearing, the Committee heard testimony from advocates, students and members of the public. On August 15, 2024, the Committee adopted this resolution by a vote of ten in the affirmative, zero in the negative, and zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 372:)**

Res. No. 372

**Resolution calling on the New York City Department of Education to provide support for a student newspaper at every high school.**

By Council Members Joseph, Gennaro, Brannan, Louis, Rivera, Brewer, Riley, De La Rosa, Hudson, Abreu, Banks, Brooks-Powers, Schulman, Cabán, Ossé, Salaam, Narcisse, Nurse, Farías, Sanchez, Avilés, Won, Hanif, Bottcher and Dinowitz.

**Whereas**, The New York City (NYC) Department of Education (DOE) is the largest school district in the United States, providing primary and secondary education to nearly one million students, from early childhood to grade 12 in over 1,800 schools; and

**Whereas**, A school newspaper provides students with a platform to express their ideas and creativity while also helping to develop critical thinking skills; and

**Whereas**, Student journalism advocates assert that student journalism programs are essential to helping students develop writing skills, build community, hold school leaders accountable, and develop a more racially and socioeconomically representative pipeline of professional journalists; and

**Whereas**, However, a November 2022 research report on Newspaper Prevalence among New York City Public High Schools by Baruch College (“Baruch Report”) found that only 26.9% of non-Charter public high schools have a student newspaper; and

**Whereas**, Moreover, among the 100 non-charter public high schools with the highest poverty rates, only 7% percent have a student newspaper; and

**Whereas**, Meanwhile, 62% of the 50 non-charter public high schools with the lowest poverty rates and 100% of NYC’s specialized high schools have newspapers; and

**Whereas**, Additionally, high schools with high percentages of Black and Hispanic students—according to DOE demographic data and classifications—are less likely to have a student newspaper than high schools with low rates of poverty and economic need and higher percentages of white and Asian students; and

**Whereas**, Overall, high schools with high four-year graduation rates are more likely to have a student newspaper than schools with the lowest four-year graduation rates: 58% of the 50 high schools with the highest graduation rates compared to 6% of the 50 high schools with the lowest graduation rates; and

**Whereas**, While the Baruch Report does not assert a causal relationship between rates of poverty or graduation, or rates of racial and ethnic composition of high schools and student newspaper prevalence, its analysis of the data reveals that high schools with poverty rates of 78% or higher, which includes nearly two-thirds of NYC non-Charter public high schools, tend to have higher graduation rates when they have a student newspaper; and

**Whereas**, NYC non-Charter public high schools in the Bronx and Brooklyn are less likely than high schools in Manhattan, Queens, and Staten Island to have a student newspaper; and

**Whereas**, The Baruch Report’s findings are consistent with findings published by journalism educator Jessica Siegal, which were based on data collected from 263 NYC public high schools between 2007 and 2009; and

**Whereas**, Between the Baruch Report and Siegal’s findings, one can conclude that student newspaper prevalence has declined among NYC public high schools over the past 14 years; and

**Whereas**, Potential reasons for the loss of a student newspaper at a NYC public high school, according to the experience of Baruch College’s High School Journalism Program over the past decade, include (1) a failure to name a trained replacement whenever a student newspaper advisor leaves their school; (2) a reallocation of resources that once supported a student newspaper; and (3) a lack of journalism training and experience among teachers and administrators; and

**Whereas**, However, according to outreach conducted by the Baruch Report authors, teachers and administrators recognize the value of journalism and new literacy education, they are receptive to the idea of launching a student newspaper with assistance and training, and online platforms make publishing a student newspaper easier and less expensive than ever before; and

**Whereas**, All NYC public school students deserve the opportunity to gain leadership and civic engagement experience, news judgment, research and writing proficiency, news literacy, and many other skills and benefits afforded through student newspaper participation; and

**Whereas**, Participation in a student newspaper not only expands a student’s knowledge and abilities but also contributes to a future of democratic freedoms, government accountability, and a more news-savvy, better informed society; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York City Department of Education to provide support for a student newspaper at every high school.

RITA C. JOSEPH, *Chairperson*; ERIC DINOWIZ, JAMES F. GENNARO, JENNIFER GUTI’ERREZ, KAMILLAH M. HANKS, SHEKAR KRISHNAN, LINDA LEE, PIERINA A. SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 10-0-0; *Absent*: Mercedes Narcisse; *Medical*: Shahana K. Hanif and Farah N. Louis; Committee on Education, August 15, 2024. *Other Council Members Attending*: Council Members Powers, Hudson and Brewer.

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

The following 2 Council Members formally noted their intention to vote in the **negative** on this item: Council Members Vernikov and Yeger.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 999

By Council Members Ariola, Brannan, Ung and Gutiérrez.

### **A Local Law to amend the administrative code of the city of New York, in relation to the installation of vape detectors in public middle and high schools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.26 to read as follows:

*§ 17-199.26 Provision of vape detectors to middle and high schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Middle and high school. The term “middle and high school” means any school of the city school district that contains any combination of grades from grade 6 through grade 12.*

*Vape detector. The term “vape detector” means a device designed to detect vapor produced by an electronic cigarette or similar device, used to monitor and alert for vaping within a specified area.*

*Vaping. The term “vaping” means inhaling and exhaling the aerosol, often referred to as vapor, that is produced by an e-cigarette or similar device.*

*b. In consultation with the chancellor of the city school district, the commissioner shall provide each middle and high school with an adequate supply of vape detectors sufficient to meet its needs.*

§ 2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 35 to read as follows:

### CHAPTER 35 INSTALLATION OF VAPE DETECTORS

*§ 21-1006 a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Middle and high school. The term “middle and high school” means a school that contains any combination of grades from grade 6 through grade 12.*

*School. The term “school” means any school of the city school district.*

*Vape detector. The term “vape detector” means a device designed to detect vapor produced by an electronic cigarette or similar device, used to monitor and alert for vaping within a specified area.*

*Vaping. The term “vaping” means inhaling and exhaling the aerosol, often referred to as vapor, that is produced by an e-cigarette or similar device.*

*b. Installation. At the chancellor’s discretion and in coordination with the commissioner of health and mental hygiene, the chancellor shall install vape detectors in each middle and high school. The chancellor shall determine the number and type of vape detectors to be installed in each middle and high school and the locations for installation of vape detectors in each middle and high school pursuant to this subdivision.*

*c. Reporting. No later than 2 years after the effective date of the local law that added this section, the chancellor shall submit to the mayor and the speaker of the council and post conspicuously on the department’s website a report on the progress of vape detector installation in middle and high schools. Such report shall include a table in which each separate row references a unique school in which the chancellor is required to install vape detectors at the chancellor’s discretion pursuant to subdivision b of this section. Each such row shall include the following information, as well as any additional information the chancellor deems appropriate, set forth in separate columns:*

- 1. The name of such school;*
- 2. The borough in which such school is located;*
- 3. Whether or not vape detectors have been installed in such school;*
- 4. If vape detectors have not been installed in such school, an explanation for the lack of installation;*
- 5. If vape detectors have been installed in such school, the number of vape detectors installed; and*

6. *If vape detectors have been installed in such school, the locations where vape detectors are installed.*  
 § 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Education.

Int. No. 1000

By Council Member Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of commercial parking spaces by for-hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19.170.1 of the administrative code of the city of New York, as added by local law number 167 for the year 2021, is amended by adding a new definition of “for-hire vehicle” in alphabetical order to read as follows:

*For-hire vehicle. The term “for-hire vehicle shall have the same meaning as set forth in subdivision g of section 19-502.*

§ 2. Subdivision b of section 19.170.1 of the administrative code of the city of New York, as added by local law number 167 for the year 2021, is amended to read as follows:

b. The department shall regulate commercial parking meter areas with a parking meter, mobile payment system, a parking reservation system, or other means as determined by the department. No person shall park a commercial vehicle, *a for-hire vehicle*, or a service vehicle, whether attended or not, in a commercial parking meter area:

1. without first purchasing the amount of parking time desired from a parking meter, mobile payment system, parking reservation system, or other means as determined by the department; or  
 2. in excess of three hours, unless otherwise indicated by a posted sign.

§ 3. Section 19.170.1 of the administrative code of the city of New York, as added by local law number 167 for the year 2021, is amended by adding a new subdivision g to read as follows:

*g. The department shall promulgate rules to authorize for-hire vehicles to park or stand in commercial parking meter areas at individual intervals of up to thirty minutes, four times per day.*

§ 4. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Preconsidered Res. No. 517

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

By Council Member Brannan.

**Whereas**, On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

**Whereas**, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

**Whereas**, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving the new designation and changes in the

designation of certain organizations receiving local, aging, youth, anti-poverty, community safety and victim services, boroughwide, and Speaker's initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 and Fiscal 2024 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving anti-poverty, local, aging, community safety and victim services, and Speaker's initiative discretionary funding, and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving community safety and victim services discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Community Composting Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith and Community Based Initiative (formerly HIV/AIDS Faith Based Initiative) in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Clubhouses Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Youth Peer Support Pilot Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Older Adults Mental Health (formerly Geriatric Mental Health) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 31; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 38; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 39; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 40; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 41; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 42; and be it further

**Resolved**, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 43; and be it further

**Resolved**, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 44.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 517 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Res. No. 518

**Resolution declaring October as Jamaican Heritage Month in New York City.**

By Council Members Brooks-Powers, Cabán, Hanif and Gutiérrez.

