

## THE COUNCIL

---

*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Wednesday, June 26, 2019, 2:08 p.m.

*The Majority Leader (Council Member Cumbo)  
presiding as the Acting President Pro Tempore*

#### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Antonio Reynoso
Alicia Ampry-Samuel	Barry S. Grodenchik	Donovan J. Richards
Diana Ayala	Robert F. Holden	Carlina Rivera
Inez D. Barron	Ben Kallos	Ydanis A. Rodriguez
Joseph C. Borelli	Andy L. King	Deborah L. Rose
Justin L. Brannan	Peter A. Koo	Helen K. Rosenthal
Margaret S. Chin	Karen Koslowitz	Rafael Salamanca, Jr
Andrew Cohen	Rory I. Lancman	Ritchie J. Torres
Costa G. Constantinides	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Eric A. Ulrich
Laurie A. Cumbo	Farah N. Louis	James G. Van Bramer
Chaim M. Deutsch	Alan N. Maisel	Kalman Yeger
Ruben Diaz, Sr.	Steven Matteo	
Daniel Dromm	I. Daneek Miller	
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	
Vanessa L. Gibson	Keith Powers	

Absent: Council Members Cabrera, Levine, Menchaca, and Vallone.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

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

*There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Pastor Jose Vargas, Church of God of 6th Street, located at 636 East 6th Street, New York, NY 10009.

*The Invocation was delivered in Spanish. The following is the English translation of the Invocation as submitted:*

God, creator of heaven and earth, and the entire universe,  
we recognize your presence and power in our means.  
We thank you for the gift of life and for women and men  
who dedicate their lives to public service  
and who direct their work towards the most needy.

Among them we thank you, oh God,  
for the Speaker of this legislative body, Corey Johnson,  
the Public Advocate Jumaane Williams  
and each Council Member,  
who strive for the welfare of this city.  
God of grace, give them divine protection,  
the necessary wisdom, courage,  
and all the strength necessary  
to fulfill the mandate given to them.

We also pray for all of the organizations represented here  
and all of them who also fight for our communities,  
particularly those who worked to alleviate the pain  
and met the needs of the island of *Borinquen*, Puerto Rico.  
May God bless all Puerto Ricans!

And finally, oh God, we pray for our beautiful city;  
for each race, culture, community of faith and each neighborhood –  
that we be one as you are, God.  
Unite our efforts and our thinking  
so that together we can achieve justice for all.  
May your love always reign in our lives and hearts.

We pray in your powerful name,  
Amen!

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory and in honor of the following individuals:

Retired FDNY Lieutenant John T. Moran, who served in the rescue and recovery efforts at Ground Zero, died of 9/11 related cancer on June 21, 2019.

NYPD Detective Luis Alvarez entered hospice care after undergoing nearly 70 rounds of chemotherapy due to his 9/11-related illness. He had recently testified before Congress to advocate on behalf of the 9/11 Victim Compensation Fund earlier in the month. The Speaker (Council Member Johnson) asked that Detective Alvarez be kept in our thoughts and prayers.

At this point, a Moment of Silence was observed in the Chambers.

\* \* \*

#### **ADOPTION OF MINUTES**

Council Member Levin moved that the Minutes of the Stated Meeting of May 8, 2019 be adopted as printed.

#### **MESSAGES & PAPERS FROM THE MAYOR**

M-175

**Communication from the Mayor - Submitting the name of Jeffrey Roth to the Council for its advice and consent regarding his appointment as a member and chair to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

June 20, 2019

The Honorable Corey Johnson  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Jeffrey Roth to the City Council for advice and consent in anticipation of his appointment as a member and chair to the New York City Taxi and Limousine Commission. When appointed to the Commission, Mr. Roth will serve for the remainder of a seven-year term that will expire on January 31, 2024.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,  
Bill de Blasio  
Mayor

BDB:mpp

cc: Jeffrey Roth  
Laura Anglin, Deputy Mayor for Operations  
Jeff Lynch, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Criminal Justice

Report for Int. No. 1513-A

#### **Report of the Committee on Criminal Justice 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 mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1508), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION:**

On June 26, 2019, the Committee on Criminal Justice, chaired by Council Member Powers, will be voting on Proposed Introduction Number 1513-A, a local law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals; Proposed Introduction Number 1514-A; a local law to amend the New York City Administrative Code, in relation to requiring access to substance abuse treatment for transgender, gender nonconforming, non-binary, and intersex individuals; Proposed Introduction Number 1530-A, a local law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals; and Proposed Introduction Number 1535-A, a local law requiring the board of correction to convene a task force to address polices related to the treatment of transgender, gender non-conforming, and non-binary individuals in the department of correction. The Committee previously held a hearing on these bills on May 1, 2019 and received testimony from representatives of the Department of Correction (DOC) and Correctional Health Services (CHS), as well as advocates and other interested members of the public.

**II. BACKGROUND**

These bills aim to improve the conditions of transgender, gender non-conforming, non-binary, and intersex individuals in custody. These bills will ensure that individuals who are transgender, gender non-conforming, gender non-binary, and intersex (TGNCNBI) would have equal access to mental health and substance use treatment, and will create more transparency in policies related to the housing and treatment TGNCNBI individuals in custody.

**III. PROPOSED INTRODUCTION NO. 1513-A**

Section 1 of this bill amends section 9-107 of the administrative code of the city of New York to ensure that transgender, gender nonconforming, non-binary, and intersex individuals have access to the same quality and type of mental health treatment as cisgender and gender binary individuals. This legislation will ensure that such populations will not have to choose between receiving mental health treatment and being housed in an environment that is more appropriate and safe for their needs. Section 2 will make it take effect 90 days after becoming law.

**IV. AMENDMENTS TO INT. NO. 1513**

Since introduction, this bill was amended to include a requirement that all medical and substance abuse professionals working with transgender individuals receive specialized training on transgender and gender-affirming care conducted by an individual or organization with expertise in the subject.

**V. PROPOSED INTRODUCTION NO. 1514-A**

Section 1 of this bill amends Chapter 1 of title 9 of the administrative code of the city of New York by adding a new section 9-158 to ensure that individuals who are transgender, gender nonconforming, gender non-binary, and intersex have access to the same quality and type of substance abuse treatment as do cisgender and gender binary individuals. This legislation will ensure that these populations do not have to choose between receiving substance abuse treatment and being housed in an environment that is more appropriate and safe for their needs. Section 2 states the bill will take effect 90 days after becoming law.

**VI. AMENDMENTS TO INT. NO. 1514**

Since introduction, this bill has been amended to ensure that individuals who engage in substance use treatment only do so voluntarily. Additionally, it ensures that the administration of methadone, buprenorphine, and naltrexone are included as medication assisted treatment.

**VII. PROPOSED INTRODUCTION NO. 1530-A**

Section 1 of this bill amends subdivision c of section 9-157 of the administrative code of the city of New York by adding a new paragraph 6 to require the DOC to report on housing decisions made for transgender, gender nonconforming, and intersex individuals. It will require the department to issue an incident-level report to the Council and to the Board of Correction (BOC) on housing requests made related to gender-identity on a biannual basis, and to issue an aggregate report to the public on an annual basis. This legislation will bring greater transparency into the application and appeals process for those who seek housing within the DOC that is responsive to their gender identity. Section 2 states the bill will take effect immediately.

**VIII. AMENDMENTS TO INT. NO. 1530**

Since introduction, Intro 1530 was amended to include additional categories, including whether applicants filed appeals and the length of time between submitting an application and receiving a decision. Additionally, the legislation provides additional protections to avoid the distribution of personal identifiers.

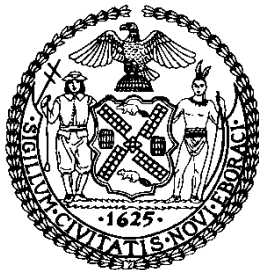
**IX. PROPOSED INTRODUCTION NO. 1535-A**

Section 1 of this bill requires the BOC to convene a task force to address polices related to the treatment of transgender, gender non-conforming, non-binary, and intersex individuals in the department of correction. The task force would consist of a representative from the department of correction, a representative from correctional health services, a representative from the commission on human rights, a representative from NYC Unity, the Mayor’s Office to End Gender-based Violence, the Council, and at least six representatives in the following categories: people formerly and currently incarcerated in the transgender housing unit, service providers that address transgender, gender non-conforming, and non-binary individuals in custody, and local and national experts in issues related to transgender policy. Section 2 would make it take effect immediately after becoming law.

**X. AMENDMENTS TO INT. NO. 1535**

Since Introduction, 1535 has been amended to include additional agencies on the taskforce. It also has been amended to terminate upon decision by the Board of Correction, and to allow the Board of Correction to reconvene the taskforce upon opening of new facilities.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1513-A:)**



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1513-A**

**COMMITTEE: Criminal Justice**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals.

**SPONSORS:** By Council Members Ayala, Kallos and Rosenthal.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1513-A would require all Department of Correction facilities housing transgender, gender non-conforming, non-binary, and intersex individuals to have access to mental health treatment.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021**

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</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 would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the requirements of this legislation.

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

**SOURCE OF INFORMATION:** New York City Department of Correction

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head, Finance Division  
 Regina Poreda Ryan, Deputy Director, Finance Division  
 Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Intro. No. 1513 on April 18, 2019 and was referred to the Committee on Criminal Justice. A hearing was held by the Committee on Criminal Justice on May 1, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1513-A, will be voted on by the Committee on Criminal Justice at a hearing on June 26, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. No. 1513-A will be submitted to the Council for a vote on June 26, 2019.

**DATE PREPARED:** JUNE 24, 2019.

**(For text of Int. Nos. 1514-A, 1530-A, and 1535-A and their Fiscal Impact Statements, please see the Report of the Committee on Criminal Justice for Int. Nos. 1514-A, 1530-A, and 1535-A, respectively, printed in these Minutes; for text of Int. No. 1513-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1513-A, 1514-A, 1530-A, and 1535-A)*

**(The following is the text of Int. No. 1513-A:)**

Int. No. 1513-A

By Council Members Ayala, Kallos, Rosenthal, Chin and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals**

*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 9-158 to read as follows:

§ 9-158 *Mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals* The department shall ensure that any housing unit where transgender, gender nonconforming, non-binary, and intersex individuals are housed has access to the same mental health treatment as units housing other incarcerated individuals.

§ 2. Subdivision a of section 9-145 of the administrative code of the city of New York is amended by adding a new definition of “correctional health services” in alphabetical order to read as follows:

*Correctional health services.* The term “correctional health services” means the entity responsible for the delivery of health and mental health services to incarcerated individuals in the custody of the department.

§ 3. Section 9-145 of the administrative code of the city of New York, as added by local law number 123 for the year 2016, is amended by adding a new subdivision e to read as follows:

*e. Transgender care.* Correctional health services shall ensure that all medical and substance abuse professionals working with transgender individuals receive specialized training on transgender and gender-affirming care conducted by an individual or organization with expertise in the subject.

§ 4. This local law takes effect 90 days after it becomes law.

KEITH POWERS, *Chairperson*; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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. 1514-A

**Report of the Committee on Criminal Justice 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 access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals.**

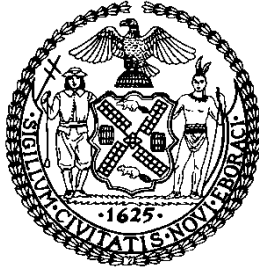
The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1508), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1513-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1514-A:*





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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 1514-A

**COMMITTEE:** Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals.

**SPONSORS:** By Council Members Ayala, Rosenthal, and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1514-A would require all Department of Correction facilities housing transgender, gender non-conforming, non-binary, and intersex individuals to have access to comprehensive substance abuse treatment.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</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 would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the requirements of this legislation.

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

**SOURCE OF INFORMATION:** New York City Department of Correction

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head, Finance Division  
Regina Poreda Ryan, Deputy Director, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Intro. No. 1514 on April 18, 2019 and was referred to the Committee on Criminal Justice. A hearing was held by the Committee on Criminal

Justice on May 1, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1514-A, will be voted on by the Committee on Criminal Justice at a hearing on June 26, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. No. 1514-A will be submitted to the Council for a vote on June 26, 2019.

**DATE PREPARED:** JUNE 24, 2019.

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

**(The following is the text of Int. No. 1514-A:)**

Int. No. 1514-A

By Council Members Ayala, Rosenthal, Kallos, Chin and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals**

*Be it enacted by the Council as follows:*

Section 1. Section 9-107 of the administrative code of the city of New York is amended to read as follows:

§ 9-107 Narcotics treatment program. a. [The commissioner of correction] *Correctional health services, or any entity with which the department of correction or the department of health and mental hygiene contracts to provide healthcare for incarcerated individuals*, shall establish a program for the treatment of [heroin addicts] *substance abuse* through the use of [methadone hydrochloride therapy] *medication assisted treatment, including the administration of methadone, buprenorphine, and naltrexone*. The program shall be available on a voluntary basis only to such [inmates] *incarcerated individuals* as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. [The commissioner of correction shall provide for the continuance of such treatment by establishing parole procedures and after-care evaluation and implementation after the incarceration has terminated, during the period of parole.] *The commissioner of correction shall ensure that any housing unit in which transgender, intersex, non-binary, or gender non-conforming individuals are housed has access to the same substance abuse treatment as other incarcerated individuals. Such treatment shall only be given voluntarily and based on the exercise of professional medical judgment of a medical provider following consultation between such medical provider and the incarcerated person.*

§ 2. This local law takes effect 90 days after it becomes law.

KEITH POWERS, *Chairperson*; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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. 1530-A

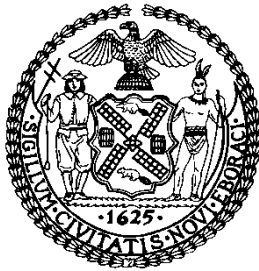
**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1535), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1513-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1530-A:*



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

**PROPOSED INTRO. NO:** 1530-A

**COMMITTEE:** Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals.

**SPONSORS:** By Council Members Moya, Kallos, and Rosenthal.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1530-A would require the Department of Correction (DOC) to provide an incident level report on applications for housing in dedicated housing units that includes transgender, gender non-binary, and intersex individuals. Such report shall be published on DOC’s website in a machine readable format on or before January 1, 2020.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</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 would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the requirements of this legislation.

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

**SOURCE OF INFORMATION:** New York City Department of Correction

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head, Finance Division  
Regina Poreda Ryan, Deputy Director, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Intro. No. 1530 on April 18, 2019 and was referred to the Committee on Criminal Justice. A hearing was held by the Committee on Criminal Justice on May 1, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1530-A, will be voted on by the Committee on Criminal Justice at a hearing on June 26, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. 1530-A will be submitted to the Council for a vote on June 26, 2019.

**DATE PREPARED:** JUNE 24, 2019.

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

**(The following is the text of Int. No. 1530-A:)**

Int. No. 1530-A

By Council Members Moya, Kallos, Rosenthal, Chin and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals**

*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 9-157 to read as follows:

*§ 9-157 Housing requests related to gender identity.*

*a. On or before January 1, 2020, the department shall issue an incident level report to the speaker of the council and the board of correction on applications for housing in dedicated housing units that includes transgender, gender non-binary, and intersex individuals made during the six-month period preceding the date of issuance of such report. Such report shall include the following information for each such application: the outcome of such request; the length of time between such application and a decision on such application; if such request was denied, the reason for such denial in categories defined by the department; if an appeal was filed, the outcome of such appeal and the length of time between the filing of such appeal and the response to such appeal. Before submitting such reports, the department shall remove all personal identifiers. Any individually identifiable information contained in such reports shall not be publicly disclosed except as required by law or with the written consent of the person who is the subject of the information, or that person's authorized representative. Notwithstanding any other provision of law, the reports required by this subdivision are not required to be transmitted in electronic format to the department of records and information services, or its successor agency, and are not required to be made available to the public on or through the department of records and information services' web site, or its successor's web site.*

*b. On or before January 1, 2020, the department shall publish on its website a report on applications for housing in a dedicated housing unit that includes transgender, gender non-binary, and intersex individuals made during the six-month period preceding the date of issuance of such report. Such report shall include the number of such applications, the number of such applications that were granted, and the number of applications denied,*

*the number of such applications that were appealed, and the outcomes of such appeals. Such report shall be submitted in a machine readable format, compared to the previous four reporting periods, and stored permanently on the department's website.*

§ 2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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. 1535-A

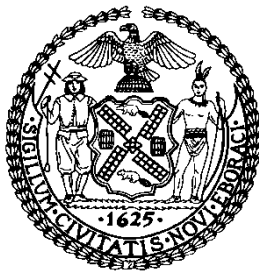
**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law requiring the board of correction to convene a task force to address policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1540), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1513-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1535-A:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1535-A**

**COMMITTEE: Criminal Justice**

**TITLE:** A Local Law requiring the board of correction to convene a task force to address policies related to the treatment of transgender, gender non-conforming, non-binary, and intersex individuals in the department of correction.

**SPONSORS:** By Council Members Rosenthal and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1535-A would require the Board of Correction to convene a taskforce to assess policies related to the treatment of transgender, gender non-conforming, non-binary, and intersex individuals in facilities managed by the Department of Correction.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$89,342	\$89,342	\$89,342
<b>Net</b>	\$89,342	\$89,342	\$89,342

**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 the Board of Correction would need to hire an additional Research Associate for a total cost of \$89,342 to meet the requirements of this bill, while maintaining its current operations. This number includes salary (\$60,403) and fringe costs (\$28,939).

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

**SOURCE OF INFORMATION:** New York City Board of Correction

**ESTIMATE PREPARED BY:** Peter Butler, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head, Finance Division  
 Regina Poreda Ryan, Deputy Director, Finance Division  
 Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Intro. No. 1535 on April 18, 2019 and was referred to the Committee on Criminal Justice. A hearing was held by the Committee on Criminal Justice on May 1, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1535-A, will be voted on by the Committee on Criminal Justice at a hearing on June 26, 2019. Upon successful vote by the Committee on Criminal Justice, Proposed Intro. No. 1535-A will be submitted to the Council for a vote on June 26, 2019.

**DATE PREPARED:** JUNE 24, 2019.

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

**(The following is the text of Int. No. 1535-A:)**

Int. No. 1535-A

By Council Members Rosenthal, Kallos, Chin and Rivera.

**A Local Law requiring the board of correction to convene a task force to address policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction**

*Be it enacted by the Council as follows:*

Section 1. a. The board of correction shall convene a task force to review the department of correction's policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody.

b. Such task force shall consist of a representative from each of the following who shall serve at the pleasure of the appointing agency: the department of correction, correctional health services, the commission on human rights, the mayor's office to end domestic and gender-based violence, the nyc unity project or similar organization, and the council. Such task force shall also include at least one representative from each of the following categories, appointed by the board of correction (i) formerly incarcerated individuals; (ii) individuals formerly or currently incarcerated in the transgender housing unit, to the extent practicable; (iii) service providers that address transgender, gender nonconforming, non-binary, and intersex individuals in custody; and (iv) local and national organizations that address issues related to transgender, gender nonconforming, non-binary, and intersex individuals.

c. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. All members shall be appointed to the task force within 60 days of the effective date of this local law.

d. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.

e. Within one year of the formation of the task force, such task force shall submit a report containing recommendations regarding policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody, and a summary of key findings to the department of correction, mayor and the speaker of the council. Within 90 days of receiving such report, the department of correction shall provide a written response to the board of correction, the mayor, and the council. Each such written report shall be posted on the department of correction and the board of correction's websites in a format that is searchable and downloadable and that facilitates printing no later than 10 days after it is delivered to the mayor and the council. The task force shall continue to submit yearly reports thereafter until its termination.

f. The task force shall terminate by determination of the board of correction, but no earlier than one year after the issuance of a final yearly report, to be submitted in the year 2024. Any time a new correctional facility is built, the board of correction shall have the option to reconvene the taskforce for the purpose of reviewing implementation of policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in such facilities.

§ 2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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 Environmental Protection**

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

Report for Int. No. 1619

#### **Report of the Committee on Environmental Protection in favor of approving and adopting, a Local Law to amend the New York city charter and the administrative code of the city of New York in relation to greenhouse gas emissions.**

The Committee on Environmental Protection, to which the annexed preconsidered proposed local law was referred on June 26, 2019, respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On June 26, 2019, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing on a bill and a resolution related to climate change and green energy. Preconsidered Int. No. 1619 would make various technical amendments to Local Law 97 of 2019. The Committee and the Council voted on and passed Local Law 97 of 2019 on April 18, 2019.

Res. No. 864-A declares a climate emergency and calls for an immediate emergency mobilization to restore a safe climate. The Committee previously held a hearing on this resolution on June 24, 2019, and received testimony from the Mayor's Office of Sustainability, renewable energy experts, environmental advocates, and interested members of the public. More information about this resolution is available with the materials for that hearing, which can be accessed online at <https://on.nyc.gov/2KtG5cD>.

##### **II. PRECONSIDERED INT. NO. 1619**

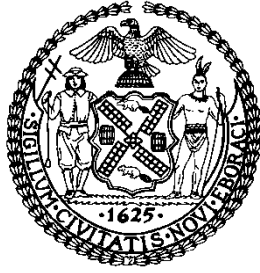
Preconsidered Int. No. 1619 would make various technical amendments to Local Law 97 of 2019. This local law would take effect on the same date local law number 97 for the year 2019, takes effect; except that section nineteen of this local law would take effect on the same date local law number 98 for the year 2019, takes effect.

##### **III. RES. NO. 864-A**

Res. No. 864-A declares a climate emergency and calls for an immediate emergency mobilization to restore a safe climate

**(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1619:)**





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

**PRECONSIDERED INTRO. NO. 1619:**

**COMMITTEE: Environmental Protection**

---

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to greenhouse gas emissions. **SPONSORS:** Council Members Constantinides.

**SUMMARY OF LEGISLATION:** This bill would make several technical amendments to Local Law 97 of 2019, which established the Office of Building Energy and Emissions Performance as well as greenhouse gas emissions limits for existing buildings.

**EFFECTIVE DATE:** This local law would take effect on the same date local law number 97 for the year 2019, takes effect; except that section nineteen of this local law would take effect on the same date local law number 98 for the year 2019, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

---

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</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 the proposed legislation would not impact revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not impact expenditures because it merely makes technical amendments to a prior law.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Rebecca Chasan, Senior Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Environmental Protection (Committee) as a Preconsidered Introduction on June 26, 2019. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on June 26, 2019.

**DATE PREPARED:** June 25, 2019.

**(For text of Res. Nos. 864-A, please see the Report of the Committee on Environmental Protection for Res. No. 864-A printed in the voice-vote Resolutions Calendar section of these Minutes; for text of Preconsidered Int. No. 1619, please see the Introduction and Reading of Bills section of these Minutes)**

*Accordingly, this Committee recommends the adoption of Preconsidered Int. No. 1619 and Res. No. 864-A.*

**(For text of the preconsidered bill, please see the Introduction and Reading of Bills section of these Minutes)**

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER, ERIC A. ULRICH; Committee on Environmental Protection, April 23, 2018. *Other Council Members Attending: Council Member Deutsch.*

On motion of the Speaker (Council Member Johnson), 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 Health**

Report for Int. No. 5-B

**Report of the Committee on Health 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 public information messaging on healthy eating.**

The Committee on Health, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 113), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On June 25, 2019, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Introduction Number 5-B (Int. 5-B), a Local Law to amend the administrative code of the city of New York, in relation to requiring public information messaging on healthy eating. This legislation was originally heard at a hearing of this Committee on February 25, 2019, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), advocates, and other interested parties. On June 25, 2019, the Committee passed Int. 5-B by a vote of six in the affirmative, zero in the negative, and zero abstentions.

##### **BACKGROUND**

**Added Sugars, Diabetes, Obesity and Prepared Foods**

### *Added Sugars*

Added sugars are associated with a number of serious, preventable, diet-related health conditions including heart disease, the leading cause of death in New York City.<sup>1</sup> Added sugars provide calories without providing essential nutrients and, nationally, the average adult and child consumes too many calories from added sugars each day.<sup>2</sup> The 2015 US Dietary Guidelines recommend limiting added sugar intake to less than 10% of total daily calories, a target based on evidence demonstrating the public health need to limit calories from added sugars to meet food group and nutrient needs within calorie limits.<sup>3</sup> This federal recommendation is equivalent to 50 grams of added sugar intake in a 2,000 calorie diet. Despite this recommendation, products exist on the marketplace, and are offered for individual, single serving consumption, that exceed this threshold. Further, consumers may not realize that one serving of some foods contain added sugars in amounts that exceed national recommendations and consumers may not be aware of the health risks associated with consuming such products.