**Whereas**, Jamaicans are the third-largest foreign-born group in New York City, according to the Census American Community Survey 2020; and



**Whereas**, Jamaican Immigrants have made neighborhoods like Crown Heights and East Flatbush in Brooklyn; Eastchester and Wakefield in the Bronx; the Laurelton-Rosedale area in Queens and many other areas of the city their home; and

**Whereas**, Jamaican immigrants have contributed greatly to the economic development in New York City and the U.S. as notably hard workers, business owners and entrepreneurs; and

**Whereas**, For example, according to a 2010 American Community Survey and the U.S. Census Bureau, Jamaicans are among the three immigrant populations to own the greatest number of businesses in the U.S. from 2002 to 2008, contributing \$348 billion to the U.S. economy from 2002 to 2007; and

**Whereas**, New York City had the largest number of black-owned Jamaican businesses during this period and these businesses contributed about \$12.8 billion to New York City economy; and

**Whereas**, Many Jamaican Americans have contributed significantly to the arts, music, culture, and politics in New York City and the U.S.; and now, therefore, be it

**RESOLVED**, That the Council of the City of New York declares October as Jamaican Heritage Month in New York City.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 519

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.8672/A.9250, in relation to electronic appearances for parking violations**

By Council Members Brooks-Powers and Dinowitz.

**Whereas**, The New York City (City or NYC) Department of Finance (DOF) is responsible for collecting and processing payments for parking tickets and camera violations issued in the City; and

**Whereas**, The Parking Violations Bureau (PVB), established under State law, is an administrative tribunal within DOF responsible for accepting pleas to and hearing and determining charges of traffic infractions relating to parking violations within the City, providing for monetary fines, penalties and fees for such violations, and entering and enforcing its judgments in the same manner as the enforcement of money judgments in civil actions; and

**Whereas**, According to the Rules of the City of New York, guilty pleas for parking tickets must be entered within 30 days after service of the notice of violation and accompanied by a check, money order, or other form of payment, and no hearing is held; and

**Whereas**, According to the Rules of the City of New York, parking tickets can be contested if a respondent pleads not guilty and if DOF receives a hearing request; and

**Whereas**, Currently, when an individual wishes to dispute a ticket, the individual must submit a request for a hearing, which can be done online, by mail, on a smartphone using the NYC Parking Ticket Pay or Dispute App, or in person; and

**Whereas**, In Fiscal Year 2023, out of a total of approximately 17.2 million parking tickets and camera violations issued, 1.7 million had hearings, of which 508,750, or approximately 30 percent, were dismissed because of a not guilty hearing decision; and

**Whereas**, Although disputing parking tickets online, by mail, or on smartphones allows the defendant to remotely submit evidence such as photographs and a description of the scene to support the claim that the ticket should be dismissed, the defendant is not present for the hearing or judgment; and

**Whereas**, During the COVID-19 pandemic, courts around the country transitioned to virtual operations, including the use of teleconferencing, and in 2020, the New York State Unified Court System began scheduling virtual court appearances in consumer credit cases using Microsoft Teams and the New York State Department of Motor Vehicles (DMV) Traffic Violation Bureau (TVB) began offering virtual hearings using WebEx; and

**Whereas**, in July 2021, the Conferences of Chief Justices and the Conferences of State Court Administrators released a report titled “Guiding Principles for Post-pandemic Court Technology” and stated that courts should “[m]ove as many court processes as possible online” and “[a]llow for remote attendance at hearings”; and

**Whereas**, The City should follow the example of the State’s Unified Court System and the TVB by offering virtual hearings for ticket disputes; and

**Whereas**, According to the Rules of the City of New York, the Director of the PVB, as appointed by the DOF Commissioner, already may determine certain classes of alleged violations as appropriate for adjudication using virtual but contemporaneous videographic means; and

**Whereas**, S.8672, introduced by State Senator John Liu, and companion bill A.9250, introduced by Assembly Member Jeffrey Dinowitz, would amend the New York State vehicle and traffic law to authorize the parking violations bureau to adopt rules and regulations which would allow a person charged with a parking violation to enter a plea of not guilty to obtain a hearing either in person or through electronic appearance; and

**Whereas**, S.8672/A.9250 would further require a video recording to be made contemporaneously with any electronic appearance or hearing, which may be introduced as evidence in any further proceedings relating to such a violation; and

**Whereas**, With advancements in video conferencing technology, virtual court appearances under S.8672/A.9250 could allow a person charged with a parking violation who might not otherwise have been able to appear in person to argue their case and explain any submitted documentation to a judge at a hearing; and

**Whereas**, Allowing video recordings of virtual appearances for ticket dispute hearings and allowing the recordings to be introduced as evidence in any further proceedings could potentially aid New Yorkers in appealing parking ticket judgements; 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, S.8672/A.9250, in relation to electronic appearances for parking violations.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 520

**Resolution recognizing July 2 annually as Thurgood Marshall Day in the City of New York to promote his contributions and legacy as a pillar of the Civil Rights movement.**

By Council Members Farías, Hudson, Brooks-Powers, Riley, Williams, Joseph, Nurse, Narcisse, Ossé, Cabán, Ung, Hanif and Gutiérrez.

**Whereas**, Thurgood Marshall, the first African American Supreme Court Justice, was born on July 2, 1908, to William Canfield, a country club steward, and Normal Williams Marshall, an elementary school teacher, in Baltimore, Maryland; and

**Whereas**, Justice Marshall is a prominent figure of the Civil Rights Movement in the United States who deserves to be recognized for his accomplishments and actions; and

**Whereas**, Growing up, Thurgood Marshall did not allow racial segregation to discourage him from his dreams of being a lawyer: enrolling at Howard University Law School after being denied the ability to attend the University of Maryland Law School due to his race; and

**Whereas**, Justice Marshall transformed his experiences with the evils of segregation into becoming an advocate for positive change by using the legal arena to remove injustice; and

**Whereas**, As a young lawyer, Thurgood Marshall joined the National Association for the Advancement of Colored People (NAACP) where he litigated against racial inequalities; and

**Whereas**, Thurgood Marshall’s legal career with NAACP would lead him to move to New York City in 1936 where he spent many prime years of his legal career; and

**Whereas**, In conjunction with NAACP and other lawyers, Justice Marshall became a lead on *Murray v. Pearson*, which led to the racial integration of the University of Maryland Law School—correcting an inequity that was especially personal to him; and

**Whereas**, Justice Marshall founded the Legal Defense Fund (LDF) in 1940, which eventually became a separate entity from the NAACP; and

**Whereas**, To this day, LDF continues to protect the civil rights of African-Americans through litigation across the country, including but not limited to voting rights, criminal justice reform, and expanded access to education; and

**Whereas**, Justice Marshall’s reputation as a civil rights advocate and lawyer continued to grow as he argued before the Supreme Court against segregation in public schools in the 1954 landmark *Brown v. Board of Education* case where “separate but equal” was ruled unconstitutional by the Supreme Court; and

**Whereas**, The fall of “separate but equal” led to integration of New York City public schools leading to increased diversity and cultural enrichment; and

**Whereas**, *Brown v. Board of Education* led to national fame for Justice Marshall, and he became an American giant in the struggle for civil rights; and

**Whereas**, In 1961, Thurgood Marshall was nominated by President Kennedy to serve on the U.S. Court of Appeals for the Second Circuit; and

**Whereas**, President Johnson nominated Justice Marshall to be the U.S. Solicitor General in 1965: where he used his position to eliminate injustices like the poll tax; and

**Whereas**, Thurgood Marshall was nominated to the U.S. Supreme Court in 1967 by President Johnson becoming the first Black Supreme Court justice—serving as an inspiration for millions; and

**Whereas**, Justice Marshall continued to use his voice and power in the Supreme Court to advance African-American rights and protect liberty and equality for all Americans; and

**Whereas**, The majority of United States Senator on the Senate Judiciary Committee reported that Justice Marshall “demonstrated those qualities which we admire in members of our highest judicial tribunal: thoughtfulness, care, moderation, reasonableness, a judicial temperament, and a balanced approach to controversial and complicated national problems;” and

**Whereas**, Justice Marshall used the Constitution as an instrument against Jim Crow on the Supreme Court; and

**Whereas**, Justice Marshall retired from his role on the Supreme Court in 1991 after 24 years of service, leaving behind him a career of insurmountable influence in the fight for racial justice and equality; and

**Whereas**, After he retired from the Supreme Court, Justice Marshall was awarded the American Bar Association’s highest honor: the ABA Medal; and

**Whereas**, To quote Former Chief Justice William Rehnquist: “inscribed above the front entrance to this Court [U.S. Supreme Court] building are the words, ‘Equal Justice Under Law.’ Surely no individual did more to make these words a reality than Thurgood Marshall;” now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes July 2 annually as Thurgood Marshall Day in the City of New York to promote his contributions and legacy as a pillar of the Civil Rights Movement.

Referred to the Committee on Civil and Human Rights.

Res. No. 521

**Resolution calling on the United States Department of Labor to expand the number of Occupational Safety and Health Administration (OSHA) authorized outreach trainers in New York City’s ten designated languages.**

By Council Members Farías, Hanif, Ossé, De La Rosa, Narcisse, Ung, Joseph, Won, Cabán and Gutiérrez.