Health impacts associated with intake of added sugars include excess weight, type 2 diabetes, hypertension, stroke, heart disease, and cavities. Since 2002, the prevalence of adult obesity in New York City has increased by 38%, from 18.2% in 2002 to 25.1% in 2017.<sup>4</sup> Among New York City public high school students, obesity increased from 9.0% in 1999 to 13.5% in 2017, a 50% increase.<sup>5</sup> Health inequities by race and ethnicity also persist in New York City. Black and Latino New Yorkers report more than twice the rate of diabetes and more than 1.5 times the rate of obesity than White residents.<sup>6</sup>

According to the Scientific Report of the 2015 Dietary Guidelines Advisory Committee (DGAC) there is strong and consistent evidence showing that intake of added sugars from food and/or sugary drinks are associated with excess body weight in children and adults, and the reduction of added sugars and sugary drinks in the diet reduces body mass index (BMI) in both children and adults. The DGAC reports there is moderate evidence that higher intake of added sugars is associated with increased risk of type 2 diabetes, hypertension, stroke, and heart disease in adults and concurs with the World Health Organization's commissioned systematic review demonstrating consistent, moderate evidence for a relationship between intake of free sugars and the development of dental caries among children and adults.<sup>7</sup>

### *Diabetes*

Diabetes is a disease involving a hormone called insulin, which is released by the pancreas to guide the body in storing and using the sugar and fat from ingested food.<sup>8</sup> Diabetes causes a production of too much or too little insulin, which causes the blood glucose (sugar) levels to rise higher or lower than normal.<sup>9</sup> Type 2 diabetes is the most common form of diabetes and occurs when the body's cells become resistant to the action of insulin, and the pancreas is unable to make sufficient insulin to overcome this resistance, causing sugar to build up in the bloodstream.<sup>10</sup> Although not all causes of diabetes are known, Type 2 diabetes is caused by genetic and environmental factors, and is most closely linked with obesity and being overweight.<sup>11</sup>

In the United States, it is estimated that more than 100 million Americans have diabetes or prediabetes.<sup>12</sup> Approximately 1 in 4, or 7.2 million, adults are living with diabetes, and an additional 84.1 million have

<sup>1</sup> Vital Statistics Data as of January 2018

<sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 Dietary Guidelines for Americans. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

<sup>3</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 Dietary Guidelines for Americans. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

<sup>4</sup> NYC Community Health Survey 2002-2017

<sup>5</sup> NYC Youth Risk Behavior Survey 1999-2017.

<sup>6</sup> NYC Community Health Survey 2017

<sup>7</sup> 2015 Dietary Guidelines Advisory Committee Report

<sup>8</sup> "Diabetes Overview," WebMD, available at <https://www.webmd.com/diabetes/default.htm>.

<sup>9</sup> *Id.*

<sup>10</sup> "Diabetes," Mayo Clinic, available at <https://www.mayoclinic.org/diseases-conditions/diabetes/symptoms-causes/svc-20371444>.

<sup>11</sup> *Id.*

<sup>12</sup> "New CDC Report: More than 100 million Americans have diabetes or prediabetes," CDC, available at <https://www.cdc.gov/media/releases/2017/p0718-diabetes-report.html>.

prediabetes, which can lead to Type 2 diabetes within five years if not treated.<sup>13</sup> In New York City, an estimated 987,000 New Yorkers have diabetes, many without knowledge of their condition.<sup>14</sup> Diabetes in New York is also economically, racially, and ethnically determined, with black, Hispanic, and Asian New Yorkers being twice as likely as white New Yorkers to have diabetes, as of 2013.<sup>15</sup> Diabetes disproportionately affects high-poverty communities in New York City, where the neighborhoods with the highest prevalence of diabetes were Fordham-Bronx Park (14.6%), East New York (14.4%) and Williamsburg-Bushwick (13.9%) in Brooklyn, Northeast Bronx (13.9%), and the South Bronx (13.9%), and the neighborhoods with the lowest prevalence of diabetes were Upper East Side-Gramercy and Chelsea-Village in Manhattan (4.4% and 4.1%).<sup>16</sup> As of 2013, diabetes was almost 70% more common in high-poverty neighborhoods than in low-poverty neighborhoods.<sup>17</sup> Interestingly, racial and ethnic disparities in diabetes persist across levels of household poverty, where white New Yorkers had the lowest prevalence of diabetes among the wealthiest New Yorkers and had a lower prevalence than both blacks and Hispanics among the poorest.

### *Obesity*

Obesity rates in the United States have been climbing nationwide for decades and have led to massive increases in the prevalence of Type 2 diabetes, heart disease, and certain types of cancer.<sup>18</sup> Among children, 1 in 5 school age children and young people (6 to 19 years) has obesity.<sup>19</sup> Obese children and adolescents are more likely to become obese adults and even young children can develop chronic health conditions and diseases, including asthma, sleep apnea, bone and joint problems, Type 2 diabetes, and risk factors for heart disease.<sup>20</sup>

According to DOHMH, more than half of adult New Yorkers are overweight (34%) or obese (22%), while almost half of all elementary school children and Head Start children are currently at an unhealthy weight.<sup>21</sup> In New York City, 1 in 5 kindergarten students and 1 in 4 Head Start children is obese. New York City has made strides in starting to reverse this trend by improving the food environment, making public spaces more amenable to physical activity, increasing the availability of tap water, and discouraging the drinking of sugar-sweetened beverages.<sup>22</sup> However, obesity rates among NYC students is still too high, with over 20 percent of children categorized as obese and even more defined as overweight.<sup>23</sup>

### *Prepared foods*

Prepared food is a growing and problematic part of New Yorkers' diets, particularly among children, making up approximately 25 percent of a child's daily calories, on average.<sup>24</sup> Consumption of restaurant foods has been

---

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

<sup>14</sup> "Type 2 Diabetes," DOHMH, available at <https://www1.nyc.gov/site/doh/health/health-topics/diabetes.page>.

<sup>15</sup> "Diabetes in New York City," EPI Data Brief, DOHMH, Apr. 2013, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief26.pdf>.

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

<sup>17</sup> *Id.*

<sup>18</sup> "Adult Obesity Facts," Centers for Disease Control and Prevention (CDC), available at <https://www.cdc.gov/obesity/data/adult.html>.

<sup>19</sup> "Childhood Obesity Facts," CDC Healthy Schools, available at <https://www.cdc.gov/healthyschools/obesity/facts.htm>.

<sup>20</sup> *Id.*

<sup>21</sup> "Obesity," DOHMH, available at <https://www1.nyc.gov/site/doh/health/health-topics/obesity.page>.

<sup>22</sup> NYC Obesity Task Force, "Reversing the Epidemic: The New York City Obesity Task Force Plan to Prevent and Control Obesity," NYC Obesity Task Force, May 31, 2012, available at [http://www.nyc.gov/html/om/pdf/2012/otf\\_report.pdf](http://www.nyc.gov/html/om/pdf/2012/otf_report.pdf).

<sup>23</sup> Sophia E. Day, et al. "Severe Obesity Among Children in New York City Public Elementary and Middle Schools, School Years 2006–07 Through 2010–11," Preventing Chronic Disease, July 10, 2014, available at [http://www.cdc.gov/pcd/issues/2014/13\\_0439.htm](http://www.cdc.gov/pcd/issues/2014/13_0439.htm).

<sup>24</sup> Otten JJ, "Food Marketing: Using Toys to Market Children's Meals," Healthy Eating Research, 2014, available at [http://healthyeatingresearch.org/wp-content/uploads/2014/07/her\\_marketing\\_toys\\_AUGUST\\_14.pdf](http://healthyeatingresearch.org/wp-content/uploads/2014/07/her_marketing_toys_AUGUST_14.pdf).

linked with increased caloric intake, poor nutrition, and higher risk for being overweight and obese.<sup>25</sup> Eating out has also been shown to influence the future food preferences and eating habits of children.<sup>26</sup>

Chain restaurants serve a disproportionate share of New York City meals. Data from a major market research company, The NPD Group, indicates that major chain restaurants in the New York City metropolitan area accounted for more than one-third of all restaurant traffic in 2007.<sup>27</sup> Chain restaurants also offer items that contain very high levels of added sugars and have standardized menus, making compliance with this law feasible. Currently, 68% of packaged foods and beverages purchased in the U.S. contain added sugars, making it difficult for individuals to reduce their sugar consumption.

Research has found that food marketing influences children's food preferences, food choices, diets, and health.<sup>28</sup> For restaurants, including toys with children's meals is the leading form of food marketing directed at children by expenditure.<sup>29</sup> In 2009, fast food restaurants sold slightly more than 1 billion children's meals with toys to children ages 12 and under.<sup>30</sup> Restaurant toys or premiums are often tied to movie characters, cartoon characters and celebrities and studies have shown this practice affects children's food choices and preferences.<sup>31</sup>

In 2013, McDonald's, the largest fast food retailer in the world, committed to healthy substitutes for fries and soda in its children's meal and has included nutrition information in children's promotional material.<sup>32</sup> In recent years, some restaurants have made improvements to their children's meals and even removed toys altogether, while others have done little.<sup>33</sup> According to a 2013 study, the vast majority of restaurant children's meals do not meet nutrition standards created by the National Restaurant Association.<sup>34</sup>

### Current Research and Programs to Impact Purchasing Choices

In 2010, Santa Clara County in California became the first jurisdiction in the United States to regulate the nutritional content of restaurant children's meals that provided a toy or other incentive item "linked with" the meal.<sup>35</sup> A study published in 2012 in the American Journal of Preventative Medicine found the regulation "appear[ed] to have positively influenced marketing of healthful menu items and toys...but did not affect the number of healthful food items offered."<sup>36</sup>

In 2011, San Francisco became the first city to regulate the nutritional content of restaurant children's meals with toys or other incentive items.<sup>37</sup> That law prohibits the distribution of a free toy or other incentive item with a meal that fails to meet certain nutrition standards. A study published in 2014 in Preventing Chronic Disease

<sup>25</sup> Koplan J, Liverman CT, Kraak VI, editors. Institute of Medicine Committee on Prevention of Obesity in Children and Youth. Preventing Childhood Obesity: Health in the Balance. National Academies Press (2005), available at <http://www.nap.edu/catalog/11015/preventing-childhood-obesity-health-in-the-balance>; Larson N, Neumark-Sztainer D, Laska MN, Story M. Young adults and eating away from home: Associations with dietary intake patterns and weight status differ by choice of restaurant. *J Acad Nutr Diet.* (Nov 2011);111(11):1696-1703, available at <http://www.ncbi.nlm.nih.gov/pubmed/22027052>; Powell LM, Nguyen BT. Fast-food and full-service restaurant consumption among children and adolescents effect on energy, beverage, and nutrient intake. *JAMA Pediatr.* (Jan 2013);167(1):14-20, available at <http://www.ncbi.nlm.nih.gov/pubmed/23128151>.

<sup>26</sup> *Id.*

<sup>27</sup> The NPD Group / CREST (marketing research data).

<sup>28</sup> *Supra*, note 7.

<sup>29</sup> Leibowitz J RJ, Ramirez E, Brill J, Ohlhausen M. "A Review of Food Marketing to Children and Adolescents: Federal Trade Commission Follow-Up Report," Dec. 2012, available at <https://www.ftc.gov/sites/default/files/documents/reports/review-food-marketing-children-and-adolescents-follow-report/121221foodmarketingreport.pdf>.

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

<sup>31</sup> *Supra*, note 7.

<sup>32</sup> Clinton Foundation Press Release, "Alliance for a Healthier Generation and McDonald's Announce Groundbreaking CGI Commitment to Promote Balanced Food and Beverage Choices," Sept. 26, 2013, available at <https://www.clintonfoundation.org/press-releases/alliance-healthier-generation-and-mcdonalds-announce-groundbreaking-cgi-commitment>.

<sup>33</sup> *Supra*, note 7.

<sup>34</sup> Center for Science in the Public Interest. Kids' Meals II: Obesity and Poor Nutrition on the Menu, 2013, available at <https://cspinet.org/new/pdf/cspi-kids-meals-2013.pdf>.

<sup>35</sup> Codified at Santa Clara County Code of Ordinances §§ A18-350-355.

<sup>36</sup> Jennifer Otten, et. al, "Food Marketing to Children Through Toys," *American Journal of Preventive Medicine*, Volume 42, Issue 1 (Jan. 2012).

<sup>37</sup> The Health Food Incentives Ordinance, No. 290-10, San Francisco, CA.

found that, among the restaurants studied, the only effect of the law was to induce them to charge 10 cents for the toy or other incentive item.<sup>38</sup> Restaurants did not change their menus to comply with the ordinance.

In 2016, New York City Council held a hearing on Introduction Number 442, sponsored by Council Member Kallos, a Local Law to amend the administrative code of the city of New York, in relation to setting nutritional standards for distributing incentive items aimed at children.

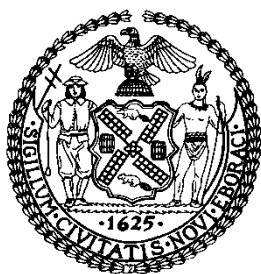
### PROPOSED LEGISLATION

#### INT. NO. 5-B

Int. 5-B would require restaurants in New York City to display information messaging on healthy eating, including for, but not specific to, individuals with diet-related conditions such as diabetes, heart disease, and hypertension. This messaging would include information on the risks of excessive sugar and carbohydrate intake, and would be available in a variety of languages. Any restaurant violating these provisions would be liable for a penalty of not more than \$500. This legislation would require the Department of Health and Mental Hygiene (DOHMH) to conduct a one year outreach campaign to ensure restaurants are aware of their requirements under this bill, before the penalty provision takes effect.

This bill would go into effect one year after it becomes law, except that the penalty provision would take effect two years after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 5-B:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 5-B**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring public information messaging on healthy eating.

**SPONSORS:** Council Members Barron, Rosenthal, Brannan, Miller, Kallos and Ampry-Samuel.

**SUMMARY OF LEGISLATION:** This bill would require would require that restaurants in New York City display information messaging on healthy eating, including, but not specific to, individuals with diet-related conditions such as diabetes, heart disease, and hypertension. This messaging would include, but not be specific to, the risks of excessive sugar and carbohydrate intake. This information would also be available in covered languages. Any restaurant violating these provisions would be liable for a penalty of not more than \$500. This legislation would require the Department of Health and Mental Hygiene (DOHMH) to conduct a one year outreach campaign to ensure restaurants are aware of their requirements under this bill, before the penalty provisions take effect.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law, except that the penalty provisions take effect two years after it becomes law.

<sup>38</sup> Jennifer Otten, et. al., "Impact of San Francisco's Toy Ordinance on Restaurants and Children's Food Purchases, 2011-2012" Preventing Chronic Disease (2014).

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</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 the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro. No. 0005-B because existing resources would be utilized 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  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 0005 on January 31, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on February 25, 2019 and the bill was laid over. The legislation was subsequently amended two times and the most recently amended version, Proposed Intro. No. 0005-B, will be voted on by the Committee on Health at a hearing on June 25, 2019. Upon a successful vote by the Committee on Health, Proposed Intro. No. 0005-B will be submitted to the full Council for a vote on June 26, 2019.

**DATE PREPARED:** June 21, 2019.

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

**(The following is the text of Int. No. 5-B:)**

Int. No. 5-B

By Council Members Barron, Rosenthal, Brannan, Miller, Kallos, Ampry-Samuel, Chin and Eugene.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring public information messaging on healthy eating**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1507 to read as follows:

*§ 17-1507 Required healthy eating information. a. Every food service establishment that sells food for consumption on its premises shall display public information messaging created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.*

*b. The department shall create public information messaging on healthy eating for all consumers, including, but not specific to, individuals with diet-related conditions such as diabetes, heart disease and hypertension. Such messaging shall include, but not be specific to, the risks of excessive sugar and carbohydrate intake. The department shall make such messaging available to food service establishments in each of the designated citywide languages as defined in section 23-1101.*

*c. Any person who violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.*

§ 2. For one year after the effective date of this local law, the department of health and mental hygiene shall educate food service establishments regarding the requirement of subdivision a of section 17-1507 of the administrative code of the city of New York, as added by section one of this local law.

§ 3. This local law takes effect one year after it becomes law, except that:

(i) subdivision c of section 17-1507 of the administrative code of the city of New York, as added by section one of this local law, shall take effect two years after it becomes law; and

(ii) the department of health and mental hygiene shall take such actions as are necessary for the timely implementation of this local law, including the creation of public information messaging on healthy eating pursuant to the requirements of section one of this local law, and the promulgation of rules, prior to such effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON, ROBERT HOLDEN, KEITH POWERS; Committee on Health, June 25, 2019

On motion of the Speaker (Council Member Johnson), 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. 419

**Report of the Committee on Land Use in favor of approving Application No. N 190036 ZRQ (Court Square Block 3 Text Amendment) submitted by Court Square 45th Ave 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 XI, Chapter 7 (Special Long Island City Mixed Use District). Borough of Queens, Council District 26, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1751) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 2**

**N 190036 ZRQ**

City Planning Commission decision approving an application submitted by Court Square 45th Ave 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 XI, Chapter 7 (Special Long Island City Mixed Use District).



**INTENT**

To approve the amendment to the text of the Zoning Resolution, in order to change the maximum building height on the west side of the Development Site along 23rd Street from 85 feet to a 125-foot maximum base height, increase the maximum base height on the west side of the Development Site along 23rd Street from 85 feet to 125 feet, make the underlying C5-3 district height and setback regulations applicable only above the highest applicable maximum street wall height, and make the underlying C5-3 district tower encroachment regulations of ZR Section 33- 451 inapplicable along the Development Site's 45th Avenue frontage to facilitate the construction of a 45-story mixed-use building at 23-10 45<sup>th</sup> Avenue in the Court Square neighborhood of Long Island City, Queens, Community District 2.

**PUBLIC HEARING**

**DATE:** May 14, 2019

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 26, 2019

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

**In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 26, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 982

**Resolution approving the decision of the City Planning Commission on Application No. N 190036 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 419).**

By Council Members Salamanca and Moya.

**WHEREAS**, Court Square 45th Avenue, LLC, 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 Article XI, Chapter 7 (Special Long Island City Mixed Use District), to facilitate the construction of a 45-story mixed-use building at 23-10 45<sup>th</sup> Avenue in the Court Square neighborhood of Long Island City, Queens, Community District 2 (Application No. N 190036 ZRQ), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019 its decision dated May 8, 2019 on the Application (the “Decision”);

**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 May 14, 2019;

**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 February 11<sup>th</sup>, 2019 (CEQR No. 19DCP038Q), which include an (E) designation related to hazardous materials, air quality, and noise would be established in connection with the proposed action (the “E” Designation (“E-523”)).

**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-523) 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 190036 ZRQ, 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 within # # is defined in Section 12-10;

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

**ARTICLE XI**

**SPECIAL PURPOSE DISTRICTS**

**Chapter 7**

## Special Long Island City Mixed Use District

\* \* \*

117-40

### COURT SQUARE SUBDISTRICT

\* \* \*

117-421

### Special bulk regulations

\* \* \*

- (c) The height and setback regulations of the underlying C5-3 District shall apply, except that:
- (1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and ~~a line 75 feet north of and parallel to 45th Road~~ 45th Avenue; and
  - (2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback, except any portion of a #building# on Block 3 fronting upon 23rd Street may rise to a maximum height of 125 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.
 

Above ~~a height of 85 feet~~ the highest applicable maximum #street wall# height, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified:

    - (i) to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#, and
    - (ii) so that the provisions of Section 33-451 (In certain specified Commercial Districts) regulating the aggregate area of a tower within 50 feet of a #narrow street# shall not apply to any #building# or portion of such #building# on Block 3 fronting upon 45th Avenue.

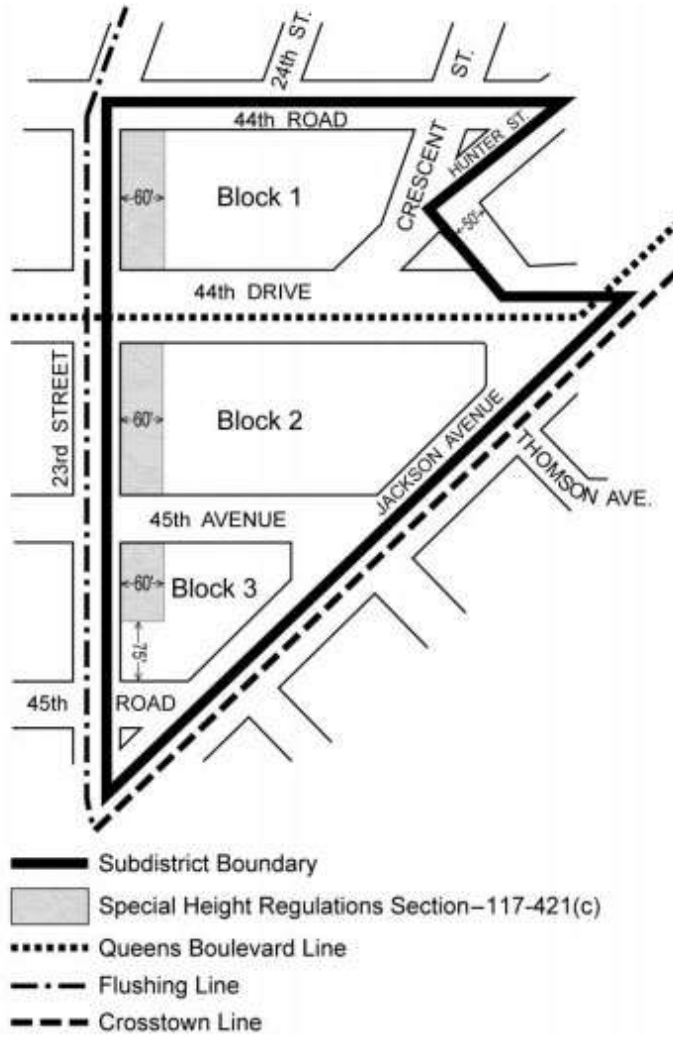
The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

\* \* \*

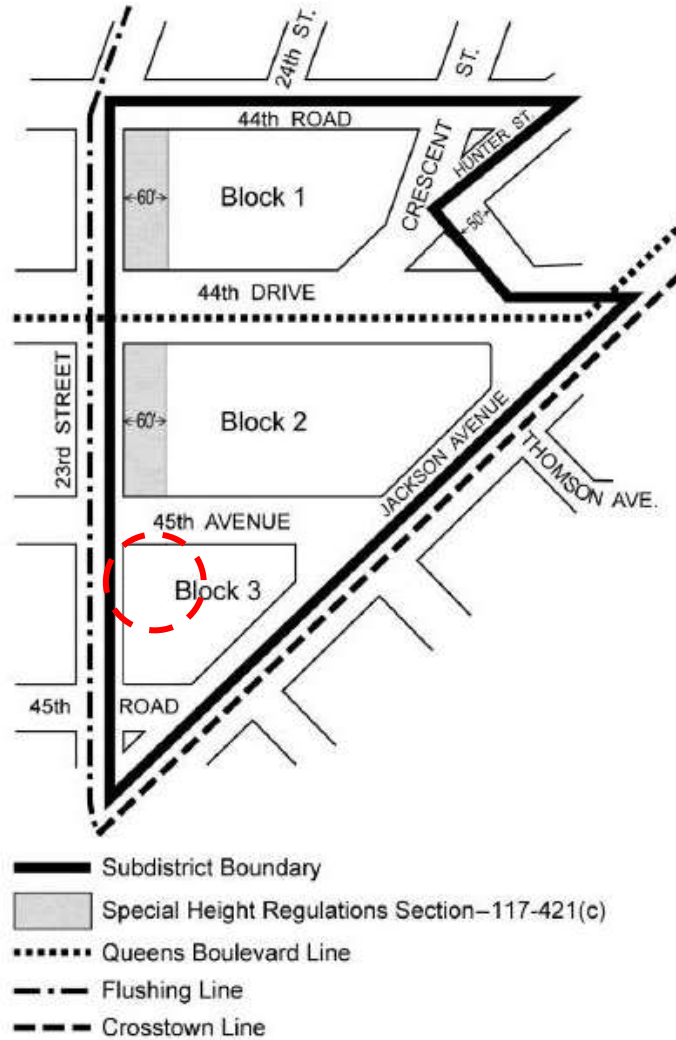
**Appendix B**

**Court Square Subdistrict Plan Map and Description of Improvements**

[EXISTING MAP]



[PROPOSED MAP]



\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 26, 2019. *Note: CM Levin was on Paternity Leave but he chose to attend and cast his vote at this Committee hearing.*

On motion of the Speaker (Council Member Johnson), 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. 438

**Report of the Committee on Land Use in favor of approving Application No. 20195511 TCQ (American Brass) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Center Blvd Restaurant LLC d/b/a American Brass, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 201 50th Avenue, Borough of Queens, Council District 26, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 29, 2019 (Minutes, page 1956) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****QUEENS CB - 2****20195511 TCQ**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Center Boulevard Restaurant, LLC, d/b/a American Brass, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk cafe located at 201 50<sup>th</sup> Avenue, Queens.

**INTENT**

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

**PUBLIC HEARING****DATE:** June 20, 2019**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 26, 2019

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

**In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 26, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 983

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 201 50<sup>th</sup> Avenue, Borough of Queens (Non-ULURP No. 20195511 TCQ; L.U. No. 438).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on May 22, 2019 its approval dated May 21, 2019 of the petition of Center Boulevard Restaurant, LLC, d/b/a American Brass, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 201 50<sup>th</sup> Avenue, Borough of Queens, Community District 2 (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on June 20, 2019; and

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

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 26, 2019. *Note: CM Levin was on Paternity Leave but he chose to attend and cast his vote at this Committee hearing.*

On motion of the Speaker (Council Member Johnson), 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. 463

**Report of the Committee on Land Use in favor of approving Application No. 20195713 HAX (Brook 156) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of the disposition of city-owned property located at Block 2360, Lot 1, Borough of the Bronx, Council District 17, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 13, 2019 (Minutes, page 2272) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB - 1****20195713 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of the disposition of city-owned property located at Block 2360, Lot 3, Borough of the Bronx, Community District 1, Council District 17.

**INTENT**

To approve the disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law, to construct one (1) building containing a total of approximately 54 rental dwelling units, plus one (1) unit for a superintendent, and approximately 1,119 square feet of community facility space on the disposition area.

**PUBLIC HEARING**

**DATE:** June 26, 2019

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 26, 2019

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

**In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

**Against:**            **Abstain:**  
None                    None

**COMMITTEE ACTION**

**DATE:** June 26, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**            **Abstain:**  
None                    None.

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

Res. No. 984

**Resolution approving the disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law, (L.U. No. 463; Non-ULURP No. 20195713 HAX).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 18, 2019 its request dated April 10, 2019 that the Council approve the disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law (the "Disposition Area") for property located at Block 2360, Lot 3, Community District No. 1, Borough of the Bronx, Council District No. 17 (the "Application");

**WHEREAS**, the Application is related to ULURP applications C 190207 ZMX (L.U. No. 424), a zoning map amendment to rezone the Project Area from R7-2 to C6-2; C 190208 PPX (L.U. No. 425), a disposition of non-residential City-owned property; N 190209 ZRX (L.U. No. 426), a zoning text amendment to Appendix F of the Zoning Resolution designating the Project Area as a Mandatory Inclusionary Housing (MIH) Area; and C 190210 ZSX (L.U. No. 427), a zoning special permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application on June 26, 2019; and

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

**RESOLVED:**

The Council approves the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, upon condition that the Project shall be developed in a manner consistent with Project Summary submitted by HPD, a copy of which is attached hereto and made a part hereof.

**ATTACHMENT:**

**PROJECT SUMMARY**

- 1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. **PROJECT:** Brook 156
- 3. **LOCATION:**
  - a. **BOROUGH:** Bronx
  - b. **COMMUNITY DISTRICT:** 1
  - c. **COUNCIL DISTRICT:** 17
  - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT(S)</u>	<u>ADDRESS(ES)</u>
2360	3	740 Brook Ave
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. **TYPE OF PROJECT:** New Construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. **APPROXIMATE NUMBER OF UNITS:** 51 dwelling units, plus 1 superintendent’s unit
- 8. **HOUSING TYPE:** Rental
- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 27% - 80% of the area median income (“AMI”) with up to 20% of the units affordable to families with incomes up to 90% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
- 10. **INCOME TARGETS** Between up to 30% and up to 80% of AMI, with up to 20% of the units targeted to incomes up to 110% of AMI

- 11. PROPOSED FACILITIES:** Approximately 1,119 square feet of Community Facility space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 26, 2019. *Note: CM Levin was on Paternity Leave but he chose to attend and cast his vote at this Committee hearing.*

On motion of the Speaker (Council Member Johnson), 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 Oversight and Investigations**

Report for Int. No. 1331-B

#### **Report of the Committee on Oversight and Investigations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to reporting regarding New York city housing authority overtime and small procurement contracts.**

The Committee on Oversight and Investigations, to which the annexed proposed amended local law was referred on January 9, 2019 (Minutes, page 93), respectfully

### **REPORTS:**

#### **I. Introduction**

On June 26, 2019, the Committee on Oversight and Investigation, chaired by Council Member Ritchie J. Torres, will hold a second hearing and vote on Proposed Int. No. 1331-B, sponsored by Council Member Ritchie Torres, in relation to reporting regarding New York city housing authority overtime and small procurement contracts. The Committee first heard a prior version of this bill on March 14, 2019.

#### **II. Background**

Former New York City Mayor Fiorello La Guardia created the New York City Housing Authority (“NYCHA”) in 1934 in order to replace dilapidated tenements using funds from The New Deal,<sup>1</sup> three years

<sup>1</sup> See Ferre-Sadurni, Luis, *The Rise and Fall of New York Public Housing: An Oral History*,” N.Y. TIMES (July 9, 2018), <https://www.nytimes.com/interactive/2018/06/25/nyregion/new-york-city-public-housing-history.html>.

before the Housing Act of 1937 established public housing nationwide.<sup>2</sup> NYCHA originally served two purposes: (1) to provide low-cost housing for middle-class, working families temporarily unemployed because of the Depression; and (2) to bolster the lagging economy by creating jobs for the building trades.<sup>3</sup> Later, NYCHA's purpose evolved into providing safe, decent housing for families with the lowest incomes.<sup>4</sup> By 2018, NYCHA had 325 developments, 2,418 buildings, and 175,636 units that are home to 392,259 authorized residents, making it the largest public housing authority in North America.<sup>5</sup>

In recent years, NYCHA has been subject to oversight and investigation by the United States Department of Housing and Urban Development ("HUD"), federal prosecutors, state lawmakers, and the Council, among others, for the Authority's years of mismanagement. After a lengthy investigation of conditions at NYCHA, the U.S. Attorney's Office in Manhattan concluded that NYCHA management engaged in a culture of false statements and concealment to mislead federal inspectors and present false reports to the public about its compliance with various regulations.<sup>6</sup> Most recently, as part of an agreement intended to reform NYCHA's management and improve physical conditions, the administration accepted the appointment of a federal monitor, to be funded by the City; committed to spending \$2.2 billion over the next decade to repair NYCHA buildings; and agreed to replace Interim Chair Brezenoff with a new Chair chosen jointly by the City, HUD, and the U.S. Attorney's office.<sup>7</sup> Kathryn Garcia, the city's former sanitation commissioner, was appointed as the interim Chairperson of NYCHA in February.<sup>8</sup> In June, Mayor Bill de Blasio announced that Gregory Russ, the current head of the Minneapolis Public Housing Authority, will be appointed new NYCHA Chairperson.<sup>9</sup>

The HUD deal also requires NYCHA develop internal controls to prevent deceptive practices.<sup>10</sup> NYCHA employees' conduct at Throggs Neck Houses evidences such deception, and the crisis of management at NYCHA. In Fall 2018, allegations surfaced that staff at the Throggs Neck Houses, a development of 29 buildings housing more than 2,500 residents in the Bronx, engaged in "wild, boozy orgies inside offices, the groundskeepers shop and even empty apartments."<sup>11</sup> The entire staff at Throggs Neck was reassigned in August 2018.<sup>12</sup> Three Throggs Neck employees were also suspended, including supervisors Brianne Pawson and Wallace Vereen.<sup>13</sup>

The New York City Department of Investigation ("DOI") initiated an investigation into these allegations. While DOI ultimately found no evidence of the sex parties alleged, in a letter dated January 15, 2019 from DOI Commissioner Margaret Garnett to NYCHA's then-interim Chairperson Stanley Brezenoff, Garnett nevertheless

<sup>2</sup> Housing Act of 1937, Pub. L. No. 75-412, 50 Stat. 888 (1937), available at <https://www.govinfo.gov/content/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap8.pdf>.

<sup>3</sup> Peter Marcuse, "The Beginnings of Public Housing in New York," *Journal of Urban History* 12(4) at 353-54 (1986); J.A. Stoloff, A Brief History of Public Housing, Paper presented at Aug. 14 meeting of the American Sociological Association, at 3 (2004).

<sup>4</sup> Marcuse, 354; Stoloff, 1; see also Judith D. Feins, et al., Revised Methods of Providing Federal Funds for Public Housing Agencies, US Department of Housing and Urban Development, at 9 (1994).

<sup>5</sup> NYCHA Fact Sheet, available at [https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet\\_2018\\_Final.pdf](https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet_2018_Final.pdf).

<sup>6</sup> See Benjamin Weiser and J. David Goodman, *New York City Housing Authority, Accused of Endangering Residents, Agrees to Oversight*, N.Y. TIMES (Jun. 11, 2018), <https://www.nytimes.com/2018/06/11/nyregion/new-york-city-housing-authority-lead-paint.html>.

<sup>7</sup> See Benjamin Weiser, Luis Ferré-Sadurní, Glenn Thrush and J. David Goodman, *De Blasio Cedes Further Control of Nycha but Avoids Federal Takeover*, N.Y. TIMES (Jan. 31, 2019), <https://www.nytimes.com/2019/01/31/nyregion/hud-nycha-deal.html>; Luis Ferré-Sadurní, *De Blasio's Unexpected Pick to Run Nycha: His Sanitation Chief*, N.Y. TIMES (Feb. 5, 2019), <https://www.nytimes.com/2019/02/05/nyregion/kathryn-garcia-sanitation-nycha.html>.

<sup>8</sup> *Id.*

<sup>9</sup> Greg B. Smith, *New NYCHA boss to reap record \$400L payday*, THE CITY (June 19, 2019), <https://thecity.nyc/2019/06/new-nycha-boss-gregory-russ-named-by-de-blasio-and-carson.html>.

<sup>10</sup> Weiser, et al., *supra* note 6.

<sup>11</sup> See Kenneth Garger, Nolan Hicks and Chris Perez, *NYCHA employees accused of using projects for wild orgies*, N.Y. POST (Aug. 27, 2018), <https://nypost.com/2018/08/27/nycha-employees-accused-of-using-projects-for-wild-orgies>; Greg B. Smith, *EXCLUSIVE: NYCHA orders entire staff at Throggs Neck development in Bronx to turn in keys and get out*, N.Y. DAILY NEWS (Aug. 27, 2018), <http://www.nydailynews.com/new-york/ny-metro-nycha-bronx-housecleaning-20180824-story.html>; Kerry Burke and Greg B. Smith, *Overtime for orgies: Allegations of NYCHA staff's after-hours sex parties prompted clean sweep of workers at Bronx development*, N.Y. DAILY NEWS, (Aug. 27, 2018), <https://www.nydailynews.com/new-york/ny-metro-nycha-bronx-orgies-20180827-story.html>; Luis Ferré-Sadurní and Mariana Alfaro, *Claims of Staff Sex Parties: New Troubles for Public Housing*, N.Y. TIMES (Aug. 27, 2018), <https://www.nytimes.com/2018/08/27/nyregion/nycha-bronx-staff-sex-parties.html>.

<sup>12</sup> Ferré-Sadurní and Alfaro, *supra* note 11.

<sup>13</sup> Nolan Hicks, *NYCHA supervisor suspended over alleged orgies*, N.Y. POST (Sep. 6, 2018), <https://nypost.com/2018/09/06/nycha-supervisor-suspended-over-alleged-orgies>.

reported “a culture of misconduct, employee mistreatment, and favoritism” led by Pawson and Vereen.<sup>14</sup> Among DOI’s findings were several relating to employee timesheets and overtime. Pawson would let favored subordinates clock in for an entire eight-hour overtime shift, leave the development, and then return to clock out.<sup>15</sup> Other employees were allowed to leave during an overtime assignment that required 24-hour monitoring of a broken water main.<sup>16</sup> Another employee, with whom Vereen was having a sexual relationship, was allowed to spend an entire overtime shift in his office.<sup>17</sup> Pawson would herself linger in her personal car before clocking out.<sup>18</sup>

DOI also found that Pawson, with Vereen’s approval, circumvented NYCHA’s procurement rules. Specifically, she renovated the Throggs Neck grounds shop, with assistance from employees supervised by her father, a long-time NYCHA executive manager who has since retired, by throwing away everything in the shop, including equipment that was in working condition, and then ordering all new equipment.<sup>19</sup> Pawson also ordered black leather executive chairs, flat screen TVs, file cabinets, and a conference table, as well as submitted five separate contracts for a single company to power wash a series of Throggs Neck buildings.<sup>20</sup> All of these contracts were just under the \$5,000 “small procurement” threshold, which would require they be put out for competitive bidding.<sup>21</sup> By “bid splitting” contracts in this way, Pawson and Vereen avoided compliance with competitive bidding rules.<sup>22</sup> Pawson also intentionally sabotaged NYCHA appliances in an effort to undermine the job performance of a new assistant superintendent.<sup>23</sup>

DOI’s allegations were the product of more than 40 interviews with NYCHA employees and residents, and review of several NYCHA documents, including timesheets and purchasing records.<sup>24</sup> DOI’s final conclusions were sent to NYCHA for consideration of appropriate disciplinary action against Pawson and Vereen. During the Oversight and Investigation Committee’s March 14, 2019 hearing, NYCHA General Manager Vito Mustaciuolo reported that disciplinary actions had been taken against three staff formerly assigned to Throggs Neck and that two of those actions have led to additional charges, although he declined to discuss the status of those cases while they were ongoing.<sup>25</sup>

Mustaciuolo also testified that NYCHA has implemented several policy changes since the DOI investigation. Among such changes, regarding overtime, Mustaciuolo testified that NYCHA implemented interim controls over the approval process that require a vice president or senior manager to pre-approve all overtime for anything other than immediate emergencies.<sup>26</sup> NYCHA also reached an agreement with union leaders on new schedules at 13 consolidated developments beginning in April, in which a total of 210 additional caretakers will work in shifts covering properties seven days a week from 6 a.m. until 7 p.m.<sup>27</sup> As of the Committee’s March hearing, similar changes were in progress for maintenance staff.<sup>28</sup>

Regarding procurement, Mustaciuolo testified that NYCHA was making enhancements to its data system to address concerns about bid splitting. NYCHA staff said this practice was difficult to identify because their computer system didn’t track if solicitation for quotes was made the same day; it only tracked the procurement date.<sup>29</sup> New controls would reportedly include automated alerts as a means of early detection for when policies

<sup>14</sup> Letter from DOI Commissioner Garnett to NYCHA Interim Chair Brezenoff, Jan. 15, 2019, on file with committee staff. *See also* Luis Ferré-Sadurní, *Nycha Investigation: Employees Drank on the Job and Had Sex With Subordinates*, N.Y. TIMES (Jan. 22, 2019), <https://www.nytimes.com/2019/01/22/nyregion/nycha-investigation-.html>.

<sup>15</sup> Letter from DOI Commissioner Garnett, *supra* note 14 at page 3.

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

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at page 5.

<sup>20</sup> *Id.*

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

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

<sup>23</sup> *Id.* at page 4.

<sup>24</sup> *Id.* at page 1.

<sup>25</sup> Testimony from NYCHA General Manager Vito Mustaciuolo, March 14, 2019 at page 3, *available at* <https://nyc.legistar.com/View.ashx?M=F&ID=7117818&GUID=BAFE28E2-56A5-462F-BB60-7BE96C538F23>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at pages 3-4.

<sup>28</sup> *Id.* at page 4.

<sup>29</sup> Transcript of the Committee on Oversight and Investigation, March 14, 2019, at page 98, *available at* <https://nyc.legistar.com/View.ashx?M=F&ID=7191259&GUID=3EBB028A-23A0-41D8-A64A-D082E436CAB5> (testimony of NYCHA Director of Procurement Yadhira Epinsal).

are being violated.<sup>30</sup> Also, NYCHA was implementing a plan to reduce the need for small purchases by making greater use of requirements contracts for frequently-needed tasks.<sup>31</sup> Additionally, regarding inventory and supply controls, Mustaciolo testified that NYCHA was updating its data system to better track materials automatically using serial numbers, and was transitioning oversight of development storerooms to NYCHA's Materials Management Department and assigning full-time staff to each storeroom who would report to the Department.<sup>32</sup>

Following the March hearing, NYCHA and the Administration also informed Committee staff that NYCHA intends to put overtime and procurement information online. Certain contract information is already published on NYCHA's website.<sup>33</sup>

### III. Legislative Analysis

#### Proposed Int. No. 1331-B

Int. No. 1331-B would amend section 803 of chapter 34 of the New York city charter by adding new subdivisions h and i to require DOI to issue an annual report to the Council on total overtime hours recorded and total overtime paid to NYCHA employees for the prior calendar year. This information would be aggregated by borough and housing development, and disaggregated by department and job title. The bill would also direct DOI to issue an annual report to the Council on any small procurement contracts, as defined by NYCHA procurement rules, awarded during the prior year. The report would include the dollar value of each contract, a description of the goods or services procured, the name of the vendor, and the date the contract was awarded. The report would be aggregated by borough and NYCHA housing development. The report would also include an analysis regarding whether or not any housing development may have awarded small procurement contracts in an effort to avoid compliance with NYCHA procurement rules. This local law would take effect immediately after it becomes law. The first reports would be due 90 days after the local law takes effect.

The bill was changed in several respects since the Committee's March 14, 2019 hearing. The reports required by the bill were changed from bi-monthly to annual, and the first reports are now due 90 days after the local law takes effect instead of 30 days after. Small procurement contracts are now defined by reference to NYCHA regulations, rather than defined as contracts valued at or under \$5,000. The requirement that DOI analyze whether or not small procurement contracts have been awarded in an effort to avoid compliance with NYCHA procurement rules is an addition to the bill. Overtime reports are now disaggregated by department (not division) and job title, striking "supervisory status" as such status will be apparent from job title. Small procurement reports will no longer include vendor addresses. Neither report may contain personally identifying information. Finally, the bill makes clear that this local law will not otherwise limit DOI's authority as set forth in the Charter and that DOI shall seek cooperation from NYCHA in producing the required reports.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1331-B:)**

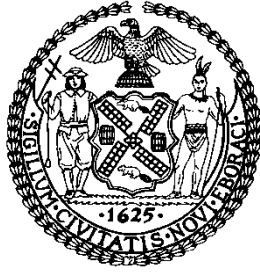
---

<sup>30</sup> Mustaciolo, *supra* note 25 at page 5.

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

<sup>32</sup> *Id.* at page 4.

<sup>33</sup> Awarded Contracts, NYCHA, <https://my.nycha.info/PublicSite/Transparency/AwardedContracts> (last accessed June 19, 2019).



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO:** 1331-B

**COMMITTEE:** Oversight and Investigations

**TITLE:** A Local Law to amend the New York city charter, in relation to reporting regarding New York city housing authority overtime and small procurement contracts.

**SPONSORS:** Council Members Torres and Ampry-Samuel.

**SUMMARY OF LEGISLATION:** Proposed Int. 1331-B would direct the Department of Investigation (“DOI”) to annually report to the Council on New York City Housing Authority (“NYCHA”) employee overtime, including total hours recorded and total overtime paid. The report would be aggregated by borough and NYCHA housing development and disaggregated by department and job title. The bill would also direct DOI to annually report to the Council on small procurement contracts as defined by NYCHA regulations. The report would include the dollar value of each contract, a description of the goods or services procured, the name of the vendor, the date the contract was awarded, and include an analysis regarding whether or not any housing development may have awarded small procurement contracts in an effort to avoid compliance with NYCHA procurement rules. This report would be aggregated by borough and NYCHA housing development.

**EFFECTIVE DATE:** The local law would be effective immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</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 would be no impact on expenditures resulting from the enactment of this legislation because DOI would 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  
Department of Investigation

**ESTIMATE PREPARED BY:** Ana Maria Camelo Vega, Financial Analyst, Finance Division



**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head, Finance Division  
 Regina Poreda Ryan, Deputy Director, Finance Division  
 Noah Brick, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on as Int. No. 1331 and referred to the Committee on Oversight and Investigations by the Council on January 9, 2019. The legislation was amended, a joint hearing was held on the amended version, Proposed Int. No. 1331-A, by the Committee on Oversight and Investigations and the Committee on Public Housing on March 14, 2019, and the bill was laid over. The legislation was subsequently amended again and the amended version, Proposed Int. No. 1331-B, will be voted on by the Committee on Oversight and Investigations at a hearing on June 26, 2019. Upon a successful vote by the Committee, Proposed Int. No. 1331-B will be submitted to the Council for a vote on June 26, 2019.

**DATE PREPARED:** June 20, 2019.

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

**(The following is the text of Int. No. 1331-B:)**

Int. No. 1331-B

By Council Members Torres, Ampry-Samuel and Salamanca.

**A Local Law to amend the New York city charter, in relation to reporting regarding New York city housing authority overtime and small procurement contracts**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding new subdivisions h and i to read as follows:

*h. No later than 90 days after the enactment of the local law that added this subdivision, and annually thereafter, the commissioner shall submit to the council a report on total overtime hours recorded and total overtime paid to employees of the New York city housing authority for the prior calendar year. The data in such report shall be aggregated by borough and housing development and disaggregated by department and job title. Such report shall not contain any personally identifying information. Nothing within this subdivision shall limit the authority of the commissioner nor prevent the commissioner from reporting on any additional relevant information not specifically identified herein. In developing such report, the department shall seek the cooperation and assistance of the New York city housing authority.*

*i. No later than 90 days after the enactment of the local law that added this subdivision, and annually thereafter, the commissioner shall submit to the council a report on the number of small procurement contracts, as defined by New York city housing authority procurement rules, awarded during the prior calendar year. Such report shall include the dollar value of each contract, a description of the goods or services procured, the name of the vendor and the date the contract was awarded. The data in such report shall be aggregated by borough and housing development. Such report shall also include an analysis regarding whether or not any housing development may have awarded small procurement contracts in an effort to avoid compliance with New York city housing authority procurement rules. Nothing within this subdivision shall limit the authority of the commissioner nor prevent the commissioner from reporting on any additional relevant information not specifically identified herein. In developing such report, the department shall seek the cooperation and assistance of the New York city housing authority.*

§ 2. This local law takes effect immediately.

RITCHIE J. TORRES, *Chairperson*; RAFAEL SALAMANCA, Jr., DIANA AYALA, CARLINA RIVERA, KEITH POWERS, KALMAN YEGER, Committee on Oversight and Investigations, June 26, 2019. *Other Council Members Attending: Council Members Adams and Ulrich.*

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

## **Report of the Committee on Parks and Recreation**

Report for Int. No. 1009-A

### **Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators and trained personnel at all city pool facilities**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on June 28, 2018 (Minutes, page 2599), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On June 26, 2019, the Committee on Parks and Recreation, chaired by Council Member Peter Koo, will meet to consider Proposed Int. No. 1009-A, in relation to requiring automated external defibrillators and trained personnel at all city pool facilities, Proposed Int. No. 1042-A, in relation to distributing excess automated external defibrillators from youth baseball and softball to other sports and Int. No. 1549, in relation to renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly.

#### **BACKGROUND**

#### **AUTOMATED EXTERNAL DEFIBRILLATORS**

Fatal sport-related injuries can result from head and spine injuries, but most sudden deaths in athletes are cardiac in origin.<sup>1</sup> The frequency of sudden cardiac death is difficult to determine, because many studies have relied on the self-reporting of physicians and media accounts of deaths.<sup>2</sup> The National Federation of State High School Associations estimates that 10 to 25 cases of sudden cardiac death occur per year in individuals younger than 30 years.<sup>3</sup>

The leading cause of death in young athletes is a condition called hypertrophic cardiomyopathy, commonly known as an enlarged heart.<sup>4</sup> This genetic disorder occurs in 1 out of every 500 people and causes the muscle in the heart to abnormally thicken.<sup>5</sup> This thickening of the muscle can force the heart to work harder to pump blood

<sup>1</sup> Glenn C. Terry, James M. Kyle, James M. Ellis, Jr., et. al., "Sudden Cardiac Arrest in Athletic Medicine," *Journal of Athletic Training*, Apr-Jun 2001; 36(2): 205-209, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC155532/>

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

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

<sup>4</sup> Martha Pyron, "Hypertrophic Cardiomyopathy: A Cause of Athlete Sudden Death," *American College of Sports Medicine*, Jan 19, 2012, <https://www.acsm.org/public-information/articles/2012/01/19/hypertrophic-cardiomyopathy-a-cause-of-athlete-sudden-death>

<sup>5</sup> American Heart Association, "Hypertrophic Cardiomyopathy," Aug. 21, 2015, [http://www.heart.org/HEARTORG/Conditions/More/Cardiomyopathy/Hypertrophic-Cardiomyopathy\\_UCM\\_444317\\_Article.jsp](http://www.heart.org/HEARTORG/Conditions/More/Cardiomyopathy/Hypertrophic-Cardiomyopathy_UCM_444317_Article.jsp)

and can lead to dangerous heart arrhythmias.<sup>6</sup> Physical activity can trigger these dangerous arrhythmias and sudden cardiac arrest can occur during very vigorous physical activity.<sup>7</sup>

Comotio cordis is the second highest cause of death in athletes younger than 14 years<sup>8</sup> and typically involves young athletes who experience a sudden, blunt trauma to the anterior chest resulting in cardiac arrest and sudden death.<sup>9</sup> While baseball is the most common sport in which this condition occurs, softball has the second highest incidence rate,<sup>10</sup> and this condition has been described in nearly all sports.<sup>11</sup> Nearly all commotio events are caused by a hard ball or object directly striking the left chest wall.<sup>12</sup> “Pitchers, catchers, and batters have the highest incidence of commotio cordis; however, all players can be affected by this phenomenon.”<sup>13</sup> Chest protectors, which are commonly used by catchers and batters, have not been shown to be reliable in either the human experience or in animal laboratory studies in preventing commotio cordis.<sup>14</sup>

The American Academy of Pediatrics finds that children 5 to 14 years of age may be uniquely vulnerable to this blunt chest impact because their chest walls are more elastic and more easily compressed.<sup>15</sup> Data from the United States Commotio Cordis Registry (“the Registry”) show that 26 percent of those who experience commotio cordis are younger than 10 years and 75 percent are younger than 18 years.<sup>16</sup> Approximately 10 to 20 commotio cordis events are added to the Registry every year, but the actual incidence is likely much greater due to underreporting and a lack of recognition.<sup>17</sup> The survival rate during the initial years of the Registry (1970-1993) was only 10 percent but has increased to 58 percent in recent years (2006-2012).<sup>18</sup> This progressive decline in commotio cordis fatalities can be attributed to earlier recognition of a commotio cordis event, earlier commencement of cardiopulmonary resuscitation (CPR), and the increasing availability and use of automated external defibrillators (AED).<sup>19</sup>

An AED is the only effective treatment for restoring a regular heart rhythm during sudden cardiac arrest and is an easy to operate tool for someone with no medical background.<sup>20</sup> It is a medical device that analyzes the heart’s rhythm and can deliver an electrical shock, known as defibrillation, which helps the heart re-establish an effective rhythm.<sup>21</sup> The average response time for first responders once 911 is called is 8 to 12 minutes.<sup>22</sup> For each minute defibrillation is delayed, the chance of survival is reduced approximately 10 percent.<sup>23</sup> More than 95 percent of patients who receive defibrillation shock in the first minute of cardiac arrest survive.<sup>24</sup>

In New York State, the presence of an AED is required in the following locations:

- public schools and at locations off-site that are then hosting a public school-sponsored athletic contest or practice;<sup>25</sup>
- places of public assembly with a capacity of at least one thousand people, including stadiums, ballparks, gymnasiums, field houses, arenas, civic centers, concert halls, recital halls, theatres, and indoor and

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

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

<sup>8</sup> American Academy of Pediatrics, “Policy Statement: Baseball and Softball,” <http://pediatrics.aappublications.org/content/early/2012/02/22/peds.2011-3593.full.pdf+html>

<sup>9</sup> Steven M Yabek, “Comotio Cordis,” Medscape, Jul 30, 2013, <http://emedicine.medscape.com/article/902504-overview>

<sup>10</sup> Kane Guthrie, Life in the Fastlane, Comotio Cordis, <https://lifeinthefastlane.com/commotio-cordis/>.