**Whereas,** The Occupational Safety and Health Administration (OSHA) is a federal agency under the United States Department of Labor (DOL), which is responsible for regulating federal and private sector workplaces to ensure safe and healthy conditions; and

**Whereas,** In New York State, an OSHA-approved State plan further regulates both state and local government working conditions; and

**Whereas,** In addition to performing inspections, OSHA certifies workers in particular sectors and provides outreach trainings for four primary industries, including construction, general industry, maritime, and disaster sites; and

**Whereas,** These trainings provide guidance on safety practices in an industry as well as information on basic rights in the workplace; and

**Whereas,** In New York City, most construction and demolition workers are also required to complete 40 hours of site safety training (SST) through 30 and 10-hour OSHA courses; and

**Whereas,** In New York City Local Law 196 of 2017 mandates 40 hours of SST for certain construction and demolition sites through Local Law (LL) 196 of 2017, which was passed in response to increased injuries and deaths on construction sites; and

**Whereas,** These SST's are facilitated by OSHA authorized trainers who are authorized through OSHA Training Institute (OTI) Education Centers; and

**Whereas,** According to OSHA's website, OTI Education Centers are selected through a national competitive process with the closest of the current 36 centers to New York City being Somerset, New Jersey, Baltimore, Maryland and Bethlehem, Pennsylvania; and

**Whereas,** Pricing on several OTI Education Centers websites indicates that these courses cost \$895; and

**Whereas,** OSHA also lists the names, locations, industries taught, and languages spoken by their authorized trainers; and

**Whereas,** In New York State there are 1,044 OSHA-authorized outreach trainers in construction, 347 in general industry, 20 in disaster sites, and 4 in maritime; and

**Whereas,** New York City is one of the most linguistically diverse cities in the United States; and

**Whereas,** In 2017 the City designated 10 languages spoken most by New Yorkers with limited English proficiency and required that City agencies to provide resources and services in these languages; and

**Whereas,** Only 123 construction outreach trainers in New York can train in a language other than English, 35 in general industry, 5 in disaster sites, and none in maritime; and

**Whereas,** Additional breakdowns of OSHA's outreach trainers in New York City's 10 designated languages shows further limitations; and

**Whereas,** Spanish-language trainers are more prevalent according to OSHA, with 88 in construction, 29 in general industry, and 3 in disaster sites; and

**Whereas,** Of the OSHA authorized outreach trainers in constructions, only two speak Korean, four speak Russian, one is a Bengali-speaking trainer, three speak Urdu, and nine construction trainers can train in Chinese, although OSHA's website does not specify if the Chinese is Mandarin, Cantonese, or Taiwanese, which are the specific languages indicated in the City's Chinese language designation; and

**Whereas,** Of the OSHA authorized outreach trainers in general industry and disaster sites, only two Arabic-speaking trainers can perform general industry training, and only one Urdu-speaking can provide disaster site training; and

**Whereas,** There are no outreach trainers in any industry in New York who can train in Haitian-Creole, French, or Polish; and

**Whereas,** Additionally, the City continues to see rising numbers of individuals coming from Spanish, French, Arabic, Cantonese, Mandarin, and Haitian-Creole speaking countries and if they are interested in engaging with New York City professions that require OSHA safety trainings, these trainings must be available to them in their preferred languages; and

**Whereas,** In a city rich with languages, with ten specifically designated as the most spoken in the City, limited access to trainings that provide life-saving practices in the workplace can severely jeopardize a worker's safety or limit access to professions that desperately need workers; and

**Whereas,** Reporting from Associated Builders and Contractors has shown that the construction industry, which historically has been a sector with a significant number of immigrant workers, is dealing with a massive shortage of workers; and

**Whereas**, According to Associated Builders and Contractors, in 2025 the construction industry needs to hire over 450,000 workers, in addition to their normal hiring pace, to meet the growing demand for labor; and

**Whereas**, Additionally, more than 1 in 5 construction workers are 55 or older and likely to retire soon, threatening an even larger shortage; and

**Whereas**, Empowering immigrant workers through information on basic worker rights and safety practices that could save their lives is imperative to ensuring that immigrant workers are protected in the workplace; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Department of Labor to expand the number of Occupational Safety and Health Administration (OSHA) authorized outreach trainers in New York City's ten designated languages.

Referred to the Committee on Civil Service and Labor.

Int. No. 1001

By Council Members Gutiérrez, Cabán, Hanif and Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to creating an automated text messaging system to provide participants with important reminders regarding children's health and development**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-168.2 to read as follows:

§ 17-168.2. *Automated text messaging system. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Child. The term "child" means a person under the age of 18.*

*Participant. The term "participant" means a parent or legal guardian responsible for a child, who has enrolled in the program established pursuant to subdivision b of this section.*

*b. System established. The commissioner shall establish an automated text messaging system that would send participants important child health and development reminders including, but not limited to, recommended medical checkups, vaccinations, early childhood education program registration deadlines, and public school registration deadlines.*

*c. Outreach. The commissioner shall conduct a community based outreach campaign to inform the public of the ability to sign up to receive automated text messages as established by this section. Materials used for such outreach shall be available in all designated citywide languages, as defined in section 23-1101, and any additional languages as determined by the commissioner in consultation with community-based organizations.*

*d. Private information. In carrying out the requirements of this section the department shall comply with all applicable provisions of federal, state, or local law relating to personal identifying information.*

§ 2. This local law takes effect in 120 days.

Referred to the Committee on Health.

Int. No. 1002

By Council Members Marmorato, Paladino, Ariola, Menin, Holden and Carr.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring all schools to stock airway clearance devices, and to repeal section two of such local law upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.26 to read as follows:

*§ 17-199.26 Airway clearance devices in schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Airway clearance device. The term “airway clearance device” means a medical device registered as a class II acute upper airway obstruction device with the United States food and drug administration.*

*School building. The term “school building” means any building or facility in which there is a public school, private school, or charter school.*

*b. The department of education and each private school and charter school shall stock airway clearance devices in all school buildings under their respective control.*

§ 2. Reporting on airway clearance devices. a. Definitions. For purposes of this section, the following terms have the following meanings:

Airway clearance device. The term “airway clearance device” means a medical device that has been registered as a class II acute upper airway obstruction device with the United States food and drug administration.

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

School building. The term “school building” means any facility that is leased by the department or over which the department has care, custody, and control, in which there is a public school.

b. No later than November 30, 2025 and annually thereafter, the chancellor shall submit to the mayor and the speaker of the council a report that shall include, for the prior school year:

1. The number of airway clearance devices available for use in each school building; and

2. The number of instances that an airway clearance device was used during a choking emergency, disaggregated by school building.

§ 3. This local law takes effect 180 days after it becomes law and section two of this local law expires and is deemed repealed 5 years after it becomes law.

Referred to the Committee on Education.

Int. No. 1003

By Council Members Menin, Riley, Williams, Gutiérrez and Hanif.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an artificial intelligence working group within the city commission on human rights to study its impact on employment**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section § 8-135 to read as follows:

*§ 8-135 Artificial Intelligence Working Group. a. Definition. For the purposes of this section the following terms have the following meanings:*

*Artificial intelligence. The term “artificial intelligence” shall have the meaning as set forth in subsection (3) of section 9401 of title 15 of the United States code.*

*Employment decision. The term “employment decision” shall have the same meaning as set forth in section 20-870.*

*b. The commission shall establish a working group to study the impact of artificial intelligence on employment conditions and employment decisions in New York city as well as any enforcement actions taken under subchapter 25 of chapter 5 of title 20 of the administrative code. The working group shall consult with the department of consumer and worker protection or any agency designated with conducting enforcement actions under subchapter 25 of chapter 5 of title 20 of the administrative code.*

c. On December 1, 2025 and every second year thereafter, the working group shall publish on the city commission on human rights website, and provide to the speaker of the council and the mayor, a report specifically examining:

1. The impact of artificial intelligence tools on employment decisions;
2. The current guidance from governmental sources, academia, and business groups about the use of artificial intelligence tools for employment decisions; and
3. Any review or audits employers have done to determine the bias in any tools they use for employment decisions.

d. The report shall also provide recommendations to employers regarding what the bias audits for artificial intelligence tools used in employment decisions are supposed to examine and what the passing criteria should be for such tools to ensure they are in accordance with applicable federal, state and local anti-discrimination laws and regulations.

e. Nothing in this section shall be construed to limit or supersede any guidance or rules from any agency tasked with the enforcement of subchapter 25 of chapter 5 of title 20 of the administrative code.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Res. No. 522

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.10225/S.9376, also known as *The Good Jobs Guarantee Act*, which would establish certain workforce training programs and increase employment opportunities for New Yorkers.**

By Council Members Menin and Williams.

**Whereas**, According to *The New York Times*, nearly two-thirds of American workers do not have a four-year college degree including 76 percent of Black adults and 83 percent of Latino adults; and

**Whereas**, New York City's economic and employment landscape present considerable obstacles for individuals without a four-year college degree to secure a high-quality job; and

**Whereas**, According to a 2023 *U.S. News* report, the median annual salary for New York City is \$74,108; and

**Whereas**, The majority of jobs in New York that pay at least \$60,000 require a four-year college degree; and

**Whereas**, Creating a program that seeks to remedy the disparities and promote access to high-quality job placement is greatly needed; and

**Whereas**, A.10025, introduced by New York State Assemblymember Nily Rozic, and S.9376, introduced by New York State Senator Michael Gianaris are pending in the New York State Legislature and seek to establish a job placement program for low-income individuals who do not have a four-year degree; and

**Whereas**, A.10025/S.9376 are also known as *The Good Jobs Guarantee Act*; and

**Whereas**, *The Good Jobs Guarantee Act* would amend the New York State Economic Development Law and the New York State Urban Development Corporation Act by establishing the Good Jobs Guarantee program within the Empire State Development Corporation; and

**Whereas**, The Good Jobs Guarantee program would provide both workforce training opportunities and post-training employment to individuals, specifically those who are low-income without four-year college degrees; and

**Whereas**, This pathway to employment would be structured through a public-private partnership providing participants the prospects with high-quality employment without incurring debt; and

**Whereas**, Enacting *The Good Jobs Guarantee Act* will help underserved individuals and communities that would otherwise not be afforded such high-quality employment opportunities without being saddled with large amount of debt; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.10225/S.9376, also known as *The Good Jobs Guarantee Act*, which would establish certain workforce training programs and increase employment opportunities for New Yorkers.

Referred to the Committee on Civil Service and Labor.

Int. No. 1004

By Council Members Narcisse, Brooks-Powers and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to providing information on wheelchair repair providers and related services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-807 to read as follows:

§ 23-807 *Wheelchair repair providers and resources. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Commissioner. The term “commissioner” means the commissioner of the mayor’s office for people with disabilities.*

*Mayor’s office for people with disabilities. The term “mayor’s office for people with disabilities” means the office established under executive order number 73 for the year 2021 or any successor office or agency that carries out the same or substantially similar functions.*

*b. The commissioner shall create and maintain a website which lists (i) wheelchair repair providers that operate within the city and (ii) services available to help individuals locate wheelchair repair providers. Such website shall be operational no later than 6 months after the effective date of the local law that added this section and shall be updated at least every 6 months. Such website shall provide the following information for each provider and service, to the extent such information is applicable and available:*

- 1. Name;*
- 2. Address;*
- 3. Email address;*
- 4. Phone number;*
- 5. Website;*
- 6. Hours of operation;*
- 7. Insurance accepted; and*
- 8. Forms of payment accepted.*

*c. The department of health and mental hygiene and shall post on its website a link to the website created pursuant to subdivision b.*

*d. The 311 customer service center shall provide, in response to each information request filed by the public regarding how to locate wheelchair repair providers, a link to the website created pursuant to subdivision b.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 523

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation requiring greater and more consistent disclosure of medical estimates by hospitals operating in the State of New York.**

By Council Members Narcisse, Menin, Cabán and Gutiérrez.