<sup>11</sup> Mark S. Link, “Comotio Cordis: Ventricular Fibrillation Triggered by Chest Impact–Induced Abnormalities in Repolarization,” *Circulation: Arrhythmia and Electrophysiology*, 2012; 5: 425-432, <http://circep.ahajournals.org/content/5/2/425.full>

<sup>12</sup> Mark S. Link, “Comotio Cordis: Ventricular Fibrillation Triggered by Chest Impact–Induced Abnormalities in Repolarization,” *Circulation: Arrhythmia and Electrophysiology*, 2012; 5: 425-432, <http://circep.ahajournals.org/content/5/2/425.full>

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

<sup>14</sup> *Supra*, Note 8

<sup>15</sup> *Supra*, Note 8

<sup>16</sup> Steven M Yabek, “Comotio Cordis,” Medscape, Jul 30, 2013, <http://emedicine.medscape.com/article/902504-overview>

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> American Red Cross, “Learn about Automated External Defibrillators,” <http://www.redcross.org/prepare/location/workplace/easy-as-aed>

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

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

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

<sup>24</sup> Glenn C. Terry, James M. Kyle, James M. Ellis, Jr., et. al., “Sudden Cardiac Arrest in Athletic Medicine,” *Journal of Athletic Training*, Apr-Jun 2001; 36(2): 205–209, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC155532/>

<sup>25</sup> NY Education Law §917

outdoor amphitheatres (with exceptions for halls owned by churches, religious organizations, granges, public associations, and free libraries); and<sup>26</sup>

- health clubs with 500 or more members.<sup>27</sup>

In New York City, the presence of AEDs is additionally required in the publicly accessible areas of the following places:

- public buildings maintained by the division of facilities management and construction of the Department of Citywide Administrative Services (DCAS);
- at least six parks in each borough under the jurisdiction of DPR;
- ferry terminals owned and operated by the City of New York served by ferry boats with a passenger capacity of one thousand or more persons;
- nursing homes;
- senior centers;
- golf courses, stadia and arenas; and
- health clubs that have a membership of at least 250 people.<sup>28</sup>

Local Law 57 of 2016 required youth baseball leagues that play on land under the jurisdiction of DPR to make available at least one AED at every game and practice.<sup>29</sup> This same requirement also applies under the law to youth baseball leagues playing on baseball fields leased by the DCAS. Local Law 119 of 2018 extended the requirements of Local Law 57 to youth softball leagues. The requirements of DPR and DCAS, to provide a sufficient number of AEDs to leagues covered by the law that play on their fields would, however, be limited to that which is possible based on the appropriation of funds to the program.

## **TOM SEAVER**

Tom Seaver, also known as “The Franchise” and “Tom Terrific” is considered the best pitcher in New York Mets history. He pitched 12 years with the Mets and won 198 games and three National League Cy Young Awards.<sup>30</sup> In 1969, he won 25 games leading the Mets to face the Baltimore Orioles in their first World Series in the franchise’s history.<sup>31</sup> The Mets beat the Baltimore Orioles with four games to the Orioles’ one win, thus winning the World Series.<sup>32</sup>

In 1977, he was traded to the Cincinnati Reds where he played for six seasons and then finished his career pitching for the Chicago White Sox and Boston Red Sox briefly before his retirement.<sup>33</sup> He finished his career with 311 wins, 3,640 strikeouts, 12 All-Star selections and a 2.86 ERA.<sup>34</sup> He was also the 1967 National League Rookie of the Year, finished in the top 10 of National League Cy Young Award voting 10 times and, had five top-10 finishes in National League MVP voting.<sup>35</sup> He led the league in strikeouts five times, threw five one-hitters and was inducted into the National Baseball Hall of Fame in 1992 with the highest percentage of votes at that time.<sup>36</sup>

---

<sup>26</sup> NY Public Health §225.5-b

<sup>27</sup> NY General Business Law, Article 27, §627-a

<sup>28</sup> N.Y.C. Ad. Code §17-188

<sup>29</sup> See, New York City Council Website at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2460446&GUID=BD95524A-A1A7-4B96-BD57-70142322453B&Options=Advanced&Search=>

<sup>30</sup> Mike Rosenstein, “Mets Hall of Fame Legend Tom Seaver Begins the Long Goodbye,” NJ Advance Media for NJ.com, March 7, 2019 located at <https://www.nj.com/sports/2019/03/mets-hall-of-fame-legend-tom-seaver-begins-the-long-goodbye.html>

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

<sup>32</sup> *Id.*

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

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

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

<sup>36</sup> *Id.*

ANALYSIS OF PROPOSED INT. NO. 1009-A

Proposed Int. No. 1009-A would require DPR to provide an AED at every pool facility under its jurisdiction that has a capacity of over 100 people. It would also require that at least one employee trained to use an AED be present during all hours of pool operation. This bill would take effect 120 days after it becomes law, except that the DPR commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

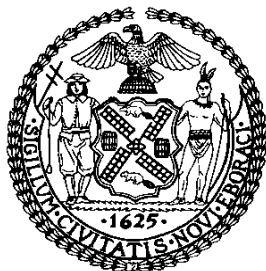
ANALYSIS OF PROPOSED INT. NO. 1042-A

Proposed Int. No. 1042-A would permit DCAS and DPR to distribute any extra AEDs they have to other youth sports leagues permitted to play on property under their jurisdiction after such agencies have first fulfilled their obligation to provide AEDs to youth baseball and softball leagues. This bill would take effect on January 1, 2020.

ANALYSIS OF INT. NO. 1549

Int. No. 1549 will rename 126th Street between Northern Boulevard and Roosevelt Avenue, Seaver Way, and amend the official City map accordingly. The bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1009-A:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INT. NO: 1009-A**

**COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators and trained personnel at all city pool facilities.

**SPONSOR(S):** By Council Members Matteo, Grodenchik, Ulrich, Levine, Yeger, Holden, Moya and Gjonaj.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1009-A would the Department of Parks and Recreation (DPR) to provide an automated external defibrillator (AED) at every pool facility under its jurisdiction and have at least one employee who is trained in the operation of an AED to be present at the facilities of any pool under its jurisdiction during all hours of required supervision.

**EFFECTIVE DATE:** This local law would take effect on January 1, 2020, except that the Commissioner of the Department of Parks and Recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated 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 expenses resulting from the enactment of this legislation because DPR would use existing resources to implement 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 Legislative Affairs

**ESTIMATE PREPARED BY:** Monika Bujak Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1009 on June 28, 2018 and was referred to the Committee on Parks and Recreation (Committee). A hearing was held by the Committee on February 7, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1009-A, will be considered by the Committee on June 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1009-A will be submitted to the full Council for a vote on June 26, 2019.

**DATE PREPARED:** June 20, 2019.

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

**(The following is the text of Int. No. 1009-A:)**

Int. No. 1009-A

By Council Members Matteo, Grodenchik, Ulrich, Levine, Yeger, Holden, Moya, Gjonaj, Koo, Brannan, Vallone and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators and trained personnel at all city pool facilities**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 17-188 of the administrative code of the city of New York, as added by local law number 20 for the year 2005, is amended to read as follows:

3. "Public place" means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) *pool facilities under the jurisdiction of the department of parks and recreation that have a capacity of more than 100 people*; (iii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; [(iii)]

(iv) ferry terminals owned and operated by the city of New York served by ferry boats with a passenger capacity of one thousand or more persons; [(iv)] (v) nursing homes, as defined in section 2801 of the New York state public health law; [(v)] (vi) senior centers, which include facilities operated by the city of New York or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities; [(vi)] (vii) golf courses, stadia and arenas; and [(vii)] (viii) health clubs that are commercial establishments offering instruction, training or assistance and/or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being that have a membership of at least two hundred and fifty people, and which shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training.

§ 2. Subdivision e of section 17-188 of the administrative code of the city of New York, as added by local law number 20 for the year 2005 is amended to read as follows:

e. Parks. The commissioner of the department of parks and recreation shall[, no later than seven calendar days after the effective date of the local law that added this section,] promulgate rules identifying at least six parks in each borough under the jurisdiction of the department of parks and recreation to be considered a public place for the purposes of this section, *which would not otherwise be considered such a place*, and determining the quantity and location of automated external defibrillators to be placed in such parks; provided, however, that at least one of the parks identified in each borough must be over one hundred and seventy acres.

§ 3. Subdivision k of section 17-188 of the administrative code of the city of New York, as added by local law number 20 for the year 2005, is amended to read as follows:

k. [Public awareness. Within ninety days of the effective date of the local law that added this section, the department shall conduct public awareness and education campaigns in English and Spanish regarding cardiopulmonary resuscitation training.] *Training. At least one employee who is trained in the operation of an automated external defibrillator shall be present at the facilities of any pool under the jurisdiction of the department of parks and recreation during all hours of required supervision.*

§ 4. This local law takes effect on January 1, 2020, except that the commissioner of the department of parks and recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

PETER A. KOO, *Chairperson*; ANDREW COHEN, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, FRANCISCO P. MOYA, CARLINA RIVERA, ERIC A. ULRICH; Committee on Parks and Recreation, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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. 1042-A

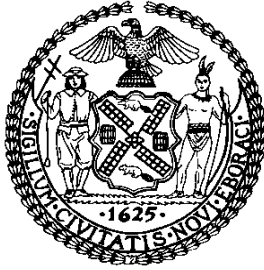
**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to distributing excess automated external defibrillators from youth baseball and softball to other sports.**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on July 18, 2018 (Minutes, page 2889), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 1009-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1042-A:*



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INT. NO: 1042-A**

**COMMITTEE: Parks and Recreation**

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to distributing excess automated external defibrillators from youth baseball and softball to other sports.

**SPONSOR(S):** By Council Members Matteo, Levine, Grodenchik, Yeger, Holden, Moya and Gjonaj.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1042-A would require the Department of Citywide Administrative Services (DCAS) and the Department of Parks and Recreation (DPR) to distribute excess automated external defibrillators from youth baseball and softball to any other youth league at no cost to such youth league.

**EFFECTIVE DATE:** This local law would take effect on January 1, 2020.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated 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 expenses resulting from the enactment of this legislation because DCAS and DPR would use existing resources to implement the requirements of this legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Monika Bujak Legislative Financial Analyst  
Mayor’s Office of Legislative Affairs



**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1042 on July 18, 2018 and was referred to the Committee on Health. On November 14, 2018, Intro. No. 1042 was re-referred to the Committee on Parks and Recreation (Committee). A hearing was held by the Committee on February 7, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1042-A, will be considered by the Committee on June 26, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1042-A will be submitted to the full Council for a vote on June 26, 2019.

**DATE PREPARED:** June 20, 2019.

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

**(The following is the text of Int. No. 1042-A:)**

Int. No. 1042-A

By Council Members Matteo, Levine, Grodenchik, Yeger, Holden, Moya, Gjonaj, Koo, Brannan, Vallone and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to distributing excess automated external defibrillators from youth baseball and softball to other sports**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 4-209 of the administrative code of the city of New York, as amended by local law number 119 for the year 2018, is amended to read as follows:

a. Definitions. As used in this section, the following terms have the following meanings:

Automated external defibrillator. The term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

Department. The term "department" means the department of citywide administrative services or any successor of such department.

Training course. The term "training course" means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

Youth baseball league. The term "youth baseball league" means [baseball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues] *a youth league that plays baseball.*

*Youth league. The term "youth league" means youth recreation sports leagues other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.*

Youth softball league. The term "youth softball league" means [softball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.] *a youth league that plays softball.*

*Youth recreation. The term "youth recreation" means athletic activity with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants.*

§ 2. Subdivision b of section 4-209 of the administrative code of the city of New York, as amended by local law number 119 for the year 2018, is amended to read as follows:

b. Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c *or subdivision k*, a youth [baseball league or youth softball] league *provided with an automated external defibrillator pursuant to this section* using a field for which the department is the lessor shall:

1. make available an automated external defibrillator at every [baseball or softball] game and practice occurring at such field in which a team of such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of each such game and practice.

§ 3. Subdivision h of section 4-209 of the administrative code of the city of New York, as amended by local law number 119 for the year 2018, is amended to read as follows:

h. Any youth [baseball league or youth softball] league that violates the provisions of subdivision b shall receive a warning for a first violation, and shall be liable for a civil penalty of \$500 for each subsequent violation, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings. Any youth [baseball league or youth softball] league *provided with a device pursuant to this section* that violates the provisions of subdivision c *or subdivision k* shall be liable for a civil penalty of no more than \$2,500 for each automated external defibrillator that is not returned in satisfactory condition, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

§ 4. Section 4-209 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

*k. If the department has any undistributed automated external defibrillators remaining after complying with subdivision c of this section, the department may distribute such automated external defibrillators to any other youth league at no cost to such youth league. Any automated external defibrillator so distributed shall be returned in satisfactory condition upon request of the department.*

§ 5. Subdivision b of section 18-150 of the administrative code of the city of New York, as amended by local law number 119 for the year 2018 is amended to read as follows:

b. Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c *or subdivision m*, a youth league using a ballfield under the jurisdiction and management of the department to play or practice baseball or softball, *or any other youth league provided with an automated external defibrillator pursuant to this section* shall:

1. make available an automated external defibrillator at every [baseball or softball] game and practice occurring at such field in which a team of such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of each such game and practice.

§ 6. Section 18-150 of the administrative code of the city of New York is amended by adding a new paragraph m to read as follows:

*m. If the department has any undistributed automated external defibrillators remaining after complying with subdivision c of this section, the department may distribute such automated external defibrillators to any other youth league at no cost to such youth league. Any automated external defibrillator so distributed shall be returned in satisfactory condition upon request of the department.*

§ 7. This local law takes effect on January 1, 2020.

PETER A. KOO, *Chairperson*; ANDREW COHEN, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, FRANCISCO P. MOYA, CARLINA RIVERA, ERIC A. ULRICH; Committee on Parks and Recreation, June 26, 2019.

On motion of the Speaker (Council Member Johnson), 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. 1549

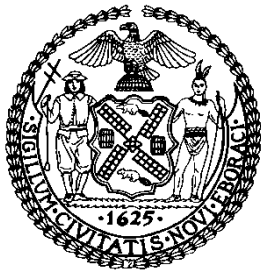
**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly.**

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on May 8, 2019 (Minutes, page 1735), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 1009-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1549:*



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INT. NO: 1549**

**COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law in relation to renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly.

**SPONSOR(S):** By Council Member Moya.

**SUMMARY OF LEGISLATION:** This bill would amend the official map of the city of New York, in the Borough of Queens, through the posting of new signs and the renaming of a street:

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Seaver Way	126th Street	Between Northern Boulevard and Roosevelt Avenue

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$1,175	\$0	\$1,175
<b>Net</b>	\$1,175	\$0	\$1,175

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

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would require the expenditure of \$675 for 18 new signs at \$37.50 each and of \$500 for the labor necessary to install those 18 signs, for a total expenditure of \$1,175.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Monika Bujak Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 8, 2019 as Intro. No. 1549 and referred to the Committee on Parks and Recreation (Committee). This bill will be considered by the Committee on June 26, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on June 26, 2019.

**DATE PREPARED:** June 20, 2019.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1549:)**

Int. No. 1549

By Council Members Moya, Koo and Vallone.

**A Local Law in relation to renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly**

*Be it enacted by the Council as follows:*

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Seaver Way	126th Street	Between Northern Boulevard and Roosevelt Avenue

§2. The official map of the city of New York shall be amended in accordance with the provisions of sections one and two of this local law.

§3. This local law shall take effect immediately.

PETER A. KOO, *Chairperson*; ANDREW COHEN, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, FRANCISCO P. MOYA, CARLINA RIVERA, ERIC A. ULRICH; Committee on Parks and Recreation, June 26, 2019.

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

### **GENERAL ORDER CALENDAR**

Report for L.U. No. 410 & Res. No. 985

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190184 HAM (Haven Green) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter and Section 576-a(2) of the Private Housing Finance Law, for the disposition of and sale to a developer selected by HPD, property located at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30), Borough of Manhattan, Council District 1, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1748) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 2**

**C 190184 HAM**

Application No. C 190184 HAM (Haven Green) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter and Section 576-a (2) of the Private Housing Finance Law, for the disposition of and sale to a developer selected by HPD, property located at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30), Borough of Manhattan, Council District 1, Community District 2.

#### **INTENT**

To approve the disposition of city-owned property located at 199-207 Elizabeth Street, a.k.a 222-230 Mott Street (Block 493, Lot 30), to facilitate the development of a mixed-use building with 123 affordable senior housing units, office space for nonprofit organizations, and approximately 6,700 square feet of publicly

accessible open space, and approximately 1,700 square feet of publicly accessible open space that is not open to the sky, at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30) in the Special Little Italy District (Preservation Area A) in Manhattan Community District 2.

## **PUBLIC HEARING**

**DATE:** May 2, 2019

**Witnesses in Favor:** Thirty-one

**Witnesses Against:** Thirty-one

## **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 11, 2019

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

### **In Favor:**

Adams, Koo, Miller, Treyger.

### **Against:**

None

### **Abstain:**

None

## **COMMITTEE ACTION**

**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

### **In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

### **Against:**

None

### **Abstain:**

None.

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

The City Planning Commission filed a letter dated June 26, 2019, with the Council on June 26, 2019, 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 Adams offered the following resolution:

## Res. No. 985

**Resolution approving with modifications the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190184 HAM, approving the disposition of city-owned property located at 199-207 Elizabeth Street, a.k.a 222-230 Mott Street (Block 493, Lot 30), Borough of Manhattan, Community District 2, to a developer selected by HPD (Preconsidered L.U. No. 410; C 190184 HAM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the City Planning Commission filed with the Council on April 22, 2019 its decision dated April 10, 2019 (the "Decision"), on the revised application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 199-207 Elizabeth Street, a.k.a 222-230 Mott Street (Block 493, Lot 30), (the “Disposition Area”), approving pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development, to facilitate the development of a mixed-use building with 123 affordable senior housing units, office space for nonprofit organizations, and approximately 6,700 square feet of publicly accessible open space at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30) in the Special Little Italy District (Preservation Area A) in Manhattan Community District 2 (ULURP No. C 190184 HAM) (the "Application");

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

**WHEREAS**, by letter dated April 1, 2019 and submitted to the Council on April 2, 2019, HPD submitted its requests (the “HPD Requests”) respecting the Application, requesting that the Council approve the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 2, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued November 9<sup>th</sup>, 2018 (CEQR No. 18HPD105M), (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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190184 HAM, incorporated by reference herein, and the record before the Council, the Council approves the Decision with the modification that the disposition is restricted to require the provision of a minimum of approximately 8,400 square feet of open space which shall be accessible to the public in perpetuity, of which a minimum of approximately 1,700 square feet need not be open to the sky. Such approximately 1,700 square foot portion may be enclosed with building walls on no more than two sides and shall function as an entrance to the portion of open space that is open to the sky. Such open space need not satisfy any defined term within the New York City Zoning Resolution (ZR), however, this shall not be construed to waive any applicable requirements of the ZR as applied to the Disposition Area.

The Council approves the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, upon condition that the Project shall be developed in a manner consistent with the modified Project Summary, a copy of which is attached hereto and made a part hereof.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 420 & Res. No. 986

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190113 ZMR (Special Bay Street Corridor District) 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. 21c & 21d. Borough of Staten Island, Council District 49, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1748) 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-1 – FOUR APPLICATIONS RELATED TO SPECIAL BAY STREET CORRIDOR DISTRICT**

#### **C 190113 ZMR (Pre. L.U. No. 420)**

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 the amendment of the Zoning Map, Section Nos. 21c and 21d:

1. eliminating from within an existing R3-2 district a C2-2 district bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
2. eliminating from within an existing R4 district a C2-2 district bounded by Canal Street, Wright Street, and Broad Street;
3. changing from an R3X district to an R6 district property bounded by a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, and Baltic Street;
4. changing from an M1-1 district to an R6 district property bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit



(SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;

5. changing from an R3-2 district to an R6B district property bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
6. changing from an R3X district to an R6B district property bounded by Van Duzer Street, Baltic Street, a line 100 feet southeasterly of Van Duzer Street, and a line 100 feet northeasterly of Congress Street
7. changing from an R4 district to an R6B district property bounded by Canal Street, Wright Street, and Broad Street;
8. changing from an M1-1 district to an R6B district property bounded by Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street;
9. establishing within a proposed R6 district a C2-3 district bounded by a line midway between Van Duzer Street and Bay Street, the southwesterly centerline prologation Minthorne Street, Bay Street, the easterly centerline prolongation Swan Street, the easterly boundary line of the SIRT Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet easterly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street Extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, and Hannah Street;
10. establishing within a proposed R6B district a C2-3 district bounded by:
  - a. Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street; and
  - b. a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Wright Street, Broad Street, and Cedar Street;
11. establishing within a proposed R6 district a C2-4 district bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of SIRT Right-of-Way, the easterly centerline prolongation of Swan Street, and Bay Street; and
12. establishing a Special Bay Street Corridor District (SBSCD) bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, a line 100 feet northeasterly of Congress Street, Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, Grant Street, Van Duzer Street, a line 150 feet northwesterly

of Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-429.

**N 190114(A) ZRR (Pre. L.U. No. 421)**

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, relating to Article XIII, Chapter 5 (Special Bay Street Corridor District) to establish the Special Bay Street Corridor District and establish a Mandatory Inclusionary Housing area.

**C 190115 PPR (Pre. L.U. No. 422)**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one City-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning.

**C 190179(A) HAR (Pre. L.U. No. 423)**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use development containing approximately 223 affordable residential units and commercial and/or community facility space.

**INTENT**

To approve an amendment to rezone M1-1 and R3X to R6/C2-4 (SBSCD), R6/C2-3 (SBSCD), R6B/C2-3 (SBSCD), R6B (SBSCD) and from R3-2/C2-2 and R4/C2-2 to R6B/C2-3; establish the Special Bay Street Corridor District (SBSCD) and associated use, bulk, and other regulations, amend the height and street wall provisions for Parcels A/B1 of the Special Stapleton Waterfront Special District, and establish the Bay Street Corridor and Canal Street Corridor as Mandatory Inclusionary Housing areas; to approve the disposition of one city-owned property located at 55 Stuyvesant Place; and to designate a city-owned site as an Urban Development

Action Area (UDAA”) and approval of the project as an Urban Development Action Area Project (UDAAP). to facilitate land use actions associated with the Bay Street Corridor Neighborhood Plan (the “plan”), a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island.

### **PUBLIC HEARING**

**DATE:** May 14, 2019

**Witnesses in Favor:** Ten

**Witnesses Against:** Fifteen

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on Pre. L.U. Nos. 420, 422, and 423, and approve with modifications the decision of the CPC on L.U. No. 421.

#### **In Favor:**

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:** None  
**Abstain:** None.

### **COMMITTEE ACTION**

**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

#### **In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:** None  
**Abstain:** None.

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

The City Planning Commission filed a letter dated June 26, 2019, with the Council on June 26, 2019, 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 Moya offered the following resolution:

Res. No. 986

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190113 ZMR, a Zoning Map amendment (Preconsidered L.U. No. 420).**

By Council Members Salamanca and Moya.