**Whereas,** Hospitals across New York State vary widely in their price estimates for medical items and services provided in connection with inpatient admissions and outpatient visits, despite similarities in hospital size, range of services offered, and available resources; and

**Whereas,** Inconsistent and misleading disclosures surprise consumers with higher-than-estimated medical bills, putting them at risk for accruing medical debt and worsening socioeconomic health care disparities; and

**Whereas,** Inaccurate reporting in turn delays the provision of timely medical care by extending the decision-making process for potential patients; and

**Whereas,** A statewide survey on health care affordability conducted by PerryUndem in 2022 illustrates the concerns that New Yorkers have about the current system, as 38 percent of the 805 participants said they or a family member are sacrificing necessary health care due to costs; and

**Whereas,** To combat this issue, the U.S. Centers for Medicare and Medicaid Services (CMS) promulgated 45 C.F.R. part 180 (Part 180), which requires hospitals operating in the United States to provide clear, accessible pricing information online about the items and services they provide; and

**Whereas,** Part 180 instructs hospitals to make public a “machine-readable file” that contains the standard charges for all items and services, as well as a consumer-friendly list of “shoppable services” written in plain language; and

**Whereas,** Although CMS audits hospitals for compliance with Part 180 and issues civil monetary penalties to noncompliant institutions, hospitals nevertheless have been slow to comply with the price transparency rules; and

**Whereas,** According to a September 2022 article in Health Affairs, between July and September 2021, fewer than 6 percent of hospitals had disclosed prices as required; and

**Whereas,** Even when hospitals had complied with the rules, experts found the data to be inconsistent in terms of how data elements were defined and displayed, thereby making it difficult for consumers to compare across hospitals; and

**Whereas,** The Kaiser Family Foundation (KFF) and the Peterson Center on Healthcare published a study in February 2023 aimed at measuring how well hospital price disclosures facilitate price comparisons for consumers; and

**Whereas,** The study indicated that the chief difficulty in assessing the value of the price transparency data was identifying comparable items and services across hospitals, largely because the data and descriptions were inconsistent and unstandardized; and

**Whereas,** The KFF study concluded that hospitals should focus on facilitating simple and accessible price comparisons, and that standardization in reporting requirements would improve reliability and usability of the data; and

**Whereas,** A separate study published in the Journal of the American Medical Association: Internal Medicine in September 2023 examined 60 U.S. hospitals of varying rank and calculated the differences between each hospital’s online and phone prices for vaginal childbirth and brain MRI; and

**Whereas,** Among the hospitals where prices were available online, the online price often did not match the prices provided over the phone, and many hospital staff members were unable to provide a price despite it being available on the hospital website; and

**Whereas,** The results of the study demonstrate hospitals’ continued problems in knowing and communicating their prices for specific services, as well as the challenges for consumers to accurately comparison-shop for health care; and

**Whereas,** In an effort to ensure compliance with Part 180, the Arizona State Legislature directed the Arizona Department of Health Services in 2023 to annually verify each hospital’s compliance with federal statute and to publish a public list of all noncompliant institutions; and

**Whereas,** The Colorado State Legislature declared in 2022 that if a hospital is not in material compliance with hospital price transparency laws on the date that items or services are provided to a patient, that hospital shall not be permitted to pursue collection action against the patient for debts owed for those items or services; and

**Whereas,** In 2023, the Texas State Legislature enacted its own enforcement mechanism by authorizing the Texas Health and Human Services Commission to impose administrative penalties against noncompliant hospitals; and

**Whereas**, Legislation creating an independent state regulatory body in New York would lead to improvements in medical estimates because such a body could enforce standardized reporting requirements, verify each hospital's compliance with price transparency laws, and administer penalties against noncompliant institutions; and

**Whereas**, Such a bill should also condition certain funds for hospitals on their material compliance with the federal hospital price transparency law, rules, and regulations; and

**Whereas**, A.7775, also known as the Transparency in Health Care Fees Act, introduced in the New York State Assembly by Assembly Member Jo Anne Simon, would require health care providers, before performing any health care services, to advise patients in writing of the fee to be charged to the patient for the services to be rendered in the event such fee is not paid for by insurance; and

**Whereas**, S.8988, introduced in the New York State Senate by Senator James Skoufis, would require the State Commissioner of Health to report monthly on hospital compliance with federal hospital price transparency law, rules, and regulations, and would prohibit noncompliant hospitals from receiving funds from the state general hospital indigent care pool; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation requiring greater and more consistent disclosure of medical estimates by hospitals operating in the State of New York.

Referred to the Committee on Hospitals.

Int. No. 1005

By Council Members Nurse and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of certain oleoresin capsicum sprays in facilities operated by the department of correction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-168 to read as follows:

§ 9-168 *Use of chemical agents. a. For purposes of this section, the following terms have the following meanings:*

*Adverse reactions list. The term "adverse reactions list" means a daily list provided to the department of correction by the New York city health and hospitals corporation, or any successor health care provider, which lists the names of all incarcerated individuals who may be at higher risk for adverse reactions to certain security-related actions.*

*High-powered OC spray. The term "high-powered OC spray" means an oleoresin capsicum (OC) spray with a manufacturer's stated maximum range of more than 12 feet.*

*b. No correction officer shall use a high-powered OC spray to restrain, subdue, or compel an incarcerated individual to act or stop acting in a particular way without the approval of the tour commander of the facility or supervising correction officer of equivalent rank, except in emergency cases when a delay in the use of a high-powered OC spray presents an immediate threat of death or serious injury or severely threatens the safety or security of the facility. Any use of high-powered OC spray shall be documented in writing by the correction officer as soon as practicable after its use.*

*c. The commissioner of correction shall ensure that the most recent adverse reactions list is posted in all control rooms and tour commander offices and is electronically accessible to all supervising correction officers.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Criminal Justice.

Int. No. 1006

By Council Members Nurse, Cabán and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to defining community land trusts for the provision of services in addition to housing that benefit the local community**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-121 to read as follows:

§ 4-121 *Community land trusts a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Community land trust. The term “community land trust” means a corporation that satisfies the following criteria: (i)(a) is incorporated pursuant to section 402 of the not-for-profit corporation law; (b) the certificate of incorporation of which may provide for the provision of housing for persons of low income in the form of a community land trust, except for housing services governed by article 11 of the private housing finance law; (c) has submitted such disclosure statements as shall be required by the regulatory agency and received the approval of such regulatory agency; (d) lawfully acquired all of its real property in full compliance with such corporation's certificate of incorporation and any agreements with a governmental entity with respect to such property or such corporation; and (ii) provides in its by-laws that it will (a) acquire parcels of land, primarily for conveyance under long-term ground leases; (b) transfer ownership of any structural improvements located on such leased parcels to the lessees; (c) retain a preemptive option to purchase any such structural improvement at a price determined by formula that is designed to ensure that the improvement remains affordable to low-income households; (d) have a board of directors composed of an equal number each of lessees of housing associated with the entity, an adult resident of a particular geographic area specified in the bylaws of the organization, and any other category of persons described in the bylaws of the organization; and (e) encourage property uses that serve additional interests of the community of low-income persons for which housing is provided that include, but may not be limited to, such commercial, social, recreational, communal, or other non-housing facilities as may be incidental or appurtenant to the provision of housing.*

*Persons of low income. The term “persons of low income” has the same meaning as set forth in section 2 of the private housing finance law.*

*Regulatory agency. The term “regulatory agency” means an agency of the city.*

*b. The regulatory agency may enter into a contract or other agreement with an eligible community land trust, provided that such contract or agreement shall also require that the community land trust enter into a 99-year ground lease agreement with the owners of structures or improvements located on land which is subject to the regulatory agreement, and provided further that such trust agrees to such terms and conditions as such agency deems necessary, and the trust:*

- 1. is a recipient of a loan or grant from the city of New York;*
- 2. acquires real property or an interest therein from the city of New York; or*
- 3. receives a tax exemption approved by the council of the city of New York, upon the recommendation of the regulatory agency.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1007

By Council Members Nurse, Restler and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to community land trust regulatory agreements for the provision of services in addition to housing that benefit the local community**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 26-2001 of the administrative code of the city of New York, as added by local law number 67 for the year 2018, is amended to read as follows:

a. For the purposes of this section: Eligible community land trust. The term “eligible community land trust” means a corporation that satisfies the following criteria: (i)(a) is incorporated pursuant to article 11 of the private housing finance law and section 402 of the not-for-profit corporation law; (b) the certificate of incorporation of which specifically provides for the provision of housing for persons of low income in the form of a community land trust; (c) has submitted such disclosure statements as shall be required by the supervising agency and received the approval of such supervising agency; (d) lawfully acquired all of its real property in full compliance with such corporation's certificate of incorporation and any agreements with a governmental entity with respect to such property or such corporation; and (ii) provides in its by-laws that it will (a) acquire parcels of land, primarily for conveyance under long-term ground leases, (b) transfer ownership of any structural improvements located on such leased parcels to the lessees, (c) retain a preemptive option to purchase any such structural improvement at a price determined by formula that is designed to ensure that the improvement remains affordable to low-income households, [and] (d) have a board of directors composed of an equal number each of lessees of housing associated with the entity, an adult resident of a particular geographic area specified in the bylaws of the organization and any other category of persons described in the bylaws of the organization, and (e) will encourage property uses that serve additional interests of the community of low-income persons for which housing is provided that include, but may not be limited to, such commercial, social, recreational, communal or other non-housing facilities as may be incidental or appurtenant to the provision of housing.

Persons of low income. The term “persons of low income” means “persons of low income” as defined in section 2(19) of the private housing finance law.

Supervising agency. The term “supervising agency” means the department of housing preservation and development.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1008

By Council Members Paladino and Carr.

**A Local Law to amend the administrative code of the city of New York, in relation to eliminating the fees for firearm licenses and permits**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 10-131 of the administrative code of the city of New York, as amended by local law number 37 for the year 2004, is amended to read as follows:

§ 10-131 Firearms. a. Pistols or revolvers, keeping or carrying. 1. The police commissioner shall grant and issue licenses hereunder pursuant to the provisions of article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every license to carry or possess a pistol or revolver in the city may be issued for a term of no less than one or more than three years. [Every applicant] *A fee shall not be charged or collected* for a license to carry or possess a pistol or revolver in the city [shall pay therefor, a fee of three hundred forty dollars for each original or renewal application for a three year license period or part thereof, a fee of ten dollars for each replacement application of a lost license].

3. [Every applicant to whom a license has been issued by any person other than the police commissioner, except as provided in paragraph five of this subdivision] A fee shall not be charged or collected for a special permit from the commissioner granting [it] validity within the city of New York [shall pay for such permit a fee of three hundred forty dollars, for each or renewal a fee of three hundred forty dollars, for each renewal a fee of three hundred forty dollars, for each replacement of a lost permit a fee of ten dollars] *to a license issued by any person other than the commissioner.*

[4. Fees paid as provided herein shall not be refunded in the event that an original or renewal application, or a special validation permit application, is denied by the police commissioner.

5. A fee shall not be charged or collected for a license to have and carry concealed a pistol or revolver which shall be issued upon the application of the commissioner of correction or the warden or superintendent of any prison, penitentiary, workhouse or other institution for the detention of persons convicted or accused of crime or offense, or held as witnesses in criminal cases in the city.

6. The fees prescribed by this subdivision shall be collected by the police commissioner, and shall be paid into the general fund of the city established pursuant to section one hundred nine of the charter, and a return in detail shall be made to the comptroller by such commissioner of the fees so collected and paid over by the commissioner.

7. A fee shall not be charged or collected for the issuance of a license, or the renewal thereof, to have and carry concealed a pistol or revolver which is issued upon the application of a qualified retired police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law or a qualified retired sheriff, undersheriff or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law.]

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1009

By Council Members Restler, Zhuang, Gutiérrez, Powers, Ung and Hanif.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on early childhood education seat availability, outreach, and staff vacancies**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

*CHAPTER 36  
EARLY CHILDHOOD EDUCATION PROGRAMS*

*§ 21-1007 Definitions. For purposes of this chapter, the following terms have the following meanings:*

3-K. The term “3-K” means an early childhood education program operated or overseen by the department primarily serving children 3 years old, including, but not necessarily limited to, programs located in district schools, charter schools, pre-K centers, NYC early education centers, or family child care programs.

Charter school. The term “charter school” means a charter school established pursuant to article 56 of title 2 of chapter 16 of the education law and within the city of New York.

Community-based organization. The term “community-based organization” means a non-profit organization representing the needs of and providing services to a particular community.

District school. The term “district school” means an elementary school within the city school district of the city of New York.

Extended day and year. The term “extended day and year” means a 3-K or pre-K seat that provides early care and education for up to 10 hours of care a day, year-round.

Family child care program. The term “family child care program” means a 3-K or pre-K program located in a home setting and operated by a New York state licensed child care provider.

Head start. The term “head start” means a 3-K or pre-K seat established pursuant to subchapter 2 of chapter 105 of title 42 of the United States code.

NYC early education center. The term “NYC early education center” means a community-based organization that contracts with the department to provide 3-K or pre-K programs.

Pre-K. The term “pre-K” means an early childhood education program operated or overseen by the department primarily serving children 4 years old, including, but not necessarily limited to, programs located in district schools, charter schools, pre-K centers, NYC early education centers, or family child care programs.

Pre-K center. The term “pre-K center” means a stand-alone facility operated by the department that exclusively serves 3-K and pre-K students.

School day. The term “school day” means a 3-K or pre-K seat that provides early care education for 6 hours and 20 minutes every weekday during the school year.

Student. The term “student” means a pupil under the age of 6 who is enrolled in a 3-K or pre-K program operated or overseen by the department.

§ 21-1008 Reporting on 3-K applicants, seat capacity, enrollment, and vacancies. a. No later than September 15, 2024, and every 3 months thereafter, the chancellor shall submit to the speaker of the council and post on the department’s website a report on 3-K for the current and upcoming school year. Such report shall include, but need not be limited to, the following information for each 3-K program:

1. The number of applicants for:

- (a) General education seats, and
- (b) Special education seats.

2. The number of:

- (a) General education seats, and
- (b) Special education seats.

3. The number of students enrolled in:

- (a) General education seats, and
- (b) Special education seats.

4. The number of vacant:

- (a) General education seats, and
- (b) Special education seats.

b. The data provided pursuant to subdivision a of this section shall be disaggregated by all combinations of:

- 1. Seat type, including, but not limited to, school day, extended day and year, and head start; and
- 2. Seat setting, including, but not limited to, district school, charter school, pre-K center, NYC early education center, and family child care program. For any 3-K program located in a district school, the data shall include the school name and school ID.

c. The data reported pursuant to this section shall be disaggregated by zip code, community school district, and borough, and shall be aggregated citywide.

d. Each report submitted pursuant to this section shall include the data collection date.

§ 21-1009 Reporting on pre-K applicants, seat capacity, enrollment, and vacancies. a. No later than September 15, 2024, and every 3 months thereafter, the chancellor shall submit to the speaker of the council and

post on the department's website a report on pre-K for the current and upcoming school year. Such report shall include, but need not be limited to, the following information for each pre-K program:

1. The number of applicants for:

- (a) General education seats, and
- (b) Special education seats.

2. The number of:

- (a) General education seats, and
- (b) Special education seats.

3. The number of students enrolled in:

- (a) General education seats, and
- (b) Special education seats.

4. The number of vacant:

- (a) General education seats, and
- (b) Special education seats.

b. The data reported pursuant to subdivision a of this section shall be disaggregated by all combinations of:

1. Seat type, including school day, extended day and year, or head start; and

2. Seat setting, including district school, charter school, pre-K center, NYC early education center, or family child care program. For any pre-K program located in a district school, the data shall include the school name and school ID.

c. The data reported pursuant to this section shall be disaggregated by zip code, community school district, and borough, and shall be aggregated citywide.

d. Each report submitted pursuant to this section shall include the data collection date.

§ 21-1010 Reporting on 3-K and pre-K outreach. No later than October 31, 2024, and annually thereafter, the chancellor shall submit to the speaker of the council and post on the department's website a report on any department outreach to inform the public about 3-K and pre-K. Such report shall include, but need not be limited to, the following information for the current school year and, as applicable, for the upcoming school year:

1. The number of department staff assigned to 3-K outreach, disaggregated by whether such staff is assigned to 3-K outreach full-time or part-time;

2. The number of department staff assigned to pre-K outreach, disaggregated by whether such staff is assigned to pre-K outreach full-time or part-time;

3. The estimated number of households reached by 3-K outreach;

4. The estimated number of households reached by pre-K outreach;

5. The budgeted amount for 3-K outreach;

6. The budgeted amount for pre-K outreach;

7. A table in which each row references an outreach event related to 3-K or pre-K, hosted or attended by department staff, including a unique identification code for each outreach event, and that indicates for each outreach event whether the outreach event was for 3-K or pre-K, the number of attendees, date, time, borough, council district, and zip code; and

8. A table in which each row references an advertising type related to 3-K or pre-K outreach, including, but not limited to, online, television, radio, print, or subway advertisements, and that indicates whether the advertising was for 3-K or pre-K and the duration of use, languages, and cost of each advertising type.

§ 21-1011 Reporting on 3-K and pre-K staff vacancies. No later than October 31, 2024, and annually thereafter, the chancellor shall submit to the speaker of the council and post on the department's website a report on the number and percentage of staff vacancies in each 3-K and pre-K program as of the first day of the school year, disaggregated by staff title. Such percentage shall be calculated by dividing the number of vacant positions by the total number of budgeted positions for each staff title.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 524

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8591/S.1709, in relation to legal representation in certain mortgage foreclosure actions.**

Council Members Riley and Williams.

**Whereas**, The Chief Administrator of the New York Courts has stated that there was a nearly 100 percent increase in foreclosure cases between 2022 and 2023, rising from 7,621 in their 2022 foreclosure report to 15,235 in their 2023 foreclosure report (2023 foreclosure report); and

**Whereas**, According to the National Bureau of Economic Research, a nonprofit organization that conducts research on economic issues, since the COVID-19 foreclosure moratorium was lifted in January 2022, the number of properties in pre-foreclosure has significantly increased across New York City, with Brooklyn seeing the most foreclosures; and

**Whereas**, For homeowners facing foreclosure, a lawyer can help them keep their home, but many homeowners struggle without legal representation due to the high cost of attorneys; and

**Whereas**, New York State law requires residential foreclosure parties to attend settlement conferences, which may help homeowners stay in their homes, but many homeowners attend these conferences unrepresented, increasing the risk of homeowners losing their homes; and

**Whereas**, In 2023 foreclosure report, 44 percent of New York homeowners in foreclosure settlement conferences lacked legal representation; and

**Whereas**, Navigating foreclosure without an attorney can be confusing, and homeowners often need help negotiating a repayment plan; and

**Whereas**, Under New York State law, no such right to have a legal counsel exists when a New York State resident is threatened with the loss of their home in a foreclosure, though the right exists in certain other types of civil proceedings, including certain family court or surrogate court matters; and

**Whereas**, A.8591, sponsored by Assembly Member Rodneyse Bichotte Hermelyn and pending in the New York State Assembly, and companion bill S.1709, sponsored by State Senator Leroy Comrie and pending in the New York State Senate, would provide homeowners in foreclosure proceedings who cannot afford legal representation the right to counsel assigned by the court; and

**Whereas**, The right to counsel in certain mortgage foreclosure proceedings, as established by A.8591/S.1709, could help homeowners negotiate more favorable terms with lenders or even avoid foreclosure altogether; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.8591/S.1709, in relation to legal representation in certain mortgage foreclosure actions.