**WHEREAS**, 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 of the Zoning Map, Section Nos. 21c and 21d, eliminating from within an existing R3-2 district a C2-2 district, eliminating from within an existing R4 district a C2-2 district, changing from an R3X district to an R6 district, changing from an M1-1 district to an R6 district, changing from an R3-2 district to an R6B district, changing from an R3X district to an R6B district, changing from an R4 district to an R6B district, changing from an M1-1 district to an R6B district, establishing within a proposed R6 district a C2-3 district, establishing within a proposed R6B district a C2-3 district, establishing within a proposed R6 district a C2-4 district, and establishing a Special Bay Street Corridor District (SBSCD), which in conjunction with related actions, to facilitate land use actions associated with the Bay Street Corridor Neighborhood Plan (the “plan”), a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island (ULURP No. C 190113 ZMR) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 22, 2019, its decision dated April 22, 2019 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications N 190114(A) ZRR (Pre. L.U. No. 421), a zoning text amendment; C 190115 PPR (Pre. L.U. No. 422), a disposition of City-owned property; and C 190179(A) HAR (Pre. L.U. No. 423), an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) designation and project approval and disposition of City-owned property;

**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 May 14, 2019;

**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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 11, 2019 (CEQR No. 16DCP156R) which concluded the proposed actions and A-Text Alternative as analyzed in the FEIS identified significant adverse impacts related to community facilities, open space, historic and cultural resources, transportation and construction including an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-429)).

**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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environmental and mitigation measures that were identified as practicable; and
- (4) 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 190113 ZMR, 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 hereby amended by changing the Zoning Map, Section Nos. 21c and 21d:

1. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
2. eliminating from within an existing R4 District a C2-2 District bounded by Canal Street, Wright Street, and Broad Street;
3. changing from an R3X District to an R6 District property bounded by a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, and Baltic Street;
4. changing from an M1-1 District to an R6 District property bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;
5. changing from an R3-2 District to an R6B District property bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
6. changing from an R3X District to an R6B District property bounded by Van Duzer Street, Baltic Street, a line 100 feet southeasterly of Van Duzer Street, and a line 100 feet northeasterly of Congress Street;

7. changing from an R4 District to an R6B District property bounded by Canal Street, Wright Street, and Broad Street;
8. changing from an M1-1 District to an R6B District property bounded by Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street;
9. establishing within a proposed R6 District a C2-3 District bounded by a line midway between Van Duzer Street and Bay Street, the southwesterly centerline prolongation Minthorne Street, Bay Street, the easterly centerline prolongation Swan Street, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet easterly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street Extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, and Hannah Street;
10. establishing within a proposed R6B District a C2-3 District bounded by:
  - a. Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street; and
  - b. a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Wright Street, Broad Street, and Cedar Street;
11. establishing within a proposed R6 District a C2-4 District bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, the easterly centerline prolongation of Swan Street, and Bay Street; and
12. establishing a Special Bay Street Corridor District (BSC) bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, a line 100 feet northeasterly of Congress Street, Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, Grant Street, Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018 and subject to the conditions of CEQR Declaration E-429, Community District 1, Borough of Staten Island.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 421 & Res. No. 987

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190114(A) ZRR (Special Bay Street Corridor District) 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 Bay Street Corridor District (Article XIII, Chapter 5), and modifying related Sections, including Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of Staten Island, Council District 49, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1748) 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. 420 printed above in these Minutes)**

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

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

Res. No. 987

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190114(A) ZRR, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 421).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, submitted an application for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 5 (Special Bay Street Corridor District) to establish the Special Bay Street Corridor District and establish a Mandatory Inclusionary Housing area, in conjunction with several related actions, to facilitate land use modifications associated with the Bay Street Corridor Neighborhood Plan, a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island (Application No. N 190114(A) ZRR) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on April 22, 2019, its decision dated April 22, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 190113 ZMR (Pre. L.U. No. 420), a zoning map amendment; C 190115 PPR (Pre. L.U. No. 422), a disposition of City-owned property; and C 190179(A)

HAR (Pre. L.U. No. 423), Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) designation and project approval and disposition of City-owned property;

**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 May 14, 2019;

**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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 11, 2019 (CEQR No. 16DCP156R) which concluded the proposed actions and A-Text Alternative as analyzed in the FEIS identified significant adverse impacts related to community facilities, open space, historic and cultural resources, transportation and construction including an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-429)).

**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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environmental and mitigation measures that were identified as practicable; and
- (4) 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, N 190114(A) ZRR, 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 within # # is defined in Section 12-10;

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

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

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

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1**



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

\* \* \*

**11-122  
Districts established**

\* \* \*

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special City Island District

\* \* \*

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

Special Bay Ridge District

The “Special Bay Ridge District” is a Special Purpose District designated by the letters “BR” in which special regulations set forth in Article XI, Chapter 4, apply.

Special Bay Street Corridor District

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special City Island District

\* \* \*

**Chapter 4  
Sidewalk Cafe Regulations**

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

\* \* \*

Staten Island

#Enclosed Sidewalk  
Cafe#

#Unenclosed Sidewalk  
Cafe#



---

<u>Bay Street Corridor District</u>	<u>Yes</u>	<u>Yes</u>
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

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

\* \* \*

**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 125th Street District#;
- #Special Bay Street Corridor District#;
- #Special Downtown Brooklyn District#;

\* \* \*

**23-03  
Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 3  
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

\* \* \*

**33-03  
Street Tree Planting in Commercial Districts**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-20  
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE  
AND THE COVE**

\* \* \*

**116-22 Maximum Floor Area Ratio**

The maximum #floor area ratio# for all #uses# shall be 2.0.

However, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

### **116-23 Special Height and Setback Regulations**

The special height and setback regulations set forth in this Section shall apply.

\* \* \*

### **116-232 Street wall location**

Within the #Special Stapleton Waterfront District#, the #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

In Subareas A and B1, the underlying #street wall# location regulations shall apply, except that the provisions of paragraph (a)(1) of Section 35-651 (Street wall location) shall be modified to require that at least 70 percent of the #aggregate width of street wall# be located within 15 feet of the #street line# and extend to the minimum base heights specified in Section 116-233 (Height and setback), or the height of the #building#, whichever is less.

(b) Subareas B2 through B5 and C

In Subareas B B2 through B5 and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, specifies locations in Subareas B B2 through B5 and C where #mandatory front building wall# requirements apply as follows:

~~(a)~~(1) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.

~~(b)~~(2) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.

~~(c)~~(3) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B1, B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along

a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

[MOVED HEIGHT AND SETBACK PROVISIONS TO 116-233]

All #mandatory front building walls# shall rise without setback to ~~a maximum height of 40 feet~~ the minimum base height specified in Section 116-233, or the height of the #building#, whichever is less. ~~A #building# may exceed a height of 40 feet, up to the maximum #building# height specified in Section 116-233, if a setback is provided at a minimum height of 35 feet. Such setback shall have a minimum depth of 10 feet and shall be measured from the front #building# wall.~~ Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

~~However, in Subarea B2, the #mandatory front building wall# may rise without setback to the permitted maximum height of the #building#.~~

**116-233**

**Maximum building height – Height and setback**

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

**Maximum Base Heights and Maximum #Building# Heights for Subareas A and B1**

<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Transition Height (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)</u>	<u>Maximum Number of #Stories#</u>
<u>40</u>	<u>65</u>	<u>85</u>	<u>125</u>	<u>12</u>

(2) Required setbacks

At a height not lower than the minimum base height, or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback with a depth of at least 10 feet shall be provided from the front #building# wall.

In addition, 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.

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is lower.

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the minimum base height shall be 35 feet and the maximum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback with a depth of at least 10 feet shall be provided, as measured from the front #building# wall.

~~In Subareas A, B and C, the~~ The maximum height of a #building or other structure# outside of Subarea B2 shall not exceed 50 feet. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section 35-652 (Maximum height of buildings and setback regulations), the maximum height of a #building or other structure# may be increased to 55 feet.

~~Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.~~

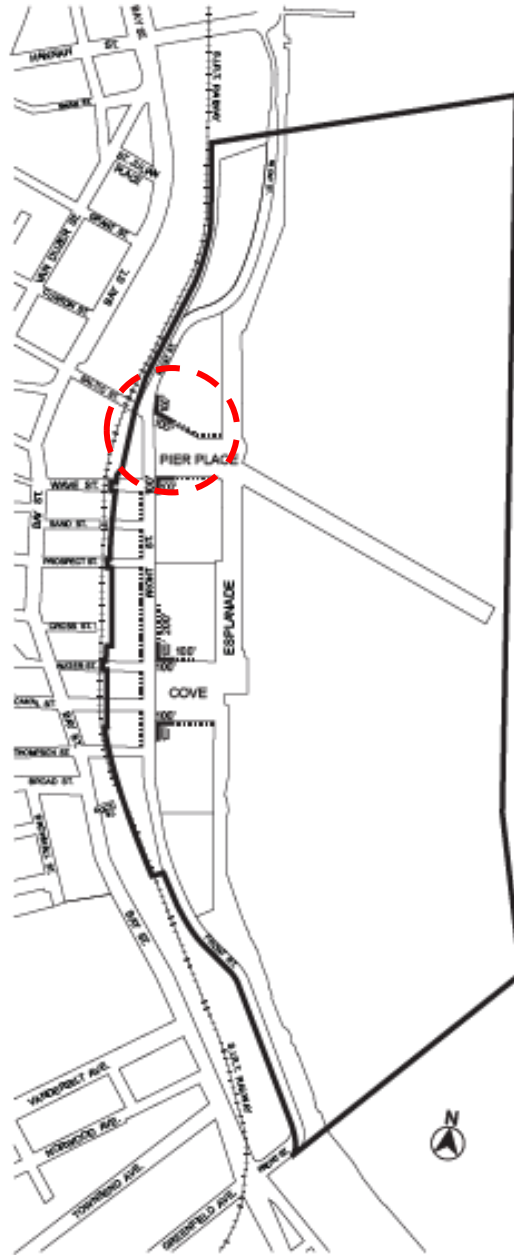
\* \* \*

**Appendix A**  
**Stapleton Waterfront District Plan**

\* \* \*

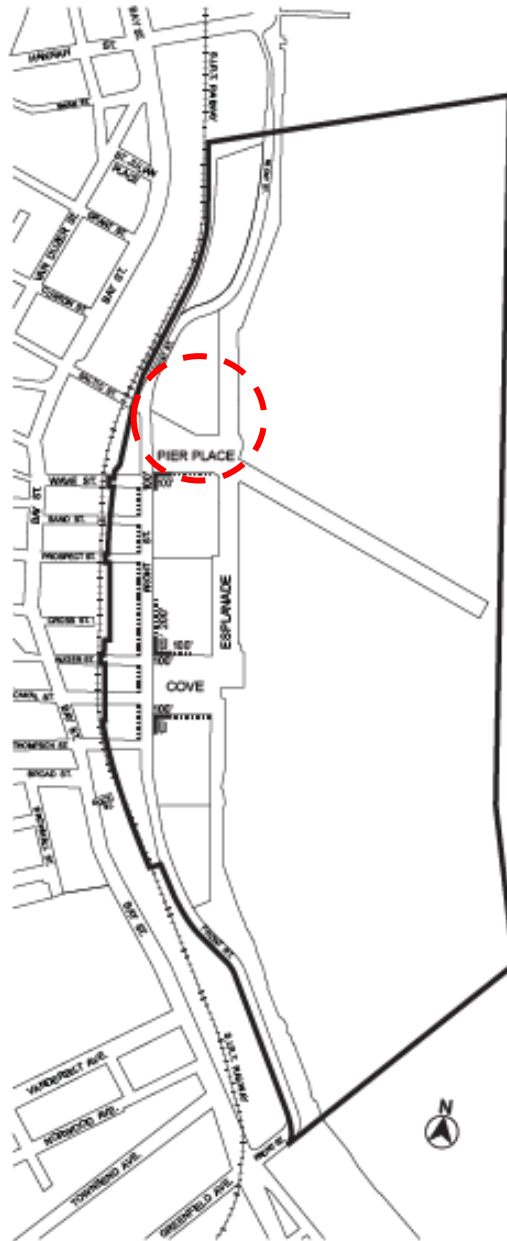
Map 3 - Mandatory Front Building Wall Lines

[EXISTING MAP]



- Special Stapleton Waterfront District
- Type 1 Mandatory Front Building Wall Line
- ..... Type 2 Mandatory Front Building Wall Line

[PROPOSED MAP:  
Type 1 and Type 2 Mandatory Front Building Wall Lines to be removed from Subarea B1]



- Special Stapleton Waterfront District
  - Type 1 Mandatory Front Building Wall Line
  - ..... Type 2 Mandatory Front Building Wall Line
- \* \* \*



**ARTICLE XIII**  
**SPECIAL PURPOSE DISTRICTS**

**Chapter 5**  
**Special Bay Street Corridor District**

**135-00**  
**GENERAL PURPOSES**

The “Special Bay Street 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 well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;
- (b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;
- (c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;
- (d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;
- (f) to create a livable community combining housing, retail and other uses throughout the district;
- (g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;
- (h) 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;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

**135-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special Bay Street 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.

### **135-02**

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

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District and Subdistricts

Map 2 - Location of Visual Corridors

### **135-03**

#### **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established, as follows:

Subdistrict A

Subdistrict B

Subdistrict C

Subdistrict D

Subdistrict E

In Subdistrict B, subareas are established as follows:

Subarea B1

Subarea B2

In Subdistrict D, subareas are established as follows:

Subarea D1

Subarea D2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

### **135-04**

#### **Applicability**

#### **135-041**

##### **Applicability of Article I, Chapter 2**

The definition of “lower density growth management area” in Section 12-10 shall exclude all districts within the #Special Bay Street Corridor District#.

#### **135-042**

##### **Applicability of the Quality Housing Program**

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8.

### **135-043**

#### **Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90, the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

### **135-044**

#### **Applicability of Article VI, Chapter 4**

Notwithstanding the general provisions of Section 135-01, 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 Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

### **135-045**

#### **Applicability of this Chapter to certain zoning lots in Subdistrict D**

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on [date of adoption], the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

### **135-10**

#### **SPECIAL USE REGULATIONS**

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

### **135-11**

#### **Ground Floor Use Regulations**

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be considered a #primary street frontage#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level enlargements#.

- (a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on [date of adoption] and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 135-12 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

**135-12**  
**Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 135-11 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements:

(a) Planting

Where utilized as a visual mitigation element, any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Where utilized as a visual mitigation element, fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Where utilized as a visual mitigation element, bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Where utilized as a visual mitigation element, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Where utilized as a visual mitigation element, wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

All visual mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

### **135-13**

#### **Physical Culture or Health Establishments**

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.

### **135-14**

#### **Breweries**

Within the #Special Bay Street Corridor District#, breweries, as listed in Use Group 18 A, shall be permitted in Commercial Districts provided that:

- (a) the size of such brewery does not exceed 30,000 square feet; and

- (b) any brewery #developed# or #enlarged# after [date of adoption] shall contain an #accessory# eating or drinking establishment.

For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section 42-20, inclusive, shall apply to such breweries.

### **135-15**

#### **Modification of Supplemental Use Provisions**

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
- (b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and
- (c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.

### **135-20**

#### **SPECIAL BULK REGULATIONS**

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

### **135-21**

#### **Special Floor Area Regulations**

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing). Column 4 sets forth the maximum #residential floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154, or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing #affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

**MAXIMUM #FLOOR AREA RATIO#**

<u>Subdistrict</u>	<u>Column 1</u> <u>For #commercial uses# other than offices</u>	<u>Column 2</u> <u>For offices</u>	<u>Column 3</u> <u>For #residences# other than #MIH sites# and #affordable independent residences for seniors#</u>	<u>Column 4</u> <u>For #MIH sites# and #community facility uses# other than #long-term care facilities#</u>	<u>Column 5</u> <u>For #affordable independent residences for seniors# or #long-term care facilities#</u>
<u>A</u>	<u>2.0</u>	<u><del>4.6</del>4.0</u>	<u><del>4.0</del>3.6</u>	<u><del>4.6</del>4.0</u>	<u><del>5.0</del>4.6</u>
<u>B</u>	<u>2.0</u>	<u>3.6</u>	<u>3.0</u>	<u>3.6</u>	<u>3.9</u>
<u>C</u>	<u>2.0</u>	<u>3.0</u>	<u>2.5</u>	<u>3.0</u>	<u>3.25</u>
<u>D1</u>	<u>2.0</u>	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>3.25</u>
<u>D2</u>	<u>2.0</u>	<u>2.0</u>	<u>2.25</u>	<u>2.75</u>	<u>3.0</u>
<u>E</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.2</u>	<u>2.2</u>

**135-22**  
**Special Lot Coverage Regulations**

The underlying #lot coverage# regulations are modified by the provisions of this Section.

The maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 100 percent.

**135-23**  
**Special Yard Regulations**

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

**135-24**  
**Special Street Wall Location Regulations**

The underlying #street wall# location provisions are modified by the provisions of this Section.

- (a) Along Bay Street

Along Bay Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

- (1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section 135-25 (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.
- (2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections 135-11 (Ground Floor Use Regulations) and 37-34 (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#, except as permitted pursuant to Section 64-333 (Street wall location in certain districts). Such #street wall# shall provide visual mitigation elements in accordance with the provisions of Section 135-12 (Special Streetscape Provisions for Blank Walls), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of paragraph (a) of Section 135-12 shall be improved to Department of Transportation standards for sidewalks.
- (3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section 135-25, such #street wall# shall rise without setback to at least the minimum base height specified in Section 135-25.

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section 23-661 or paragraph (e) of Section 35-651, as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.

**135-25**  
**Special Height and Setback Regulations**



The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the subdistrict, and shall be provided in accordance with paragraph (b) of this Section.

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

**MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS**

<b><u>Subdistrict or Subarea, as applicable</u></b>	<b><u>Minimum Base Height (in feet)</u></b>	<b><u>Maximum Base Height (in feet)</u></b>	<b><u>Maximum Transition Height (in feet)</u></b>	<b><u>Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)</u></b>	<b><u>Maximum Number of #Stories#</u></b>
<u>A</u>	<u>40</u>	<u>65</u>	<u>85</u>	<del>145</del> <u>125</u>	<del>14</del> <u>12</u>
<u>B1</u>	<u>40</u>	<u>65</u>	<u>85</u>	<u>125</u>	<u>12</u>
<u>B2</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>125</u>	<u>12</u>
<u>C</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>85</u>	<u>8</u>
<u>D1</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>75</u>	<u>7</u>
<u>D2</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>65</u>	<u>6</u>
<u>E</u>	<u>30</u>	<u>45</u>	<u>N/A</u>	<u>55</u>	<u>5</u>

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, 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.

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in A and Subarea B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

**135-30****SPECIAL PUBLIC ACCESS AREA REGULATIONS****135-31****Special Visual Corridor Requirements**

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

- (1) shall continue to generate #floor area#;
- (2) may be included for the purposes of calculating #lot coverage#; and
- (3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

- (1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.
- (2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:
- (i) be improved to the minimum DOT standards for public #streets#; or
- (ii) be improved to provide an open area, as follows:
- (a) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
- (b) the remainder of the open area, as applicable, may contain any combination of:
- (1) streetscape amenities including, but not limited to, benches or tables and chairs;
- (2) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;
- (3) unenclosed eating or drinking establishments; or
- (4) streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.
- (c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a railroad right-of-way.

**135-40**  
**SPECIAL PARKING AND LOADING REGULATIONS**

The underlying parking provisions are modified by the provisions of this Section.

**135-41**

**Commercial Parking Requirements**

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

**135-42****Residential Parking Waivers**

The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on [date of adoption] and on the date of application for a building permit.

**135-43****Location of Parking Spaces**

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located either:
  - (1) within the #Special Bay Street Corridor District#; or
  - (2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-42 (Off-site Spaces for Residences) or 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable;
- (b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

**135-44****Special Loading Regulations**

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor District#.

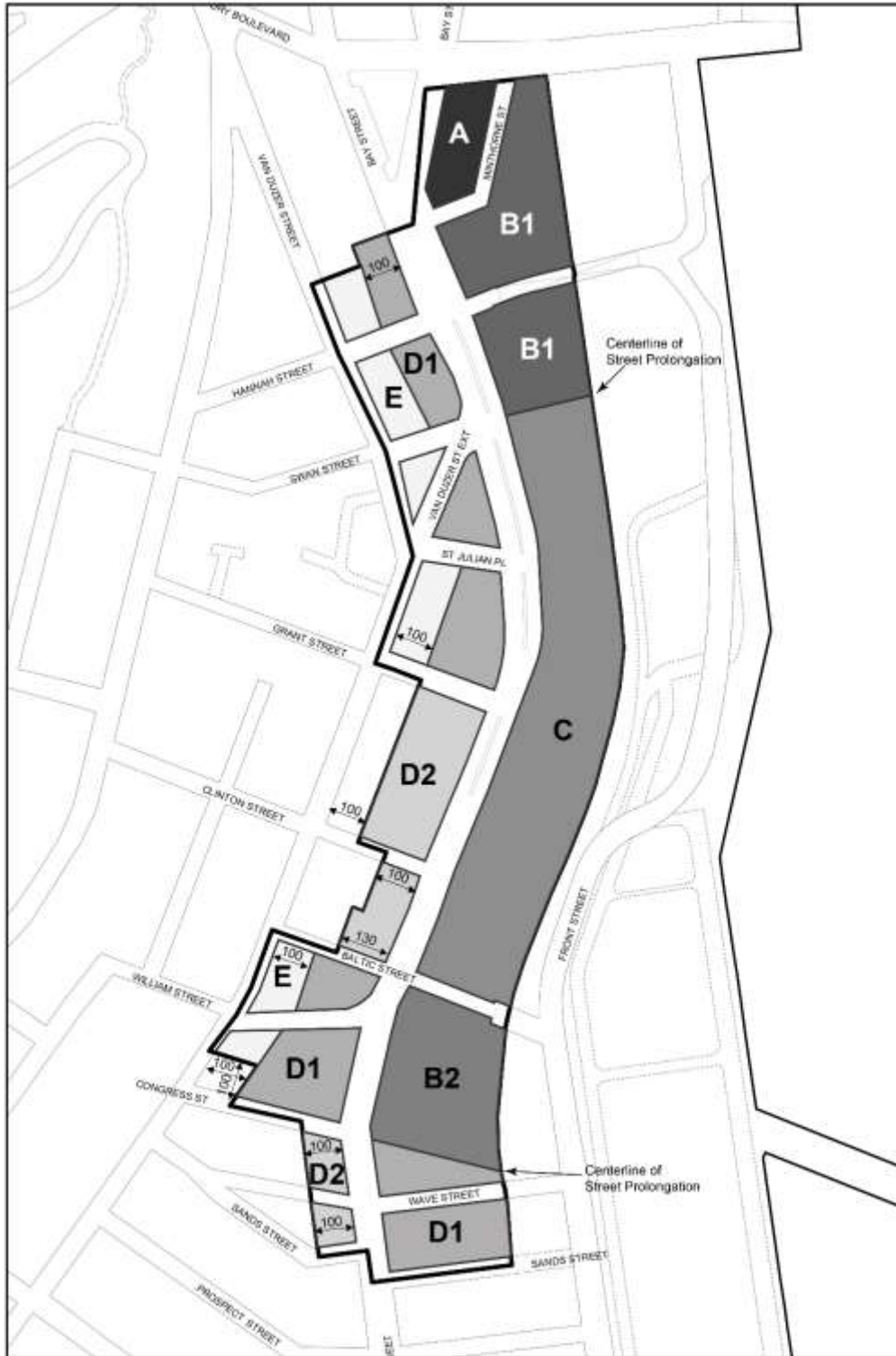
In addition, the underlying loading regulations shall be modified as follows:

- (a) the requirements of Section 36-60, inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Section 36-681 (Size of required berths) shall be increased to 37 feet.

**135-45****Location of Curb Cuts**

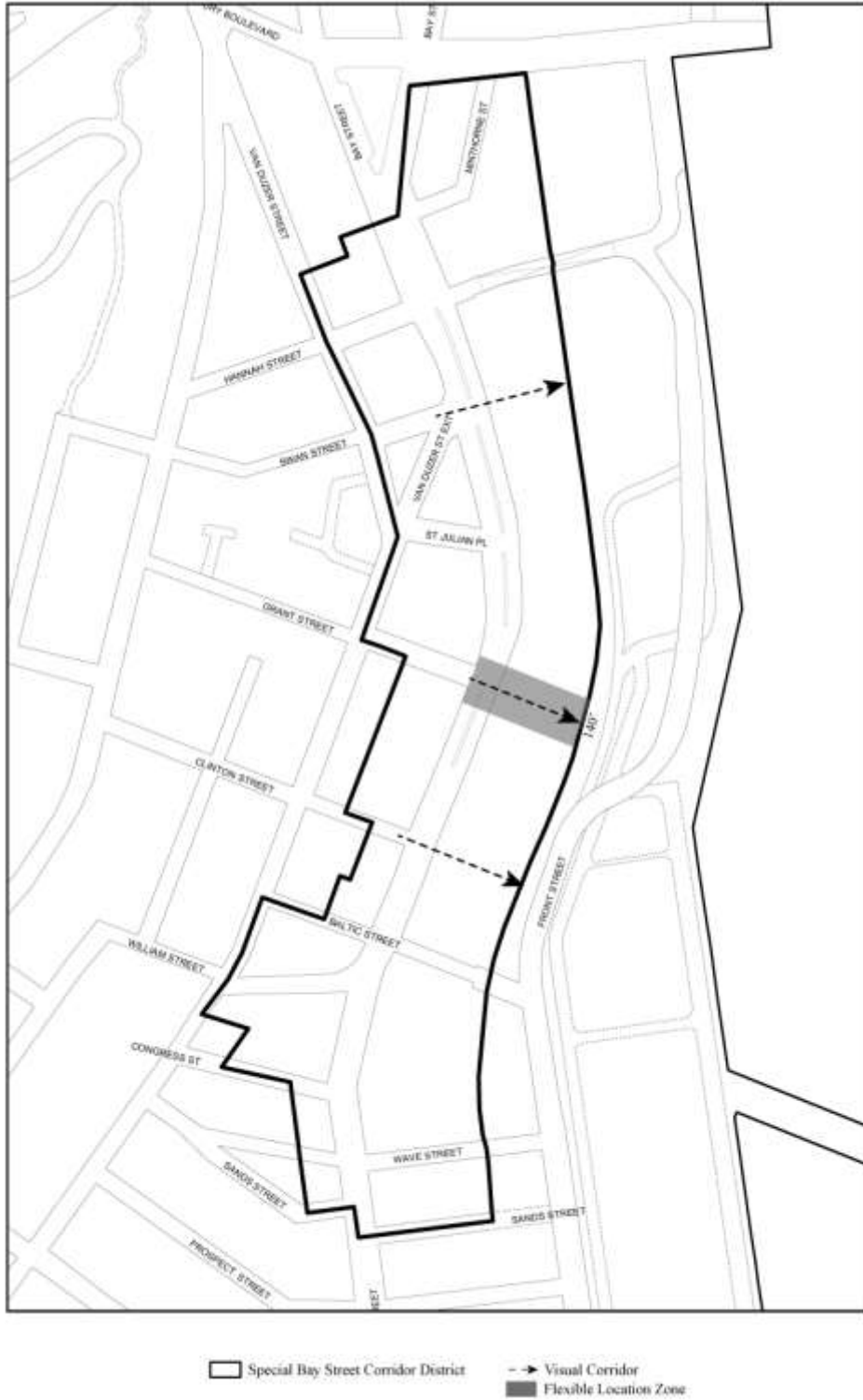
For #zoning lots# existing on [date of adoption] with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

**APPENDIX A****SPECIAL BAY STREET CORRIDOR DISTRICT****Map 1 – Special Bay Street Corridor District, Subdistricts and Subareas**



- Special Bay Street Corridor District
- Subdistrict A
- Subdistrict B
- Subarea B1
- Subarea B2
- Subdistrict C
- Subdistrict D
- Subarea D1
- Subarea D2
- Subdistrict E

**Map 2 – Location of visual corridors**



\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

<b>Zoning Map</b>	<b>Community District</b>	<b>Maps of Inclusionary Housing Designated Areas</b>	<b>Maps of Mandatory Inclusionary Housing Areas</b>
1d	Bronx CD 7	Map 1	

\* \* \*

21c	Staten Island CD 1		Maps <u>1, 2</u>
22a	Brooklyn CD 7	Map 2	

\* \* \*

**STATEN ISLAND**

**Staten Island Community District 1**

\* \* \*

Map 2 - (date of adoption)





**Mandatory Inclusionary Housing Program Area** see Sections 23-154(d)(3), 135-043 and 135-21 (Area 2) and see Section 23-154(d)(3) (Area 3)  
 Area 2 – [date of adoption] MIH Program Option 1, ~~Option 2, Deep Affordability Option and Workforce Option~~  
 Area 3 – [date of adoption]

Portion of Community District 1, Staten Island

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 422 & Res. No. 988

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190115 PPR (Special Bay Street Corridor District) submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning. Borough of Staten Island, Council District 49, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752) 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. 420 printed above in these Minutes)**

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

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

Res. No. 988

**Resolution approving the decision of the City Planning Commission on Application No. C 190115 PPR, for the disposition of city-owned property, pursuant to zoning (Preconsidered L.U. No. 422).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Citywide Administrative Services, filed an application pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 55 Stuyvesant Place (Block 9, Lot 9) (the “Disposition Area”), pursuant to zoning, which in conjunction with several related actions to facilitate land use modifications associated with the Bay Street Corridor Neighborhood Plan, a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island (Application No. C 190115 PPR) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 22, 2019, its decision dated April 22, 2019 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 190113 ZMR (Pre. L.U. No. 420), a zoning map amendment; N 190114(A) ZRR (Pre. L.U. No. 421), a zoning text amendment; and C 190179(A) HAR (Pre. L.U. No. 423), an Urban Development Action Area (UDAA) and Urban Development Area Action Project (UDAAP) designation and project approval and disposition of City-owned property;

**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 May 14, 2019;

**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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 11, 2019 (CEQR No. 16DCP156R) which concluded the proposed actions and A-Text Alternative as analyzed in the FEIS identified significant adverse impacts related to community facilities, open space, historic and cultural resources, transportation and construction including an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-429)).

**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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environmental and mitigation measures that were identified as practicable; and
- (4) 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 Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190115 PPR, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of one City-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 423 &amp; Res. No. 289

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190179(A) HAR (Special Bay Street Corridor District) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval and the disposition of city-owned property, for property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), to a developer to be selected by HPD. Borough of Staten Island, Council District 49, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1748) 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. 420 printed above in these Minutes)**

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

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

Res. No. 989

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190179(A) HAR, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), Borough of Staten Island, Community District 1, to a developer selected by HPD (Preconsidered L.U. No. 423; C 190179(A) HAR).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on April 22, 2019 its decision dated April 22, 2019 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 539 Jersey Street a/k/a 100 Brook Street (Block 34, Lot 1) (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of approximately 223 affordable units, including 90 Affordable Independent Residences for Seniors (AIRS) and approximately 16,500 square feet of commercial and/or community facility space, which in conjunction with the related actions would support the Bay Street Corridor Neighborhood Plan, a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing

that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island (ULURP No. C 190179(A) HAR) (the “Application”);

**WHEREAS**, the Application is related to applications C 190113 ZMR (Pre. L.U. No. 420), a zoning map amendment; N 190114(A) ZRR (Pre. L.U. No. 421), a zoning text amendment; and C 190115 PPR (Pre. L.U. No. 422), a disposition of City-owned property;

**WHEREAS**, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

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

**WHEREAS**, by letter dated March 27, 2019 and submitted to the Council on April 2, 2019, and an updated letter dated June 6, 2019 and submitted to the Council on June 6, 2019, HPD submitted its requests (the “HPD Requests”) respecting the Application, including the submission of the project summary for the Project, as updated (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 14, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 11, 2019 (CEQR No. 16DCP156R) which concluded the proposed actions and A-Text Alternative as analyzed in the FEIS identified significant adverse impacts related to community facilities, open space, historic and cultural resources, transportation and construction including an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-429)).

**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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environmental and mitigation measures that were identified as practicable; and
- (4) 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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190179(A) HAR and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report (C 190179(A) HAR) and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

**PROJECT SUMMARY**

- 1. PROGRAM:** **New Construction**
- 2. PROJECT:** **Jersey Street Garage**
- 3. LOCATION:**
  - a. BOROUGH:** Staten Island
  - b. COMMUNITY DISTRICT:** 1
  - c. COUNCIL DISTRICT:** 49
  - d. DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT(S)</u>	<u>ADDRESS(ES)</u>
34	1	539 Jersey Street
- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction

- 6. APPROXIMATE NUMBER OF BUILDINGS:** Three (3)
- 7. APPROXIMATE NUMBER OF UNITS:** 223 dwelling units. All units except for any superintendent unit(s) will be subject to restrictions outlined in #9 and #10.
- 8. HOUSING TYPE:** Rental or Homeownership
- 9. ESTIMATE OF INITIAL RENTS OR SALES PRICES:** Rents for rental housing will be affordable to families with incomes between up to 30% and up to 120% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Sales prices for homeownership housing will be affordable to families with incomes between up to 80% of AMI and up to 120% of AMI.
- 10. INCOME TARGETS:** Between 30% and 120% of AMI for rental housing and between 80% and 120% of AMI for homeownership housing.
- 11. PROPOSED FACILITIES:** Approximately 16,500 square feet of commercial/community facility space.
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 424 & Res. No. 990

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190207 ZMX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a & 6c, changing from an R7-2 District to a C6-2 District property located at Block 2360, Lots 1 & 3. Borough of the Bronx, Council District 17, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### **REPORTS:**

#### **SUBJECT**

#### **BRONX CB-1 - FOUR APPLICATIONS RELATED TO BROOK 156**

##### **C 190207 ZMX (L.U. No. 424)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a and 6c, changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156th Street, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 3, 2018.

##### **C 190208 PPX (L.U. No. 425)**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning.

##### **N 190209 ZRX (L.U. No. 426)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

##### **C 190210 ZSX (L.U. No. 427)**

City Planning Commission decision approving an the application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, pursuant to Section 197-c and 201 of the New York City Charter for grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue a.k.a. East 156<sup>th</sup> Street (Block 2360, Lots 1 & 3), in a C6-2 District.

#### **INTENT**

To approve an amendment to rezone the project area from R7-2 to a C6-2 district; approve the disposition of one city-owned property located at Block 2360, Lot 3; amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2; grant an



approval of the special permit pursuant to ZR Section 74-681 to permit development on or over a railyard right-of-way, to facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx,

### **PUBLIC HEARING**

**DATE:** June 6, 2019

**Witnesses in Favor:** Three

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 11, 2019

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission (“CPC”) on L.U. No. 426 and approve the decisions of the City Planning Commission on L.U. Nos. 424, 425, and 427.

**In Favor:**

Moya, Lancman, Reynoso, Richards, Rivera, Grodenchik.

**Against:**

None

**Abstain:**

None.

### **COMMITTEE ACTION**

**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

The City Planning Commission filed a letter dated June 26, 2019, with the Council on June 26, 2019, 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 Moya offered the following resolution:

Res. No. 990

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190207 ZMX, a Zoning Map amendment (L.U. No. 424).**

By Council Members Salamanca, Jr. and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, 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. 6a and 6c, changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156th Street, which in conjunction with the related actions would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx, (ULURP No. C 190207 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 190208 PPX (L.U. No. 425), a disposition of non-residential City-owned property; N 190209 ZRX (L.U. No. 426), a zoning text amendment to Appendix F of the Zoning Resolution designating the Project Area as a Mandatory Inclusionary Housing (MIH) Area; and C 190210 ZSX (L.U. No. 427), a zoning special permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way;

**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 6, 2019;

**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 November 28<sup>th</sup>, 2018 (CEQR No. 19HPD011X) (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 190207 ZMX, 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. 6a and 6c, changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156th Street, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 3, 2018.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 425 & Res. No. 991

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190208 PPX (Brook 156) submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning. Borough of the Bronx, Council District 17, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752) 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. 424 printed above in these Minutes)**

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

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

Res. No. 991

**Resolution approving the decision of the City Planning Commission on Application No. C 190208 PPX, for the disposition of city-owned property, pursuant to zoning (L.U. No. 425).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning, which in conjunction with the related actions, would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of

community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx (Application No. C 190208 PPX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 190207 ZMX (L.U. No. 424), a zoning map amendment to rezone the Project Area from R7-2 to C6-2; N 190209 ZRX (L.U. No. 426), a zoning text amendment to Appendix F of the Zoning Resolution designating the Project Area as a Mandatory Inclusionary Housing (MIH) Area; and C 190210 ZSX (L.U. No. 427), a zoning special permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way;

**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 6, 2019;

**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 November 28<sup>th</sup>, 2018 (CEQR No. 19HPD011X) (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 Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190208 PPX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at Block 2360, Lot 3, pursuant to zoning.  
Adopted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 426 & Res. No. 992

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190209 ZRX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of the Bronx, Council District 17, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1753) 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. 424 printed above in these Minutes)**

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

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

Res. No. 992

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190209 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 426).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, 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 utilizing Options 1 and 2, which in conjunction with the related actions would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx, (Application No. N 190209 ZRX), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 190207 ZMX (L.U. No. 424), a zoning map amendment to rezone the Project Area from R7-2 to C6-2; C 190208 PPX (L.U. No. 425), a disposition of non-residential City-owned property; C 190210 ZSX (L.U. No. 427), a zoning special permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way;

**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 6, 2019;

**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 November 28<sup>th</sup>, 2018 (CEQR No. 19HPD011X) (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, N 190209 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 within # # is defined in Section 12-10;
  - Matter ~~double struck out~~ is old, deleted by the City Council;
  - Matter double-underlined is new, added by the City Council
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**THE BRONX**

\* \* \*

**Community District 1**

\* \* \*

Map 6 – [date of adoption]

[PROPOSED MAP]



Portion of Community District 1, the Bronx

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 427 & Res. No. 993

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190210 ZSX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue a.k.a. East 156th Street (Block 2360, Lots 1 & 3), in a C6-2\* District, Borough of the Bronx, Council District 17, Community District 1. \*Note: The site is proposed to be rezoned from an R7-2 District to a C6-2 District under a concurrent related application (C 190207 ZMX).**

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1753) 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. 424 printed above in these Minutes)**

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

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

Res. No. 993

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190210 ZSX, for the grant of a special permit (L.U. No. 427).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD) & Phipps Houses, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use on property located at 740 Brook Avenue a.k.a. East 156<sup>th</sup> Street (Block 2360, Lots 1 & 3) in a C6-2 District, which in conjunction with the related actions would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx, (ULURP No. C 190210 ZSX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 190207 ZMX (L.U. No. 424), a zoning map amendment to rezone the Project Area from R7-2 to C6-2; C 190208 PPX (L.U. No. 425), a disposition of non-residential City-owned property; and N 190209 ZRX (L.U. No. 426), a zoning text amendment to Appendix F of the Zoning Resolution designating the Project Area as 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**, the City Planning Commission has made the findings required pursuant to Section 74-681 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 June 6, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued November 28<sup>th</sup>, 2018 (CEQR No. 19HPD011X) (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 190210 ZSX, 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 190210 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Dattner Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
U-002.00	Zoning Lot Site Plan	11/06/18
U-003.00	Zoning Analysis	11/06/18
U-200.00	Sections	11/06/18
U-201.00	Sections	11/06/18

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 construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power

of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 436 & Res. No. 994

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180292 ZMK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a, eliminating from within an existing R6B District a C2-4 District and changing from an R6B District to a C4-4L District, Borough of Brooklyn, Council District 41, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 29, 2019 (Minutes, page 1955) 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 2 HOWARD AVENUE REZONING**

**C 180292 ZMK (Pre. L.U. No. 436)**

City Planning Commission decision approving an application submitted by Merrick Capital Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6B District a C2-4 District bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue; and

2. changing from an R6B District to a C4-4L District property bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue;

as shown on a diagram (for illustrative purposes only) dated December 3, 2018, and subject to the conditions of CEQR Declaration E-513.

#### **N 180293 ZRK (Pre. L.U. No. 437)**

City Planning Commission decision approving an application submitted by Merrick Capital Corp., 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 amendments to the Zoning Map and Text of the Zoning Resolution in order to change from R6B/C2-4 to C4-4L and establish Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to facilitate the construction of a new six-story, approximately 36,000-square-foot, mixed-use building with 30 residential units and ground floor commercial space at 2 Howard Avenue (Block 1481, Lot 35) in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3.

#### **PUBLIC HEARING**

**DATE:** May 14, 2019

**Witnesses in Favor:** One

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) for Pre. L.U. No. 436 and approve with modifications the decision of the City Planning Commission for Pre. L.U. No. 437.

#### **In Favor:**

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

#### **Against:**

None

#### **Abstain:**

None

#### **COMMITTEE ACTION**

**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 994

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180292 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 436).**

By Council Members Salamanca and Moya.

**WHEREAS**, Merrick Capital Corp., 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. 17a, eliminating from within an existing R6B District a C2-4 District and changing from an R6B District to a C4-4L District, in Brooklyn, Community District 3, (ULURP No. C 180292 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 180293 ZRK (Pre. L.U. No. 437), 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 May 14, 2019;

**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 December 3<sup>rd</sup>, 2018 (CEQR No. 18DCP130K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-513) (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-513) 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 180292 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. 17a:

1. eliminating from within an existing R6B District a C2-4 District bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue; and
2. changing from an R6B District to a C4-4L District property bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue;

as shown on a diagram (for illustrative purposes only) dated December 3, 2018, and subject to the conditions of CEQR Declaration E-513, Community District 3, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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. 437 & Res. No. 995

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180293 ZRK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. 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, Council District 41, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 29, 2019 (Minutes, page 1955) 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. 436 printed above in these Minutes)**

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

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

## Res. No. 995

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180293 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 437).**

By Council Members Salamanca and Moya.

**WHEREAS**, Merrick Capital Corp., 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 utilizing Option 2, which in conjunction with the related action would facilitate the construction of a new six-story, approximately 36,000-square-foot, mixed-use building with 30 residential units and ground floor commercial space at 2 Howard Avenue (Block 1481, Lot 35) in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3, (Application No. N 180293ZRK), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision"), on the application

**WHEREAS**, the Application is related to application C 180292 ZMK (Pre. L.U. No. 436), a zoning map amendment to change an R6B/C2-4 zoning district to a C4-4L 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 May 14, 2019;

**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 December 3<sup>rd</sup>, 2018 (CEQR No. 18DCP130K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-513) (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-513) 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 180293 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 within # # is defined in Section 12-10;

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

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

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

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

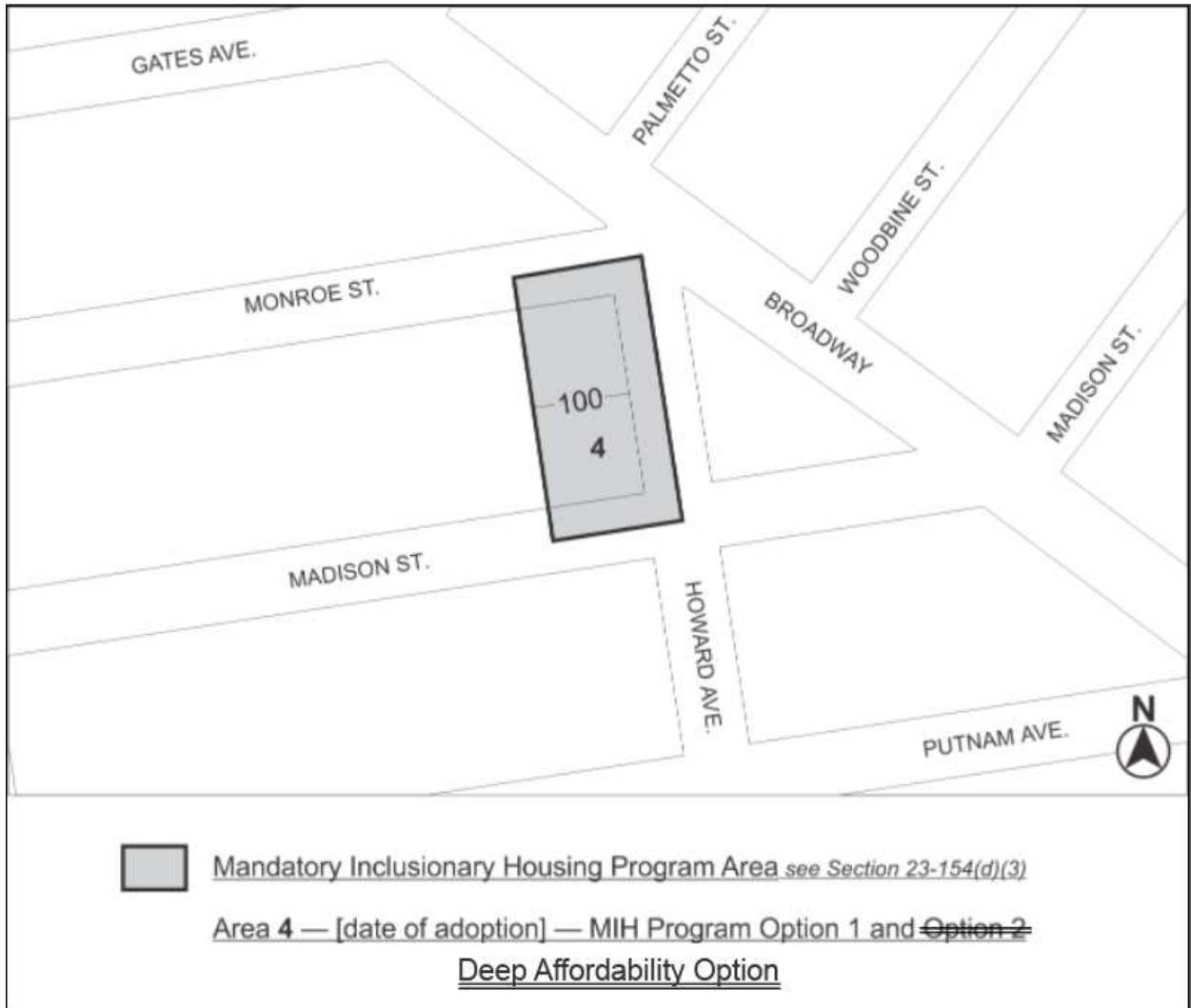
\* \* \*

**Brooklyn Community District 3**

\* \* \*

Map 6 - [date of adoption]

[PROPOSED MAP]



Portion of Community District 3, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

On motion of the Speaker (Council Member Johnson), 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:

*(The following names are from the first of two letters submitted by the Office of the Clerk:)*

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Audra King	60 St. Nicholas Ave #2E New York, New York 10026	9
Trevor Hackett	100 Cabrini Blvd #36 New York, New York 10033	10
Tahreem Khan	190-06B 69th Ave Apt 2B Fresh Meadows, New York 11365	23
Melissa Munoz	43-20 40th Street Queens, New York 11104	26
Milo Zoghlin De Jung	26 Starr Street Brooklyn, New York 11221	34
Luis Nunez	9330 Fort Hamilton Pkwy #3B Brooklyn, New York 11209	43



Stephen Caputo	1942 East 33rd Street Brooklyn, New York 11234	46
Keriann Connelly	43 Floyd Street Staten Island, New York 10310	49
Daniel Yurkins	439 Tarrytown Ave Staten Island, New York 10306	50
Isabella Kuang	32 Norwalk Ave Staten Island, New York 10314	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Lin Yong Luo	207 Madison Street #16 New York, New York 10002	1
Mai L. Sommerfield	10 Catherine Slip #16E New York, New York 10038	1
Yvette Pagan	82 Rutgers Slip #21D New York, New York 10002	1
Louise E. Dankberg	152 East 22nd Street #5D New York, New York 10010	2
Yelena Kogan	575 Grand Street #E1403 New York, New York 10002	2
Joanne M. Tarantino	50 Park Avenue #6H New York, New York 10016	4
Gladys Ward	1501 Lexington Avenue #6B New York, New York 10029	5
Denise Dees	750 Columbus Avenue #4V New York, New York 10025	7
Mayra A. Torres	46 Ft. Washington Avenue #63 New York, New York 10032	7
Lavinia D. Gibson	180 West 152nd Street #16 New York, New York 10039	9
Josh J. Neustein	3001 Arlington Avenue #1 Bronx, New York 10463	11
Cynthia Blandino	921 East 226th Street Bronx, New York 10466	11

Karen Murdaugh	1219 Adee Avenue #8E Bronx, New York 10469	12
Maria S. Pabon	100 Carver Loop #25F Bronx, New York 10475	12
Joel Purser	2275 Cruger Avenue #5A Bronx, New York 10467	13
Migdalia Rosas	1730-1740 Mulford Avenue #16F Bronx, New York 10461	13
Mildred I. Martinez	2081 Cruger Avenue #1F Bronx, New York 10462	13
Rosa L. Hernandez	1718 Matthews Avenue #2 Bronx, New York 10462	13
Alexander Opoku-Agyemang	1685 Selwyn Avenue #403 Bronx, New York 10457	15
Cecelia Stovall	2654 Bainbridge #2 Bronx, New York 10458	15
DeKeyia Ward	758 South Oak Drive #5 Bronx, New York 10467	15
Samantha Rodriguez	730 Oakland Place #12G Bronx, New York 10457	15
Arabella M. Poveriet	834 Cauldwell Avenue Bronx, New York 10456	15
Latoya Sampson	1712 Longfellow Avenue #3B Bronx, New York 10460	17
Avonelle Greene	233 Admiral Lane Bronx, New York 10473	18
Betty Gonzalez	2215 Gleason Avenue Bronx, New York 10462	18
Deidra Mellis	3-05 149th Place Whitestone, New York 11357	19
Jaime Bocanumenth	32-27 85th Street East Elmhurst, New York 11370	21
Christina H. Fiore	30-16 42nd Street #1L Astoria, New York 11103	22