Referred to the Committee on Housing and Buildings.

Int. No. 1010

By Council Member Ung.

**A Local Law in relation to a pilot program to install surveillance cameras in parks to deter illegal motor vehicle use, and to repeal this local law upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. For purposes of this local law:

Commissioner. Except as otherwise specifically provided, the term “commissioner” means the commissioner of parks and recreation.

Department. Except as otherwise specifically provided, the term “department” means the department of parks and recreation.



Motor vehicle. The term “motor vehicle” means any type of vehicle powered by something other than muscular power.

§ 2. The commissioner shall establish a pilot program to deter illegal motor vehicle use in city parks and to enforce laws prohibiting such use. The commissioner shall install and maintain surveillance cameras in at least 10 parks where there have been frequent complaints of illegal motor vehicle use or where the commissioner otherwise has reason to believe that damage to trees, vegetation, or other department property may occur as a result of the illegal use or intended illegal use of motor vehicles. The number, type, placement, and location of such cameras within each park shall be at the discretion of the commissioner, in consultation with the police commissioner.

§ 3. No later than 1 year after the effective date of this local law, the commissioner shall post on the department’s website and submit to the mayor and speaker of the council a report that details the resources the department uses to deter illegal use of motor vehicles and the additional resources the department would need to implement a permanent illegal motor vehicle use enforcement program. The report shall include, at minimum:

1. The number of employees the department has dedicated for the pilot program established under this local law and the number of employees the department would need to implement a permanent illegal motor vehicle use enforcement program, if such numbers are different, and the proportion of such employees’ time dedicated to such program;

2. The type of equipment the department has and additional equipment the department would need to implement a permanent illegal motor vehicle use enforcement program;

3. What resources the department would need to install and maintain surveillance cameras, in addition to the cameras required by this local law, in locations where illegal motor vehicle use is most prevalent, as determined by the department;

4. All locations where surveillance cameras maintained by the department are installed in or near parks as of the date of the report; and

5. A description of the department’s coordination with the police department, the department of transportation, and other agencies or offices that would be necessary to install surveillance cameras on utility poles or locations not within the department’s jurisdiction.

§ 4. This local law takes effect immediately and expires and is deemed repealed 2 years after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 1011

By Council Member Ung.

**A Local Law in relation to requiring the commissioner of information technology and telecommunication to report on complaints received regarding residential space used as a business**

*Be it enacted by the Council as follows:*

Section 1. Residential space used as a business reporting. a. For purposes of this section, the term “residential space used as a business” means a business operating in a residential space that is operating in violation of the New York city zoning resolution.

b. Beginning 90 days after the effective date of this local law, and quarterly thereafter for a total of 4 quarterly reports, the commissioner of information technology and telecommunications shall submit to the mayor and the speaker of the council a report on all complaints relating to residential space used as a business received in the preceding 90 days by the 311 customer service center, including but not limited to by phone, through the 311 website, and through the 311 mobile device platform. Such report shall include:

1. The total number of such complaints received;

2. The total number of such complaints received, disaggregated by the council district in which the residential space used as a business that is the subject of the complaint is located;

3. The total number of such complaints received, disaggregated by the description provided in the complaint;  
and  
4. The status of each such complaint received.  
§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Res. No. 525

**Resolution calling on the New York State Legislature to pass and the Governor to sign, S.9867/A.10057, in relation to concealment of identity in a lawful or unlawful assembly or riot.**

By Council Members Vernikov, Yeger, Paladino, Ariola, Holden, Marmorato, Carr, Borelli and Dinowitz.

**Whereas**, Maintaining public order and ensuring accountability during assemblies and protests is essential in safeguarding individual rights and providing for public safety; and

**Whereas**, The right to assemble and protest are essential to a democratic society, allowing individuals to express their views and advocate for change; and

**Whereas**, However, the concealment of individual identity during protests and assemblies, especially through the use of masks or disguises can escalate unlawful behavior and hinder law enforcement efforts to provide a safe environment for all; and

**Whereas**, In response to the COVID-19 pandemic, the Department of Health mandated the wearing of masks in public spaces in 2020, leading to the repeal of § 240.35(4) of the Penal Law which prohibited individuals from being masked or disguised in public; and

**Whereas**, According to various reports, people are more inclined to behave irresponsibly when their actions cannot be traced back to them, especially in times of high tension and civil unrest; and

**Whereas**, The five District Attorneys' offices of New York City have indicated the wearing of masks and other face coverings at demonstrations have complicated or obstructed the prosecution of people acting unlawfully because their identities were obscured; and

**Whereas**, S.9867/A.10057 sponsored by New York State Senator James Skoufis and New York State Assemblymember Jeffrey Dinowitz seeks to reinstate and amend provisions related to the prohibition of masks and disguises in public gatherings, ensuring that individuals cannot hide their identities while engaging in unlawful behavior; and

**Whereas**, The proposed State legislation includes provisions to safeguard health-related exemptions; and

**Whereas**, S.9867/A.10057 would support efforts to prevent the escalation of unlawful conduct during assemblies and enhance the ability of law enforcement to maintain order while respecting constitutional rights; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign, S.9867/A.10057, in relation to concealment of identity in a lawful or unlawful assembly or riot.

Referred to the Committee on Public Safety.

## Res. No. 526

**Resolution recognizing August as Black Business Month in New York City.**

By Council Members Williams, Riley and Stevens.

**Whereas**, According to the latest data from the United States Census Bureau’s Annual Business Survey (ABS), there are over 160,000 Black-owned businesses in the United States, up from 124,000 in 2017; and

**Whereas**, The ABS estimates that Black-owned businesses contribute \$183.3 billion in annual receipts to the national economy and \$53.6 billion in annual payroll to their workers; and

**Whereas**, Black-owned businesses are often smaller businesses with less than 10 employees, and the ABS estimates that Black-owned businesses in the United States have employed roughly 1.4 million employees; and

**Whereas**, However, data from Goldman Sachs reported that Black small business owners are often more likely to face barriers accessing capital to start and run their businesses; and

**Whereas**, Despite difficulties securing capital, according to the United States Small Business Administration, Black business ownership rates are growing at their fastest pace in 30 years; and

**Whereas**, August was established nationally as “Black Business Month” in 2004 and observances of this month provide additional opportunities to highlight Black-owned businesses for consumers and investors to support and help grow; and

**Whereas**, Elected officials across the country have celebrated this designation or established their own; and

**Whereas**, In 2023, a resolution expressing support for the designation of August as National Black Business Month and honoring Black-owned businesses was introduced by Representative Jasmine Crockett in the 118<sup>th</sup> Congress; and

**Whereas**, In May 2024, the New Jersey Senate Commerce Committee passed a resolution designating August as “Black Business Month”; and

**Whereas**, In New York City, Black-owned businesses are an integral and vibrant part of the business landscape; and

**Whereas**, According to data from the Center for an Urban Future, between 2012 and 2017 Black-owned businesses grew by 30 percent in New York City; and

**Whereas**, Recent Pew Research Center data shows 3-5% of businesses in New York are Black-owned; and

**Whereas**, Pew Research Center also reported that the New York City metropolitan area has the largest Black population in the United States; and

**Whereas**, New York City hopes to increase the number of Black-owned businesses in the City by boosting Black entrepreneurship through SBS specific programming; and

**Whereas**, In 2023, the New York City Department of Small Business Services released a directory of over 3,300 black-owned businesses in the City, including restaurants, cafes, bars, barber shops, hair salons, clothing stores, and wine shops; and

**Whereas**, Recognition of Black Business Month by city officials will encourage New Yorkers to support these local black-owned businesses and boost the small business economy; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes August as Black Business Month in New York City.

Referred to the Committee on Civil and Human Rights.

## Res. No. 527

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.1087A, requiring public corporations and agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection.**

By Council Members Williams, Riley and Stevens.

**Whereas**, Due to years of discrimination, women and members of minority groups have historically been shut out of contracting opportunities with government; and

**Whereas**, Government agencies can use their substantial contracting needs to accomplish social and economic goals like encouraging female and minority entrepreneurship through special programs to offer work to certified Minority and Women-Owned Business Enterprises (MWBEs); and

**Whereas**, Local Law 174 of 2019 established goals for awarding qualifying contracts to MWBEs every year; and

**Whereas**, Despite longstanding programs to offer more public agency work to MWBEs, the Comptroller's Annual Report on MWBE Procurement from February 2024 found only ten percent of the contract value subject to Local Law 174 goals actually went to MWBEs; and

**Whereas**, Certified MWBEs bidding on city contracts subject to Local Law 174 goals are frequently rejected without explanation; and

**Whereas**, New York State Senate Bill S.1087A would require all public corporations and agencies to provide unsuccessful bidders that are certified MWBEs with an explanation for their rejection, allowing changes to future bids that could improve the rate at which MWBEs are actually awarded qualifying contracts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.1087A, requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection.

Referred to the Committee on Contracts.

Res. No. 528

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.8497, requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection.**

By Council Members Williams, Riley and Stevens.

**Whereas**, Due to years of discrimination, women and members of minority groups have historically been shut out of contracting opportunities with government; and

**Whereas**, Government agencies can use their substantial contracting needs to accomplish social and economic goals like encouraging female and minority entrepreneurship through special programs to offer work to certified Minority and Women-Owned Business Enterprises (MWBEs); and

**Whereas**, Local Law 174 of 2019 established goals for awarding qualifying contracts to MWBEs every year; and

**Whereas**, Despite longstanding programs to offer more public agency work to MWBEs, the Comptroller's Annual Report on MWBE Procurement from February 2024 found only ten percent of the contract value subject to Local Law 174 goals actually went to MWBEs; and

**Whereas**, Certified MWBEs bidding on city contracts subject to Local Law 174 goals are frequently rejected without explanation; and

**Whereas**, New York State Senate Bill S.8497 would require all agencies to provide unsuccessful bidders that are certified MWBEs with an explanation for their rejection, allowing changes to future bids that could improve the rate at which MWBEs are actually awarded qualifying contracts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.8497, requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection.