Annette M. Hill	93-07 210th Place Queens Village, New York 11428	23
Boris Geker	259-10 62 Avenue Queens, New York 11362	23
Christine Diaz	139-15 83rd Avenue #538 Queens, New York 11435	24
Mara Ferizi	67-14 Parsons Blvd #3D Flushing, New York 11365	24
A.M. Ashfaquul S. Islam	84-07 57th Road #1K South Elmhurst, New York 11373	25
Doris Brown	166-01 Linden Blvd #8J Jamaica, New York 11434	27
Suzanne Wright-Jones	98-10 218th Street Queens Village, New York 11429	27
Joan Akers	134-19 166th Place #8C Queens, New York 11434	28
Thakoordai Persaud	107-12 123rd Street Queens, New York 11419	28
Sergey Shimon	110-24 69th Avenue Forest Hills, New York 11375	29
Christina Schiro	69-14 66th Place Glendale, New York 11385	30
Peter J. Labella	71-49 Metropolitan Avenue #6F Middle Village, New York 11379	30
Claudia Myrie	217-18 134th Road Queens, New York 11413	31
Felix Milan Jr.	147-21 Weller Lane Rosedale, New York 11422	31
Karron Franklin	144-26 182nd Place Queens, New York 11413	31
Melvin R. Johnson	130-16 236th Street Queens, New York 11422	31
Pauline Getz	12-46 Sage Street Queens, New York 11691	31
Wanda A. Clemons	130-67 224th Street Queens, New York 11413	31

Roxanna Mora	87-81 95th Street Woodhaven, New York 11421	32
Teresa I. Solis	84-06 Woodhaven Blvd #2 Woodhaven, New York 11421	32
Eva Silvia Nevado-Collado	61-69 Pierrepont Street #32 Brooklyn, New York 11201	33
Katherine Cruz	87 Seigel Street #1 Brooklyn, New York 11206	34
Valerie Butler	67 Manhattan Avenue #22T Brooklyn, New York 11206	34
Delia M. Hunley-Adossa	170 South Portland Avenue #2B Brooklyn, New York 11217	35
Karen Allen	237 Nassau Street #4C Brooklyn, New York 11201	35
Karen Campbell	260 Gates Avenue #2D Brooklyn, New York 11238	35
Lelia Frison	170 South Portland Avenue #3B Brooklyn, New York 11217	35
Gerald Davis Sr.	471 Willoughby Avenue Brooklyn, New York 11206	36
Jerry Melville	70 Patchen Avenue #4C Brooklyn, New York 11221	36
Shunya Togashi	753 Quincy Street #1 Brooklyn, New York 11221	36
Norma Hernandez	714 60th Street #3R Brooklyn, New York 11220	36
Veronica Nieves	370 54th Street #2 Brooklyn, New York 11220	38
Alexander E. Young	111 East 57th Street Brooklyn, New York 11203	41
Fadia Pierre	980 Putnam Avenue #3A Brooklyn, New York 11221	41
Barbara Friedman	400 Cozine Avenue #5A Brooklyn, New York 11207	42

Francis A. DeCoteau	705 Shephard Avenue Brooklyn, New York 11208	42
John Foster Jr.	250 Wortman Avenue #8F Brooklyn, New York 11207	42
Winston L. Hoppie	884 East 95th Street Brooklyn, New York 11236	42
Abraham Helfenbaum	7323 3rd Avenue Brooklyn, New York 11209	43
Madalene D. Potter	1218 76th Street Brooklyn, New York 11228	43
Roxann Vitelli-Martorano	1164 76th Street Brooklyn, New York 11228	43
Adam Scott Roth	152 Ridgcrest Ave Staten Island, New York 10312	44
Peter K. Chan	2142 76th Street #1 Brooklyn, New York 11214	44
Jean Herald Similien	3420 Avenue H #3C Brooklyn, New York 11210	45
Nicole Galluccio	2133 Gerritsen Avenue Brooklyn, New York 11229	46
Vanessa Smith	1454 East 88th Street #1 Brooklyn, New York 11236	46
Cathy C. Calandra	2062 East 14th Street Brooklyn, New York 11229	48
Margarita Mironov	2668 East 27th Street Brooklyn, New York 11235	48
Cherrell White	56 Bond Street Staten Island, New York 10302	49
Maritza Collazo-Velez	11 Continental Place Staten Island, New York 10303	49
Michelle Levine	1324 Forest Avenue #445 Staten Island, New York 10302	49
Sara L. Beden	165 St. Marks Place #3K Staten Island, New York 10301	49
Diane Petersen	12 Sheriden Avenue Staten Island, New York 10314	50

Elena Brady	72 Greeley Avenue Staten Island, New York 10306	50
Irina Gaston	50 Hamden Avenue Staten Island, New York 10306	50
Jordan Barbato	135 Home Place Staten Island, New York 10314	50
Lena Marinaro	90 Sand Lane Staten Island, New York 10305	50
Loretta R. Magrino	10 HarborView Place Staten Island, New York 10305	50
Ann Brancale-Lombardo	984 Stafford Avenue Staten Island, New York 10309	51
John Spano	362 Ilyssa Way Staten Island, New York 10312	51
Josephine Garcia	459 Manhattan Street Staten Island, New York 10307	51
Julia Zimmerman	35 Billings Street Staten Island, New York 10312	51
Kristen Maher	67 Forrestal Avenue Staten Island, New York 10312	51
Rose Wegenaar	3334 Amboy Road Staten Island, New York 10306	51
Sandra M. Walsh	22 Kathy Place #16 Staten Island, New York 10314	51

*(The following names are from the second of two letters submitted by the Office of the Clerk:)*

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Breanna Springer	45 E 131st Street #2E New York, New York 10037	9
T. Isaiah Walls	956 E 220th Street Bronx, New York 10467	12
Miriam Perez	1072 Elder Ave #5J Bronx, New York 10472	18
Michal Aronova	153-07 77th Road Queens, New York 11367	24
Faria Tasnim	87-77 169th Street #C7 Jamaica, New York 11432'	27
Danna Li	91-54 110th Street Richmond Hill, New York 11418	28
Kate Lopacki	96-04 156th Ave Howard Beach, New York 11414	32

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Karol Real	319 East 95th Street #11 New York, New York 10128	5
Ethlyn Marie Chan	653 Britton Street #A9 Bronx, New York 10467	12
Frances E. Elam	2141 Crotona Avenue #13H Bronx, New York 10457	15
Helen R. Aponte	999 East 163rd Street #5C Bronx, New York 10459	17
Sade Humphrey	758 East 168th Street #4D Bronx, New York 10456	17
Sarah J Shea	146-11 Booth Memorial Avenue Flushing, New York 11355	20
Vanda Azulai	199-04 Romeo Court Hollis, New York 11423	23

Beverly G. Perkins	104-28 196th Street St. Albans, New York 11412	27
Sonia M. Fernandez	481 Crown Street #A9 Brooklyn, New York 11225	35
Standish Benton	117 Saint James Place #1 Brooklyn, New York 11238	35
Consula J. Edwards	1800 Albemarle Road #9F Brooklyn, New York 11226	40
Giuseppina Tornabene-Colon	1764 59th Street Brooklyn, New York 11204	44
Anthony Crespo	8722 Bay Parkway Brooklyn, New York 11214	47
Lisa DeGratto	28 Bogota Street Staten Island, New York 10314	50

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



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

- |      |                                 |  |
|------|---------------------------------|--|
| (1)  | <b>Int 5-B -</b>                | Public information messaging on healthy eating.  |
| (2)  | <b>Int 1009-A -</b>             | Automated external defibrillators and trained personnel at all city pool facilities.   |
| (3)  | <b>Int 1042-A -</b>             | Distributing excess automated external defibrillators from youth baseball and softball to other sports.  |
| (4)  | <b>Int 1331-B -</b>             | New York city housing authority overtime and small procurement contracts.  |
| (5)  | <b>Int 1513-A -</b>             | Mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals.   |
| (6)  | <b>Int 1514-A -</b>             | Requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals.  |
| (7)  | <b>Int 1530-A -</b>             | Housing decisions made for transgender, gender nonconforming, and intersex individuals.  |
| (8)  | <b>Int 1535-A -</b>             | A task force to address policies related to the treatment of transgender, gender non-conforming, non-binary, and intersex individuals in the department of correction. |
| (9)  | <b>Int 1549 -</b>               | Renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly.                    |
| (10) | <b>Int 1619 -</b>               | Greenhouse gas emissions.  |
| (11) | <b>L.U. 410 &amp; Res 985 -</b> | App. C <b>190184 HAM (Haven Green)</b> Borough of Manhattan, Council District 1, Community District 2.   |

- (12) L.U. 419 & Res 982 - App. N 190036 ZRQ (**Court Square Block 3 Text Amendment**) Borough of Queens, Council District 26, Community District 2.
- (13) L.U. 420 & Res 986 - App. C 190113 ZMR (**Special Bay Street Corridor District**) Borough of Staten Island, Council District 49, Community District 1.
- (14) L.U. 421 & Res 987 - App. C 190114(A) ZRR (**Special Bay Street Corridor District**) Borough of Staten Island, Council District 49, Community District 1.
- (15) L.U. 422 & Res 988 - App. C 190115 PPR (**Special Bay Street Corridor District**) Borough of Staten Island, Council District 49, Community District 1.
- (16) L.U. 423 & Res 989 - App. C 190179(A) HAR (**Special Bay Street Corridor District**) Borough of Staten Island, Council District 49, Community District 1.
- (17) L.U. 424 & Res 990 - App. C 190207 ZMX (**Brook 156**) Borough of the Bronx, Council District 17, Community District 1.
- (18) L.U. 425 & Res 991 - App. C 190208 PPX (**Brook 156**) Borough of the Bronx, Council District 17, Community District 1.
- (19) L.U. 426 & Res 992 - App. C 190209 ZRX (**Brook 156**) Borough of the Bronx, Council District 17, Community District 1.
- (20) L.U. 427 & Res 993 - App. C 190210 ZSX (**Brook 156**) Borough of the Bronx, Council District 17, Community District 1.
- (21) L.U. 436 & Res 994 - App. C 180292 ZMK (**2 Howard Avenue Rezoning**) Borough of Brooklyn, Council District 41, Community District 3.
- (22) L.U. 437 & Res 995 - App. N 180293 ZRK (**2 Howard Avenue Rezoning**) Borough of Brooklyn, Council District 41, Community District 3.

- (23) L.U. 438 & Res 983 - App. **20195511 TCQ (American Brass)** Borough of Queens, Council District 26, Community District 2.
- (24) L.U. 463 & Res 984 - App. **20195713HAX (Brook 156)** Borough of the Bronx, Council District 17, Community District 1.
- (25) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

*Present but Voting (PNV) – Diaz.*

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items (Council Member Diaz is also considered Present but Voting for these individual votes below as well):**

The following was the vote recorded for **Int. No. 5-B:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

**Negative** – Borelli, Deutsch, Ulrich, Yeger and the Minority Leader (Council Member Matteo) – **5**.

The following was the vote recorded for **Int. No. 1331-B:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **Int. Nos. 1513-A, 1514-A, 1530-A, and 1535-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **Preconsidered Int. No. 1619**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **L.U. No. 410 & Res. No. 985**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**Abstention** – Espinal – **1**.

The following was the vote recorded for **L.U. No. 420 & Res. No. 986; L.U. No. 421 & Res. No. 987; L.U. No. 422 & Res. No. 988; and L.U. No. 423 & Res. No. 989**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**Negative** – Borelli and the Minority Leader (Council Member Matteo) – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 5-B, 1009-A, 1042-A, 1331-B, 1513-A, 1514-A, 1530-A, 1535-A, 1549, and Preconsidered Int. No. 1619.*

## 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. 864-A

**Report of the Committee on Environmental Protection in favor of approving, as amended, a Resolution declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate.**

The Committee on Environmental Protection, to which the annexed amended resolution was referred on May 8, 2019 (Minutes, page 1726), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Environmental Protection for Preconsidered Int. No. 1619 printed in the Reports of the Standing Committees section of these Minutes)**

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

**(The following is the text of Res. No. 864-A:)**

Res. No. 864-A

**Resolution declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate.**

By Council Members Kallos, Constantinides, Lander, Reynoso, Levin, Espinal, Koslowitz, Powers, Chin, Rosenthal, Barron and Rivera.

**Whereas**, On April 22, 2016, world leaders from 174 countries and the European Union recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep global warming well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C; and

**Whereas**, On October 8, 2018, the United Nations International Panel on Climate Change (“IPCC”) released a special report, which projected that limiting warming to the 1.5°C target this century will require an unprecedented transformation of every sector of the global economy over the next 12 years; and

**Whereas**, On November 23, 2018, the United States Fourth National Climate Assessment (“NCA4”) was released and details the massive threat that climate change poses to the American economy, our environment and climate stability, and underscores the need for immediate action to address a climate emergency at all levels of government; and

**Whereas**, According to the National Aeronautics and Space Administration (NASA)’s Goddard Institute for Space Studies (GISS), global temperatures in 2018 were .83°C (1.5°F) warmer than the 1951 to 1980 mean, and the past five years are collectively the warmest in modern history; and

**Whereas**, The increased and intensifying wildfires, floods, rising seas, diseases, droughts and extreme weather brought on by global warming demonstrates that the Earth is too hot to be a safe environment; and

**Whereas,** World Wildlife Fund's 2018 Living Planet report finds that there has been a 60% decline in global wildlife populations between 1970 and 2014, with causes including overfishing, pollution and climate change;

**Whereas,** According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, human activity has already severely altered 40% of the marine environment, 50% of inland waterways, and 75% of the planet's land, and it is projected that half-to-one million species are threatened with extinction, many within the next few decades; and

**Whereas,** The United States of America has disproportionately contributed to the climate emergency and has repeatedly obstructed global efforts to transition toward a green economy, and thus bears an extraordinary responsibility to rapidly address these existential threats; and

**Whereas,** Restoring a safe and stable climate requires accelerated actions to reach net zero greenhouse gas emissions across all sectors to end the 6th mass extinction of species, and to protect all people and species from the increasingly severe consequences of climate change; and

**Whereas,** A sweeping transition to clean energy systems that centers on equity and justice in their solutions is vital to our future and must include the following goals: dramatically expand existing renewable power sources and deploy new production capacity with the goal of meeting 100% of national power demand through renewable sources; build a national, energy-efficient, "smart" grid; upgrade every residential and industrial building for state-of-the-art energy efficiency, comfort and safety; eliminate greenhouse gas emissions from manufacturing, agricultural and other industries, including by investing in local-scale agriculture in communities across the country; repair and improve transportation and other infrastructure, and upgrade water infrastructure to ensure universal access to clean water; fund massive investment in the decrease of greenhouse gases; make "green" technology, industry, expertise, products and services a major export of the United States, with the aim of becoming the international leader in helping other countries become greenhouse gas neutral economies and bringing about a global transition from fossil fuels; and

**Whereas,** Marginalized populations in New York City and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, people with disabilities, and the unhoused are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase, oceans rise, and disasters worsen; and

**Whereas,** Addressing climate change fairly requires transitioning from fossil fuels to clean, renewable energy that is ecologically sustainable and equitable for all people, especially those most impacted by climate change already and those who will be most impacted in the future; and

**Whereas,** People around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education, healthcare, and shelter; and

**Whereas,** The economy must shift from dirty energy that benefits fossil fuel companies to energy democracy that benefits our people, environment and a clean, renewable energy economy, from funding new highways to expanding public transit, from incinerators and landfills to zero waste products, from industrial food systems to food sovereignty, from car-dependent sprawl and destructive unbridled growth to smart urban development without displacement, and from destructive over-development to habitat and ecosystem restoration; and

**Whereas,** Building a society that is resilient to the current, expected, and potential effects of climate change will protect health, lives, ecosystems, and economies, and such resilience efforts will have the greatest positive impact if the most dramatic potential consequences of climate change are taken into account; and

**Whereas,** Climate justice calls for climate resilience planning that addresses the specific experiences, vulnerabilities, and needs of marginalized communities within New York City, who must be included and supported in actively engaging in climate resilience planning, policy, and actions; and

**Whereas,** Actions to eliminate greenhouse gas emissions and/or decrease greenhouse gases may be taken in ways that also improve resilience to the effects of climate change, and vice versa; and

**Whereas,** Climate justice requires that frontline communities that have historically borne the brunt of the extractive fossil-fuel economy, participate actively in the planning and implementation of this mobilization effort to address climate change at all levels of government and that they benefit first from the transition to a renewable energy economy; and

**Whereas,** Nearly 400 cities, districts and counties across the world representing over 34 million people collectively have recently declared or officially acknowledged the existence of a global climate emergency, including Hoboken, San Francisco, Berkeley, Los Angeles, Montgomery County, Oakland, Richmond, and

Santa Cruz in the United States, Bristol and London in the United Kingdom and many cities in Australia, Canada, and Switzerland; and

**Whereas**, New York City, as the largest city in the United States, can act as a global leader by both converting to an ecologically, socially, and economically regenerative economy at emergency speed, and by organizing a transition to renewable energy and climate emergency mobilization effort; now, therefore, be it

**Resolved**, The City Council declares a climate emergency and calls for an immediate emergency mobilization to restore a safe climate.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER, ERIC A. ULRICH; Committee on Environmental Protection, April 23, 2018. *Other Council Members Attending: Council Member Deutsch.*

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

The following 2 Council Members formally noted their intention to vote negative against this item:  
Council Members Borelli and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to abstain from voting on this item:  
Council Member Yeger.

Note: Council Member Diaz is considered Present but Not Voting on this voice-vote Resolution item.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Res. No. 975

**Resolution in support of efforts by the Clear the Airwaves Project to require the Federal Communications Commission to uphold their regulations and to encourage and promote positive artists and music on radio stations, particularly WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1, who target youth audiences.**

By Council Member Barron.

**Whereas**, Music has consistently been a medium for people to communicate their experiences and explore their duality of culture; and

**Whereas**, Hip-Hop, Rhythm and Blues, Jazz, Funk and Neo-Soul music, among others, are genres of music that are of important cultural significance in New York City, and are widely listened to and appreciated by the residents of the City and throughout the world; and

**Whereas**, These genres of music, most notably Hip-Hop, have become the most consumed music in America by youths who can be very easily influenced by the significant and powerful messages contained in the lyrics; and

**Whereas**, Radio stations, such as WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1 have been the premiere hip-hop stations in New York City for many years; and

**Whereas**, Although Hip-Hop can inspire youth audiences, the genre has also been criticized for glorifying violence and misogyny in song lyrics; and

**Whereas**, Clear The Airwaves Project (CTAP) is an organization whose objective is to limit artists who use misogynistic, violent and destructive lyrics on radio stations, such as WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1, that target youth audiences; and

**Whereas**, CTAP, The National Black Leadership Alliance (NBLA) and The Central Brooklyn Leadership Council (CBL), with support from similar organizations throughout the United States, have organized protests in front of offensive radio stations, held public forums and conducted consumer-based letter writing campaigns to major commercial advertisers, including McDonald’s restaurants, in order to call attention to radio stations that promote content containing messages that are misogynistic and glorify violence to youths; and

**Whereas**, These organizations are advocating for radio stations, such as WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1, to broadcast Hip-Hop, Rhythm and Blues, Caribbean, Jazz and a wide variety of music that is produced by artists who convey inspiring messages that would leave a positive and empowering impression on youths of the City; and

**Whereas**, According to the Federal Communications Commission (FCC) website, airing obscene programming at any time is a violation of federal law, as well as broadcasting indecent or profane programming during certain hours; and

**Whereas**, The FCC is responsible for enforcing the law that governs these types of broadcasts and has the authority to issue penalties, revoke licenses and deny renewal applications, all while making sure that broadcasters’ First Amendment rights of free speech are protected; and

**Whereas**, CTAP, NBLA and CBL are also advocating for WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1 to adhere to FCC regulations that state that indecent and profane content cannot be programed between the hours of 6 a.m. and 10 p.m., and more importantly, obscene content be eliminated entirely; now, therefore, be it

**Resolved**, That the Council of the City of New York support the of efforts by the Clear the Airwaves Project to require the Federal Communications Commission to uphold their regulations and to encourage and promote positive artists and music on radio stations, particularly WQHT (97.1 FM “Hot 97”) and WWPR Power 105.1, who target youth audiences.

Referred to the Committee on Technology.



## Preconsidered Int. No. 1617

By Council Members Brannan and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to including the most recent data available in the citywide M/WBE disparity study**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph a of paragraph 4 of subdivision d of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(4) (a) No later than 2015, the commissioner, in consultation with the city chief procurement officer, shall, for each industry classification and each minority group, review and compare the availability rates of firms owned by minorities and women to the utilization rates of such firms in agency contracts and direct subcontracts, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. In making such revision, the commissioner shall *use the most recent data available* to consider the extent to which discrimination continues to have an impact on the ability of minorities and women to compete for city contracts and subcontracts. The commissioner shall submit the results of such review and any proposed revisions to the participation goals to the speaker of the council at least sixty days prior to publishing a proposed rule that would revise participation goals. Such review shall thereafter be conducted at least once every two years.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services and the city chief procurement officer may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Contracts (preconsidered but laid over by the Committee on Contracts).

## Int. No. 1618

By Council Members Constantinides, Koo, Brannan and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to report on its progress toward decreasing the presence of sewage and stormwater contaminants in the city waterways and various strategies to achieve those goals, and providing for the expiration and repeal of such requirement**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 *Studies of city sewage pollution. a. The commissioner of environmental protection shall annually complete a study on sewage and stormwater contaminants in the city's waterways, and shall prepare and file with the mayor and the council and post on the department's website a report disclosing the results of each such study, including but not necessarily limited to:*

*1. The current condition of the waterways of the city with respect to the presence of contaminants from combined sewage overflows, frequencies and volumes of discharges from each combined sewage overflow during the preceding year, and the proportional impact of discharges on environmental justice communities;*

*2. The progress made by the department of environmental protection toward reaching the milestones, projected reductions in combined sewage overflow volume and frequency, projected pollutant load reductions, and projected water quality improvements included in each combined sewer overflow long term control plan required under state or federal permits or enforcement orders; and*

3. For each waterway that is the subject of a combined sewage overflow long term control plan, the five sewage contaminants discharged from city outfalls that are the most frequent cause or contributor during the preceding year to violations of the water quality standards set forth in part 703 of title 6 of the New York codes, rules and regulations or the United States environmental protection agency's 2012 recreational water quality standards.

b. The commissioner shall complete each study and submit the report required by subdivision a by July 1 of each year.

c. The commissioner shall develop and file with the mayor and the council and post on the department's website, for each waterway that is the subject of a combined sewer overflow long term control plan, an integrated watershed management plan, following the guidelines in the United States environmental protection agency's 2008 Handbook for Developing Watershed Plans to Restore and Protect Our Waters. The objectives of each plan shall include, but need not be limited to, year-round compliance throughout each water body, including at all locations where people may come into contact with the water through recreational activities, with water quality standards no less stringent than the United States environmental protection agency's 2012 recreational water quality criteria, or the most recent update to such criteria. The department shall publish one integrated watershed plan for a waterway that is subject to a combined sewer overflow long term control plan but lacks an integrated watershed plan, on July 1 of each year, beginning July 1, 2020, until such plans are completed for each such waterway.

d. For the development of each plan required under subdivision c of this section, the commissioner shall convene an advisory group quarterly to receive an update on substantive findings and analysis and to provide advice. The advisory group shall be composed of no fewer than five members, including:

1. A representative appointed by the borough president of each respective borough adjoining the waterway that is the subject of the respective plan;

2. One member representing a New York city-based organization with at least five years of experience researching and advocating to address the differential effects of environmental degradation on economically disadvantaged communities;

3. Two members representing environmental organizations with at least five years of experience researching and advocating to address urban sewage pollution issues; and

4. One representative affiliated at a college or university with experience in water quality or hydrology.

d. The commissioner shall develop and file with the mayor and the council and post on its website, for each waterway that is the subject of a combined sewage overflow long term control plan, a report identifying all technically feasible opportunities to develop green infrastructure on public and private lands and structures within the sewersheds draining to each respective waterway, including projects that rely on public funding, private funding, or a combination thereof, and the potential for green infrastructure assets to maximize health, quality of life, and economic benefits to environmental justice communities. For the purposes of this paragraph, the term "green infrastructure" refers to methods to divert stormwater away from the sewer system and direct it to areas where it can be infiltrated, evapotranspired, reused, or detained, including, but not limited to, green roofs, trees and tree boxes, blue roofs, permeable pavement, rain barrels and cisterns, rain gardens, vegetated swales, wetlands, infiltration planters, and vegetated sidewalk swales and median strips. The department shall publish a report for a waterway that is subject to a combined sewage overflow long term control plan but lacks a report on such technically feasible opportunities for green infrastructure, on July 1 of each year, beginning July 1, 2020, until such reports are completed for each such waterway.

f. The commissioner shall complete a study evaluating the effectiveness of its current regulations for reducing the volume and rate of stormwater discharge from developed land and establishing a method to be used by the department to track the combined sewage overflow and stormwater pollution reductions achieved by implementing such standards. The commissioner shall submit such study to the mayor and the council and shall post on the department's website a report and recommendations for adopting on-site stormwater retention standards for new development and redevelopment projects in the combined sewage areas and separate sewage areas of the city and for tracking the combined sewage overflow and stormwater pollution reductions that would be achieved by implementing such new standards. The commissioner shall complete the study and submit the report and recommendations by July 1, 2021.