Referred to the Committee on Contracts.

Res. No. 529

**Resolution calling on the United States Congress to pass, and the President to sign, H.R. 7420, the Ensuring Diversity in Community Banking Act of 2024.**

By Council Members Williams, Riley and Stevens.

**Whereas**, Minority communities often struggle to access financial institutions, credit and investment, and have seen a loss of local bank branches in recent years, making access to banking services more challenging in these communities; and

**Whereas**, Community banks and credit unions often fill the gaps left in minority communities by national financial institutions; and

**Whereas**, Community banks also account for some of the few minority-owned financial institutions in the country; and

**Whereas**, New York State Department of Financial Services analyses of Federal Deposit Insurance Corporation data shows that New York has a consistently higher rate of unbanked residents than the national average; and

**Whereas**; New York State Department of Financial Services data indicates there are more than 452,000 unbanked households in the state, who are disproportionately Black and Hispanic; and

**Whereas**, New York City Department of Worker and Consumer Protection finds that 305,700 unbanked households reside in the five boroughs; and

**Whereas**; Community banks must be strengthened to reach these hundreds of thousands of unbanked households; and

**Whereas**; H.R. 7420, the Ensuring Diversity in Community Banking Act of 2024, would create an “Impact Bank” designation to distinguish those community banks that mostly serve low-income borrowers, direct regulators to create minority depositories advisory committees to advise community banks, and set rules for directing federal agencies to make deposits in these institutions; now, therefore, be it

**Resolved**, That the Council of the City of New York calling on the United States Congress to pass, and the President to sign, H.R. 7420, the Ensuring Diversity in Community Banking Act of 2024.

Referred to the Committee on Economic Development.

Res. No. 530

**Resolution calling on the United States Congress to pass, and the President to sign, H.R. 4177, the Improving Corporate Governance Through Diversity Act of 2023.**

By Council Members Williams, Riley and Stevens.

**Whereas**, Banking and financial services are the lifeblood of New York City’s economy, providing some of the region and country’s best paying jobs, which can be routes to upward social mobility and entrees into the commanding heights of the economy; and

**Whereas**, Financial services firms have not hired racial minorities at rates representative of their composition of the country's population, with black senior staff members of big banks typically accounting for less than 10 percent of employees despite comprising 14 percent of Americans; and

**Whereas**, The financial sector's failure to elevate a diverse range of people to senior positions and board seats has meant many communities of color in New York City have not benefitted from the massive expansion of finance over the last several decades; and

**Whereas**, H.R. 4177, the Improving Corporate Governance Through Diversity Act of 2023, would require certain issuers of securities to disclose the racial, ethnic, and gender composition of their boards of directors and executive officers, as well as the status of any of those directors and officers as a veteran; and

**Whereas**, H.R. 4177 would also require the disclosure of any plan to promote racial, ethnic, and gender diversity among these groups; and

**Whereas**, The bill would additionally require the Securities and Exchange Commission to report on strategies to increase gender, racial, and ethnic diversity among board members; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, H.R. 4177, the Improving Corporate Governance Through Diversity Act of 2023.

Referred to the Committee on Economic Development.

Res. No. 531

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.8139A, which would establish reciprocity between New York City and State registries of Minority and Women-owned Business Enterprises (MWBEs).**

By Council Members Williams, Riley and Stevens.

**Whereas**, Business ownership is a significant source of household wealth creation; and

**Whereas**, Women and members of many racial minorities are underrepresented in the ranks of New York State's business owners, according to data from the State Comptroller; with only 23.2 percent of the state's firms owned by women, who account for half the state's population; 5.9 percent of firms owned by Hispanics, who are 19.5 percent of the state's population; and 3.4 percent of firms owned by Blacks, who are 14 percent of the state's population; and

**Whereas**, Programs to direct public contracts to minority and women-owned business enterprises (MWBEs) can provide a substantial source of revenue to those firms which might otherwise struggle to attract business in sectors dominated by white, male-owned legacy companies; and

**Whereas**, Duplicative certification processes for MWBEs to be eligible for contracts at the state and city level may discourage eligible companies from seeking as many opportunities for public contracts as possible; and

**Whereas**, Senate Bill S.8139A would authorize the New York State Director of the Division of Minority and Women's Business Development and the Mayor of the City of New York to enter into a memorandum of understanding to allow reciprocity between the state and city for businesses that are certified as minority and women-owned business enterprises; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, Senate Bill S.8139A, which would establish reciprocity between New York City and State registries of Minority and Women-owned Business Enterprises (MWBEs).

Referred to the Committee on Economic Development.

Res. No. 532

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S.3515/A.2220, in relation to requiring police officers to maintain liability insurance.**

By Council Members Williams, Stevens and Hudson.

**Whereas**, Police officers and their departments can face claims of negligence, failure to protect, false arrest, excessive use of force and civil rights violations; and

**Whereas**, The litigation associated with defending against these claims can be costly as can settlements or judgements; and

**Whereas**, According to the New York City Comptroller, the number of tort claims filed against the New York City Police Department (“NYPD”) increased from 4,588 in FY 2022, to 6,891 in FY 2023, representing a 50 percent increase; and

**Whereas**, FY 2023 marks the first time since FY 2014 that the number of tort claims filed against the NYPD increased from the previous year; and

**Whereas**, According to the Comptroller’s report , NYPD tort claim settlement and judgment payouts increased from \$239.1 million in FY 2022 to \$266.7 million in FY 2023, a 12 percent increase; and

**Whereas**, The report also indicates the number of NYPD tort claim settlements and judgments decreased by two percent, to 2,821 in FY 2023 from 2,877 in FY 2022; and

**Whereas**, Payouts on NYPD tort claims accounted for 36 percent of the total overall cost of the City’s resolved tort claims in FY 2023 and the New York City Comptroller anticipates high NYPD expenditures in FY 2024 due to ongoing reversed conviction claim filings, driven by increased efforts from District Attorney’s offices to review past convictions; and

**Whereas**, Police professional liability insurance covers police officers and departments for acts, errors, and omissions made during their professional duties; and

**Whereas**, Liability insurance would significantly reduce taxpayer waste and improve police conduct as local governments would benefit saving millions, as the insurance companies and the officer would be responsible for lawsuit payouts; and

**Whereas**, S.3515/A.2220 sponsored by New York State Senator Nathalia Fernandez and New York State Assemblymember Alicia Hyndman seek to amend the general municipal law to require police officers to maintain liability insurance and to amend the public officers law to exclude police officers from provisions requiring defense and indemnification of state officers and employees; and

**Whereas**, This State legislation would require all police officers to obtain and maintain liability insurance during their employment, with their employer covering the base rate of the policy and exclude police officers and peace officers from employees indemnified and held harmless by the state; and

**Whereas**, S.3515/A.2220 aligns with principles of fiscal responsibility, improved public safety, and enhanced accountability, making it a prudent and necessary step for City residents; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S.3515/A.2220, in relation to requiring police officers to maintain liability insurance.

Referred to the Committee on Public Safety.

Int. No. 1012

By Council Member Won.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a digital procurement and contract management system**

*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 by adding a new section 6-149 to read as follows:

*§ 6-149 Digital procurement and contract management system.*

*a. Definition. For the purposes of this section, the term "digital procurement and contract management system" means a digital technology platform that manages the entire lifecycle of city procurements and contracts.*

*b. The city chief procurement officer shall implement and maintain a digital procurement and contract management system that, at minimum:*

- 1. Provides a centralized, web-based portal for vendor accounts and information;*
- 2. Facilitates online submission and processing of vendor disclosures and compliance documents;*
- 3. Allows for electronic submission and evaluation of responses to solicitations;*
- 4. Supports the review and electronic signature of contracts;*
- 5. Enables invoice submission and payment processing;*
- 6. Provides for performance evaluations of vendors;*
- 7. Generates reports and analytics on procurement and contract data; and*
- 8. Integrates with other relevant city financial and operational systems.*

*c. The city chief procurement officer shall conduct a review of the digital procurement and contract management system at least once every two years to ensure it remains current with technological advancements and changing procurement needs. Following each such review, the city chief procurement officer shall implement relevant updates to the system.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Contracts.

Int. No. 1013

By Council Members Yeger and Vernikov.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending on certain streets in Brooklyn**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision k of section 17-315 of the administrative code of the city of New York, as amended by local law number 181 for the year 2018, is amended to read as follows:

2. Food vendors shall be prohibited from vending on the following streets at the following days and times:

**BOROUGH OF MANHATTAN**

Third Avenue: East 40th to East 57th Street, Monday through Friday, 8 am to 6 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; Lexington Avenue: East 40th to East 57th Street, Monday through Saturday, 8 am to 7 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; East 61st to East 69th Street, Monday through Saturday, 8 am to 6 pm; Park Avenue: East 34th to East 42nd Street, Monday through Friday, 8 am to 7 pm; East 55th to East 59th Street, Monday through Friday, 10 am to 7 pm; Vanderbilt Avenue: East 42nd to East 45th Street, Monday through Friday, 8 am to 7 pm; Madison Avenue: East 34th to East 45th Street, Monday through Friday, 8 am to 6 pm; East 46th to East 59th Street, Monday through Saturday, 10 am to 7 pm; Fifth Avenue: 32nd to 59th Street, Monday through Saturday, 8 am to 7 pm; Avenue of the Americas: West 32nd to West 59th Street, Monday through Saturday, 8 am to 7 pm; Broadway: West 32nd to West 52nd Street, Everyday, 8 am to 8 pm; Seventh Avenue: West 33rd to West 34th Street, Monday through Saturday, 8 am to 6 pm; West 35th to West 45th Street, Monday through Saturday, 8 am to midnight; West 46th to West 52nd Street, Monday through Saturday, 2 pm to 7 pm; Fourteenth Street: Broadway to Seventh



Avenue, Monday through Saturday, noon to 8 pm; West Thirty-fourth Street: Fifth Avenue to Seventh Avenue, Monday through Saturday, 8 am to 7 pm; Forty-second Street: Third Avenue to Eighth Avenue, Monday through Saturday, 8 am to 7 pm; West Forty-third Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fourth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fifth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-sixth Street: Seventh to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-seventh Street: Fifth to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-eighth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-ninth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fiftieth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-first Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-second Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-third Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm.

#### BOROUGH OF QUEENS

Main Street: Northern Boulevard to Sanford Avenue, every day, noon to midnight; 38th Avenue: Prince Street to 138th Street, every day, noon to midnight; Prince Street: 38th Avenue to 39th Avenue, every day, noon to midnight; 39th Avenue: College Point Boulevard to Union Street, every day, noon to midnight; Lippman Plaza: 39th Avenue to Roosevelt Avenue, every day, noon to midnight; Roosevelt Avenue: College Point Boulevard to Union Street, every day, noon to midnight; 41st Avenue: College Point Boulevard to Union Street, every day, noon to midnight; Kissena Boulevard: 41st Avenue to Barclay Avenue, every day, noon to midnight; Sanford Avenue: Frame Place to Main Street, every day, noon to midnight.

#### BOROUGH OF BROOKLYN

*Kings Highway: Ocean Parkway to McDonald Avenue.*

§ 2. Subdivision g of section 20-465 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

*(6) No general vendor shall vend on Kings Highway between Ocean Parkway and McDonald Avenue, in the borough of Brooklyn.*

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1014

By Council Members Yeger, Powers and Holden.

#### **A Local Law to amend the administrative code of the city of New York, in relation to campaign finance board deadlines**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-721 to read as follows:

*§ 3-721 Submission deadlines. The campaign finance board shall accept as timely any complete filing, report, or submission required by this chapter or any law or rule of the board if such filing, report, or submission is received by 11:59 pm on the final due date.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Preconsidered L.U. No. 125

By Council Member Brannan:

**Mt. Morris Plaza: Block 1722, Lot 7, 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. 126

By Council Member Brannan:

**Henry Brooks Senior: Block 2047, Lot 12, 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. 127

By Council Member Brannan:

**Metro North Court Apartments (Amendment): Block 1672, Lot 1, Manhattan, Community District No. 11, Council District No. 8.**

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

Preconsidered L.U. No. 128

By Council Member Brannan:

**Metro North Court Apartments (Extension): Block 1672, Lot 1, Manhattan, Community District No. 11, Council District No. 8.**

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

L.U. No. 129

By Council Member Salamanca:

**Application number N 240396 HIM Temple Court (now the Beekman Hotel) Atrium submitted by the Landmarks Preservation Commission, pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, for the designation of the Temple Court Building (now the Beekman Hotel) Atrium, located at 5 Beekman Street (Block 90, Lot 7503), as an historic landmark (DL-540/LP-2681), Borough of Manhattan, Community District 1, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 130

By Council Member Salamanca:

**Application number N 240409 HIK (Brooklyn Edison Building) submitted by the Landmarks Preservation Commission, pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, for the designation of the Brooklyn Edison Building, located at 345 Adams Street (aka 372-392 Pearl Street and 11-17 Willoughby Street), Block 140, Lot 7503 (formerly Lot 123), as an historic landmark (DL-541/LP-2680), Borough of Brooklyn, Community District 2, Council District 33.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 131

By Council Member Salamanca:

**Application number N 240410 HIR (Frederick Douglass Memorial Park) submitted by the Landmarks Preservation Commission, pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, for the designation of the Frederick Douglass Memorial Park, located at 3201 Amboy Road (Block 4475, Lot 300), as an historic landmark (DL-541/LP-2682), Borough of Staten Island, Community District 3, Council District 50.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 132

By Council Member Salamanca:

**Application number C 240237 ZMM (MSK Pavilion) submitted by Memorial Sloan Kettering Cancer Center, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8 District to an R9 District, Borough of Manhattan, Community District 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 133

By Council Member Salamanca:

**Application number N 240238 ZRM (MSK Pavilion) submitted by Memorial Sloan Kettering Cancer Center, 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 9 (Special Regulations Applying to Large-Scale Community Facility Developments), Borough of Manhattan, Community District 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 134

By Council Member Salamanca:

**Application number C 240235 ZSM (MSK Pavilion) submitted by Memorial Sloan Kettering Cancer Center, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 79-43 of the Zoning Resolution (as proposed to be amended) to modify: the height and setback requirements of Section 24-522 (Front setbacks in districts where front yards are not required) on the periphery of a large scale community facility development; the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage); and the sign regulations of Section 22-231 (Nameplates or identification signs) and Section 22-342 (Height of signs) to facilitate a proposed 31-story inpatient medical facility on the South Block Zoning Lot (Block 1461, Lots 13 & 21), in R9(as proposed to be amended) and R10 Districts, within an existing Large-Scale Community Facility Development generally bounded by East 69<sup>th</sup> Street, a line 338 feet easterly of First Avenue, a line midway between East 69<sup>th</sup> Street and East 68<sup>th</sup> Street, a line 463 feet easterly of First Avenue, East 68<sup>th</sup> Street, York Avenue, East 66<sup>th</sup> Street, a line 300 feet westerly of York Avenue, East 67<sup>th</sup> Street, First Avenue, East 68<sup>th</sup> Street, and a line 100 feet easterly of First Avenue (Block 1461, Lots 13 & 21, Block 1462, Lots 1 & 5, and Block 1463, Lots 5 and 7501 (condo lot 1001)) in R8, R9(as proposed to be amended), and R10 Districts, Borough of Manhattan, Community District 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 135

By Council Member Salamanca:

**Application number M 240240 LDM (MSK Pavilion) submitted by Memorial Sloan Kettering Cancer Center for cancellation of a restrictive declaration associated with the approved applications 010547 ZMM, 010145 ZSM and 010549 ZAM which was recorded on December 20, 2001 in Reel 3413, Page 1860 in the Office of the New York County Register, Borough of Manhattan, Community District 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 136

By Council Member Salamanca:

**Application number C 240236 GFM (MSK Pavilion) submitted by Memorial Sloan Kettering Cancer Center, pursuant to Sections 197-c of the New York City Charter for a revocable consent to construct, maintain and use a 24 foot-wide pedestrian bridge over East 67<sup>th</sup> Street approximately 67 feet westerly of First Avenue, Borough of Manhattan, Community District 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 137

By Council Member Salamanca:

**Application number C 220080 ZMK (150 Mill Street Rezoning) submitted by B.P. Mill Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an M1-1 District to an M1-5 District, Borough of Brooklyn, Community District 6, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 138

By Council Member Salamanca:

**Application number C 230022 ZMQ (31-17 12<sup>th</sup> Street Rezoning) submitted by 31 17 19 1Z, LLC, pursuant to Sections 197- c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an R5B District to an R6B District, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 139

By Council Member Salamanca:

**Application number N 230023 ZRQ (31-17 12th Street Rezoning) submitted by 31 17 19 1Z, 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 Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 140

By Council Member Salamanca:

**Application number C 230354 ZMK (250 86<sup>th</sup> Street Rezoning) submitted by Dr. Helen Kim, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, changing from an R3-2 District to an R6B District, Borough of Brooklyn, Community District 10, Council District 47.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 141

By Council Member Salamanca:

**Application number N 230355 ZRK (250 86th Street Rezoning submitted by Dr. Helen Kim, 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 Brooklyn, Community District 10, Council District 47.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Tuesday, August 27, 2024**

Committee on Rules, Privileges and Elections

Keith Powers, Chairperson

**M 63** - Communication from the Mayor – Submitting the name of Randy Mastro to the City Council for advice and consent regarding his appointment as Corporation Counsel pursuant to Sections 31 and 391 of the New York City Charter.

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Kamillah Hanks, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor..... 12:30 p.m.

**Tuesday, September 10, 2024**

Committee on Economic Development jointly with the  
Committee on Transportation and Infrastructure

Amanda Farías, Chairperson  
Selvena N. Brooks-Powers, Chairperson

**Oversight** - New York City’s Ferry System.

Committee Room – City Hall.....10:00 a.m.

Committee on General Welfare

Diana I. Ayala, Chairperson

**Oversight** - HRA’s Career Services.

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Kamillah Hanks, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – 250 Broadway, 16th Floor..... 1:00 p.m.

**Thursday, September 12, 2024**

Stated Council Meeting

**Council Chambers – City Hall.....Agenda – 1:30 p.m.**

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) asked for a moment to remember the life of 41-year old construction worker Henry Alesna who was killed while on the job at the Washington Bridge in Manhattan. She noted that Mr. Alesna leaves behind his wife and one-year old daughter. Mr. Alesna had been struck by an SUV that had swerved into the closed lane where he was working on August 2, 2024. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to his family and loved ones during this difficult time.

The Speaker (Council Member Adams) spoke of the importance of respect for the laws, democratic governance, and the separation of powers -- she emphasized these principles were essential to the foundation of representative democracy underpinning our city's local government. The Speaker (Council Member Adams) criticized the Mayor's Charter Revision Commission as rushed in nature and circumventing the public transparency of the legislative process in order to advance certain changes to law that did not require a Charter Revision Commission or voter referendum.

\* \* \*



Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Farías) adjourned these proceedings to meet again for the Stated Meeting of Thursday, September 12, 2024.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of Thursday, August 15, 2024 on the New York City Council website at <https://council.nyc.gov>.

*Editor's Local Law Note:* Int. Nos. 642, 904-A, 951-A, and Preconsidered Int. No. 968 of 2024, all adopted at the June 20, 2024 Stated Meeting, were **returned unsigned by the Mayor** on July 22, 2024. These items had become law on July 20, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 78 through 81 of 2024, respectively.