*g. The commissioner shall complete a study on chlorination treatments for raw sewage and develop and submit to the mayor and the council and post on the department's website a report evaluating, for each location in the city where a combined sewer overflow long term control plan includes chlorination:*

- 1. Anticipated designs for chlorination methods and types and levels of chemicals;*
- 2. The effectiveness of such designs at treating or neutralizing pathogens and other pollutants; and*
- 3. Potential adverse impacts of the use and discharges of chlorination chemicals and chlorination chemical byproducts and the extent to which anticipated designs will be able to avoid adverse impacts.*

*h. The report required by subdivision g shall consider the experiences of other wastewater treatment utilities with chlorination treatments for combined sewer overflows. The commissioner shall complete the study and submit the report by July 1, 2020.*

*i. The commissioner shall:*

*1. Publish a draft of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, on the department's website 90 days before finalization;*

*2. Hold a public meeting to present the draft report and answer questions from the public; and*

*3. Allow the public to submit comments on such draft report for 45 days.*

*j. As part of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, the commissioner shall:*

*1. Include an assessment of public comments, including a copy of all such comments and summary of any unwritten comments offered at the meetings of any relevant advisory group or any relevant public meeting;*

*2. A summary and an analysis of the issues raised in such comments;*

*3. Responses to any questions included in such comments;*

*4. A statement of the reasons why any significant modifications recommended in such comments were not incorporated into the report; and*

*5. A description of any changes made to the report as a result of such comments.*

§ 2. This local law takes effect immediately and remains in effect until 2 years after the completion of the department of environmental protection's combined sewer overflow long term control plan projects or February 1, 2050, whichever is later, at which time it shall expire and be deemed repealed.

Referred to the Committee on Environmental Protection.

Preconsidered Int. No. 1619

By Council Members Constantinides and Kallos.

**A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to greenhouse gas emissions**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 8, 9 and 10 of subdivision a of section 651 of the New York city charter, as added by local law number 97 for the year 2019, are amended to read as follows:

8. Reviewing applications for alternative methods of compliance with building emissions limits, including adjustments of emissions limits, deductions for the purchase of greenhouse gas offsets or renewable energy credits, deductions for the use of distributed energy resources, and adjustments for special categories of buildings or for special use and occupancies; *and*

9. Working in close coordination with the mayor's office of long-term planning and sustainability; receiving advice and recommendations, as applicable, from the advisory board established pursuant to section 28-320.2 of the administrative code[; and].

[10. Ensuring the participation and cooperation of agencies] *b. Agencies, including but not limited to the department of environmental protection, the department of housing preservation and development and the department of citywide administrative services shall cooperate with the office as requested by the director. Such participation and cooperation [shall] may include[, but not be limited to,] detailing agency staff to assist office*

staff consistent with agency and office functions and reporting to the office on building energy performance issues and related enforcement efforts. *Agencies shall provide information necessary to support building energy performance enforcement efforts consistent with applicable law.*

§ 2. Paragraph (1) of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law number 97 for the year 2019, is amended to read as follows:

(1) Reduction of emissions from city government operations. There shall be, at minimum, a 40 percent reduction in city government emissions by fiscal year 2025, and a 50 percent reduction in city government emissions by [calendar] *fiscal* year 2030, relative to such emissions for the base year for city government emissions.

§ 3. Section 28-320.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to add a new definition of “capacity resource” in alphabetical order, and to amend the definitions of “city building,” “clean distributed energy resource,” “covered building,” “distributed energy resource,” “financial hardship (of a building)” and “rent regulation accommodation” to read as follows:

**CAPACITY RESOURCE.** *The term “capacity resource” means a facility that has the capability to generate and transmit electrical power and sell capacity (i) by bilateral contracts, (ii) in the wholesale capacity market, or (iii) by indirect sales of capacity in the wholesale market in accordance with the schedules of rates and charges of a utility in effect pursuant to section 66 of the public service law.*

**CITY BUILDING.** *The term “city building” means a building that is owned by the city or for which the city regularly pays all of the annual energy bills, or a cultural institution that is in the Cultural Institutions Group as determined by the department of cultural affairs for which the city regularly pays all or part of the annual energy bills.*

**Exception:** The term “city building” shall not include any senior college in the city university of New York system.

**CLEAN DISTRIBUTED ENERGY RESOURCE.** *The term “clean distributed energy resource” means a distributed energy resource that (i) uses any of the following sources to generate electricity: hydropower, solar photovoltaics, geothermal wells or loops, tidal action, waves or water currents, [and] or wind; or (ii) is designed and operated to store energy, including[,] but not limited to[,] batteries, thermal systems, mechanical systems, compressed air, and superconducting equipment.*

**COVERED BUILDING.** *The term “covered building” means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet (2322.5 m<sup>2</sup>) or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>).*

**Exceptions:**

1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than [two dwelling units] 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.
3. A city building.
4. A housing development or building on land owned by the New York city housing authority.

5. A rent regulated accommodation.
6. [The real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship] *A building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship.*
7. Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.
8. *A building that participates in a project-based federal housing program.*

**DISTRIBUTED ENERGY RESOURCE.** The term “[a] distributed energy resource” means a resource comprised of one or multiple units capable of generating or storing electricity, all at a single location that is directly or indirectly connected to an electric utility *transmission and* distribution system. The resource may serve all or part of the electric load of one or more customers at the same location, and it may simultaneously or alternatively transmit all or part of the electricity it generates or stores onto the electric *transmission and* distribution system for sale to or use by other customers at other locations.

**FINANCIAL HARDSHIP (OF A BUILDING).** The term “financial hardship (of a building)” means a building [shall be considered to be subject to financial hardship where,] *that* for the combined two years prior to the application for an adjustment to annual building emissions limit pursuant to section 28-320.7[, the building]:

1. Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;
2. [Is] *Had been* exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or
3. Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.

**RENT REGULATED ACCOMMODATION.** The term “rent regulated accommodation” means a building [(i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii)] containing one or more dwelling units required by law *or by an agreement with a governmental entity* to be [registered and] regulated [pursuant to] *in accordance with* the emergency tenant protection act of 1974, [or] the rent stabilization law of 1969, [(iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code] *or the local emergency housing rent control act of 1962.*

§ 4. Section 28-320.2 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.2 Advisory board.** There shall be an advisory board convened[, ] by the office of building energy and emissions performance upon the effective date of this article, in January of 2029 and in January of 2039, to provide advice and recommendations to the commissioner and to the mayor’s office of long term planning and

sustainability relating to effectively reducing greenhouse gas emissions from buildings. Such recommendations shall include, but not be limited to:

1. A report and recommendations to be delivered to the mayor and the speaker of the city council no later than January 1, 2023 for additional or improved approaches to assessing building energy performance. Such report shall include, but not be limited to:
  - 1.1. An approach for buildings to submit energy use or greenhouse gas emissions and other information for the purpose of assessing energy performance of covered buildings;
  - 1.2. A methodology that includes the metric of measure, adjustments to the metric, the approach to comparing the output to a benchmark, alternative compliance paths, credit for beneficial electrification and distributed energy resources, and an approach for a trading mechanism as described in section 28-320.11;
  - 1.3. Recommendations for addressing tenant-controlled energy usage;
  - 1.4. Recommendations for amendments to the audit required under section 28-308.2 of the administrative code, including consideration of whether such audit should be replaced by a capital plan;
  - 1.5. Recommendations for reducing building emissions from rent regulated accommodations;
  - 1.6. Recommendations for allowing additional time to comply with the emissions limits for buildings converting to a new occupancy group or use with lower emissions limits or some other change in status that would affect applicability of the provisions of this article;
  - 1.7. An evaluation of the extent to which the mayor's 80x50 energy infrastructure pathways study is incorporated and addressed within the recommendations made pursuant to items 1.1 through 1.6 of this section; and
  - 1.8. A reference guide to delineate the responsibilities of the building designer and owners to comply with emissions limits.
2. A report to be delivered to the mayor and the speaker of the city council no later than January 1, 2023, providing an analysis of, and any recommendations for improving, energy and emissions performance requirements for covered buildings. Such recommendations shall be targeted to achieve at least a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030 relative to such emissions for the calendar year 2005. Such report shall include, but not be limited to, assessments of:
  - 2.1. Incentives for reduction of peak energy demand;
  - 2.2. Methods to allow for staggered reporting cycles for compliance with energy and emissions performance improvements;
  - 2.3. Methods for calculating penalties for non-compliance;
  - 2.4. Estimated emissions reductions associated with any recommended energy performance requirements;

- 2.5. The economic impact, including benefits, of achieving the energy and emissions performance requirements;
- 2.6. Methods for achieving earlier or larger reductions from [city-owned] *city* buildings;
- 2.7. Separate improvement targets for base building energy systems and tenant-controlled energysystems;
- 2.8. Methods for achieving emissions reductions from manufacturing and industrial processes; and
- 2.9. Methods for achieving emissions reductions from hospitals while maintaining critical care for human health and safety.

§ 5. Section 28-320.2.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.2.1 Advisory board composition.** Such advisory board shall be staffed with registered design professionals and be composed of [16] *19* members [including] *as follows*: the chairperson, [8 of the] *the* speaker of the council or the speaker's designee, *the mayor or the mayor's designee*, *eight* members [of such advisory board shall be] appointed by the mayor [or the mayor's designee, and 8 of the members of such advisory board shall be], *and eight members* appointed by the speaker of the council. The mayor shall appoint one architect, one [operating] engineer, one building owner or manager, one public utility industry representative, one environmental justice representative, one business sector representative, one residential tenant representative, and one environmental advocacy organization representative. The speaker shall appoint one architect, one stationary engineer, one construction trades representative, one green energy industry representative, one residential tenant representative, one environmental justice organization representative, one environmental advocacy representative and one not for profit organization representative. The director of such office, or the designee of such director, shall serve as chairperson of the advisory board. The advisory board may convene in working groups. Such working groups may include individuals not on such advisory board to address the recommendations required by this article. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate, including but not limited to[,] the New York state energy research and development authority. Such advisory board shall convene a working group on hospitals that shall be composed of engineers, architects, and hospital industry representatives.

§ 6. Section 28-320.3.1.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years 2024 through 2029.** The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years 2024 through 2029:

1. Utility electricity consumed on the premises of a covered building that is delivered to the building via the electric grid shall be calculated as generating 0.000288962 tCO<sub>2</sub>e per kilowatt hour[, provided, however, that the] *or, at the owner's option, shall be calculated based on time of use in accordance with referenced emissions factors promulgated by rules of the department.* The department, in consultation with the office of long term planning and sustainability, shall promulgate rules governing the calculation of greenhouse gas emissions for campus-style electric systems that share on-site generation but make use of the utility distribution system and for buildings that are not connected to the utility distribution system.

2. Natural gas combusted on the premises of a covered building shall be calculated as generating 0.00005311 tCO<sub>2</sub>e per kbtu.
3. #2 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007421 tCO<sub>2</sub>e per kbtu.
4. #4 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007529 tCO<sub>2</sub>e per kbtu.
5. District steam consumed on the premises of a covered building shall be calculated as generating 0.00004493tCO<sub>2</sub>e per kbtu.
6. *The amount of greenhouse gas emissions attributable to natural gas powered fuel cells shall be credited compared to a marginal emissions factor that will be determined by the commissioner and promulgated into rules of the department.*
7. The amount of greenhouse gas emissions attributable to other energy sources, including but not limited to distributed energy resources, shall be determined by the commissioner and promulgated into rules of the department.

§ 7. The first undesignated paragraph and item 6 of section 28-320.3.2 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

For calendar years 2030 through 2034 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, *including a different metric or method of calculation*, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.

6. For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 or I-3: multiply the building emissions intensity limit of [0.01193] 0.01330 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);

§ 8. Section 28-320.3.2.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034.** For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficient, the commissioner shall consider factors, including[,] but not limited to[,] the best available



New York state energy research and development authority and State Energy Plan forecasts for Zone J for the end of the compliance period and beneficial electrification.

§ 9. Section 28-320.3.6 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.6 Deductions from reported annual building emissions.** The department may authorize a deduction from the annual building emissions required to be reported by an owner pursuant to section 28-320.3 where the owner demonstrates the purchase of greenhouse gas offsets or renewable energy credits, or the use of clean distributed energy resources, in accordance with this section. *For such sections that limit the dates of applicability of such deductions, the department shall promulgate rules to extend such deductions for each future compliance date.*

§ 10. Section 28-320.6.1 as labeled “Deductions from reported annual building emissions for renewable energy credits” of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ [28-320.6.1] 28-320.3.6.1 Deductions from reported annual building emissions for renewable energy credits.** A deduction from the reported annual building emissions shall be authorized equal to the number of renewable energy credits purchased by or on behalf of a building owner, provided (i) the renewable energy resource that is the source of the renewable energy credits is considered by the New York independent system operator to be a capacity resource located in, or *whose output* directly [deliverable] *sinks* into, *the* zone J load zone for the reporting calendar year; (ii) the renewable energy credits are solely owned and retired by, or on behalf of, the building owner; (iii) the renewable energy credits are from the same year as the reporting year; and (iv) the building that hosts the system producing the energy does not receive a deduction under [§ 28-320.6.3] *section 28-320.3.6.3*. Covered buildings claiming deductions for renewable energy credits under this section must provide the department with the geographic location of the renewable energy resource that created the renewable energy credits. The department, in consultation with the mayor’s office of long term planning and sustainability, shall promulgate rules to implement this deduction.

§ 11. Sections 28-320.3.6.2 and 28-320.3.6.3 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

**§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets.** For calendar years 2024 through 2029, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules *pursuant to this section*, the department shall consult the advisory board on environmental justice as established [in local law 64 of 2017] *by section 3-1006 of the administrative code*.

**§ 28-320.3.6.3 Deductions from reported annual building emissions for clean distributed energy resources.** [For calendar years 2024 through 2029, a] A deduction from the reported annual building

emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at[, on, in, or directly connected to] the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:

1. For a clean distributed energy resource that generates electricity, the department shall establish separate calculations for each type of commercially available clean distributed energy resource, which shall not be revised more frequently than once every three years.
2. For a clean distributed energy resource that stores electricity, the deduction shall be based on the size of the resource and its ability to reduce greenhouse gas emissions during designated peak periods.

§ 12. Section 28-320.3.9 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.9 Extension for certain income-restricted housing.** This section is applicable to covered buildings [that]:

1. *That* are owned by a limited-profit housing company organized under article 2 of the private housing finance law, [or] *and*
2. *That* contain one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant thereof as a condition of a loan, grant, tax exemption, *tax abatement*, or conveyance of property from any state or local governmental agency or instrumentality pursuant to the private housing finance law, the general municipal law, or section 420-c of the real property tax law.

Such *covered* buildings are exempted from the annual building emissions limits set forth in section 28-320.3.1 and 28-320.3.2 and from any applicable reporting requirements. *Commencing January 1, 2035, such covered buildings shall be subject to the annual building emissions limits established pursuant to sections 28-320.3.4 and 28-320.3.5 and any applicable reporting requirements.*

§ 13. Section 28-320.6.1 as labeled “Determination of penalty” of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.6.1 Determination of penalty.** In considering the amount of the civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to aggravating or mitigating factors including:

1. The respondent’s good faith efforts to comply with the requirements of this article, including investments in energy efficiency and greenhouse gas emissions reductions before the effective date of this article;
2. The respondent’s history of compliance with this article;
3. The respondent’s compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;
4. Whether the non-compliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;

5. The respondent's access to financial resources, *where the court or administrative tribunal may consider the financial hardship of a building owned by such respondent as evidence of such respondent's access to such financial resources*; and
6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety[ ].

§ 14. Items 1 and 2 of section 28-320.7 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

1. Such an adjustment may be granted upon a specific determination that *all of the following conditions in items 1.1 through 1.3 are met*:
  - 1.1. Capital improvements are necessary for strict compliance with the limit set forth in section 28-320.3 and it is not reasonably possible to make such improvements due to (i) a constraint imposed by another provision of law, including but not limited to designation as a landmark, landmark site, interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code, or (ii) a physical condition of the building or building site, including but not limited to lack of access to energy infrastructure, space constraints, or lack of access to a space within a building covered by a lease in existence on the effective date of this section;
  - 1.2. The owner has made a good faith effort to purchase greenhouse gas offsets to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and
  - 1.3. The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.
2. Such an adjustment may be granted upon a specific determination that *all of the following conditions in items 2.1 through 2.4 are met*:
  - 2.1. The cost of financing capital improvements necessary for strict compliance with the limit set forth in section 28-320.3 would prevent the owner of a building from earning a reasonable financial return on the use of such building or the building is subject to financial hardship as defined in this article. In evaluating the ability of an owner to earn a reasonable financial return, the department may consider future savings expected from such capital improvements;
  - 2.2. The owner is not eligible for any program funded by the city or enabled by a local law that provides financing for the purpose of energy reduction or sustainability measures. Proof of ineligibility for financing must be demonstrated by rejection from any such program funded by the city or enabled by a local law or an affidavit explanation why such owner could not reasonably participate in such programs;
  - 2.3. The owner has made a good faith effort to purchase greenhouse gas offsets or renewable energy credits to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and
  - 2.4. The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.

§ 15. Section 28-320.8 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years 2024-2029.** The department may grant an adjustment of the annual building emissions limit for calendar years 2024 through 2029 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where *all of the following conditions in items 1 through 3 are met:*

1. The owner of [a] *the* covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;
2. The owner of [a] *the* covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and
3. The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years 2030 through 2034, as required by section 28-320.3.2.

§ 16. Section 28-320.9 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.** The department shall grant an adjustment of the annual building emissions limits for calendar years 2024-2029 and 2030-34 where *all of the following conditions in items 1 and 2 are met:*

1. The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and
2. By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.

§ 17. The definition of “covered building” in section 28-321.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended, and a new definition of “rent regulated accommodation” is added to such section, to read as follows:

**COVERED BUILDING.** The term “covered building” means a building [(i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code, (v) real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public] *that is (i) a rent regulated accommodation, (ii) a building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship, (iii) owned by a housing development fund company organized pursuant to the business corporation law and article 11 of the private housing finance law, or (iv) a building that participates in a*

*project-based federal housing program* and, as it appears in the records of the department of finance, *such building* (i) [a building that] exceeds 25,000 (2322.5 m<sup>2</sup>) gross square feet, or (ii) *is one of two or more buildings on the same tax lot that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>)*, or (iii) *is one of two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>)*.

**Exceptions:**

1. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than [two dwelling units] 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.
2. An industrial facility primarily used for the generation of electric power or steam.
- [3. A covered building as defined in article 320.]

**RENT REGULATED ACCOMMODATION.** *The term “rent regulated accommodation” means a building containing one or more dwelling units required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.*

§ 18. Section 28-321.4 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

[§ 28-321.4 **Penalties.** Penalties that may be assessed for violations of section 28-321.2 shall be determined by department rule.]

§ 19. Article 320 and sections 28-320.1 through 28-320.4, as added by local law number 98 for the year 2019, are renumbered as article 322 and sections 28-322.1 through 28.322.4, respectively.

§ 20. This local law takes effect on the same date local law number 97 for the year 2019, takes effect; except that section nineteen of this local law takes effect on the same date local law number 98 for the year 2019, takes effect.

Referred to the Committee on Environmental Protection.

Int. No. 1620

By Council Members Constantinides, Brannan, Koo and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive five borough plan to protect the entire shoreline from climate change, sea level rise and sunny day flooding**

*Be it enacted by the Council as follows:*

Section 1. Chapter 24 of the New York city administrative code is amended by adding a new section 24-808 to read as follows:

§ 24-808 *Comprehensive plan for the entire shoreline.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

*Hard and soft stabilization methods.* The term “hard and soft stabilization methods” means rip rap, groins, breakwaters, levees, floodwalls, marshes, erosion control, beach nourishment and restoration, non-structural living shoreline options, and any similar stabilization methods.

*Structural and non-structural risk reduction approaches.* The term “structural and non-structural risk reduction approaches” means strategic relocation programs removing structures from floodplains, wetlands preservation and restoration, densification on high ground, and any similar concepts.

b. No later than January 1, 2021, and every ten years thereafter, the office of long-term planning and sustainability, or such other agency or office as the mayor shall designate, shall develop a comprehensive five borough plan to protect the entire shoreline of New York city, consisting of all areas of the city within the special flood hazard area of the flood insurance rate map as described in subsection (e) of section 4101 of the United States code. Such plan shall consider both hard and soft stabilizations methods and structural and non-structural risk reduction approaches. Such plan shall not conflict with any proposals developed by the United States army corps of engineers as part of the New York and New Jersey Harbor and Tributaries Focus Area Feasibility Study.

b. Each shoreline community district, in which a portion of such community district is located within a special flood hazard area of the flood insurance rate map as described in subsection (e) of section 4101 of the United States code, shall be evaluated for climate change resiliency and adaptation measures. For each such community district, hard and soft stabilization methods shall be evaluated for their effectiveness in protecting residential buildings not more than three stories in height located within the special flood hazard area within such community district, and implemented where appropriate. For each such community district, structural and non-structural risk reduction approaches shall be evaluated, and implemented where appropriate.

c. Such comprehensive plan shall include long-term strategies to address climate change, sea level rise and sunny day flooding.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Resiliency and Waterfronts.

Int. No. 1621

By Council Members Dromm, Kallos, Richards, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Constantinides, Miller, Perkins, Rose, Treyger, Espinal and Ayala.

**A Local Law in relation to create a nuclear disarmament and nuclear weapons-free zone advisory committee**

*Be it enacted by the Council as follows:*

Section 1. Advisory committee on nuclear disarmament and a nuclear weapons-free zone. a. There shall be an advisory committee to examine nuclear disarmament and issues related to recognizing and reaffirming New York city as a nuclear weapons-free zone.

b. The advisory committee shall consist of the following members:

1. The commissioner of the mayor’s office on international affairs or such commissioner’s designee, who shall serve as chair of the advisory committee; and

2. Six members, of which 3 such members shall be appointed by the speaker of the council and 3 such members shall be appointed by the mayor, provided that each member shall have demonstrated understanding and experience of nuclear disarmament policy, advocacy or activism.

c. The advisory committee shall conduct a comprehensive review of New York city’s current stance on nuclear weapons and the process for recognizing and reaffirming the city as a nuclear weapons free zone, in

consultation with a diverse group of individuals, including but not limited to victims of nuclear weapons and academic institutions. The advisory committee shall also:

1. Establish a working definition for how a nuclear weapons-free zone might be defined in New York city;
  2. Recommend mechanisms for encouraging and increasing community input with regard to education related to the nuclear weapons-free zone;
  3. Recommend or host discussions, public programs and other educational initiatives related to nuclear disarmament and the catastrophic humanitarian and environmental consequences of nuclear weapons production, testing, use and deployment; and
  4. Where applicable, provide a summary of all related activities and any relevant updates for the previous 12 months of advisory committee activities.
- d. The advisory committee shall meet no less than 4 times per year.
- e. No later than 1 year after the effective date of this local law, and annually thereafter, the advisory committee shall submit to the mayor and the speaker of the council and post online a report that contains its findings and conclusions and any recommendations for policy or legislation.
- f. The advisory committee shall dissolve upon submission of the fifth report required by subdivision e of this section.
- § 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 976

**Resolution calling on the New York City Comptroller to instruct the pension funds of public employees in New York City to divest from and avoid any financial exposure to companies involved in the production and maintenance of nuclear weapons, reaffirming New York City as a Nuclear Weapons Free Zone, and joining the ICAN Cities Appeal and calling on the United States to support and join the Treaty on the Prohibition of Nuclear Weapons.**

By Council Members Dromm, Rosenthal, Kallos, Cumbo, Richards, Rivera, Chin, Gibson, Cornegy, Brannan, Reynoso, Louis, Rodriguez, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Constantinides, Miller, Perkins, Rose, Treyger, Espinal and Ayala.

**Whereas**, Catastrophic humanitarian and environmental consequences would result from any nuclear detonation in New York City and could not be adequately addressed; eliminating nuclear weapons remains the only way to guarantee that nuclear weapons are never used again under any circumstances; and

**Whereas**, The suffering of and harm caused to the victims of the use of nuclear weapons (*hibakusha*), as well as of those affected by the testing of nuclear weapons, is unacceptable; and

**Whereas**, New York City has a special responsibility, as a site of Manhattan Project activities and a nexus for financing of nuclear weapons, to express solidarity with all victims and communities harmed by nuclear weapons use, testing and related activities; and

**Whereas**, On July 7, 2017, 122 countries voted in favor of adopting the United Nations Treaty on the Prohibition of Nuclear Weapons, which is a legally binding multilateral Treaty among the States Parties to the document, advanced by the International Campaign to Abolish Nuclear Weapons (ICAN), which was subsequently awarded the Nobel Peace Prize in December 2017 for this work; and

**Whereas**, The Treaty will enter into force once it has been ratified by 50 countries, and ICAN has established the Cities Appeal commitment to mobilize local governments to support the Treaty and to call on their national government to join and support the Treaty, with Washington, DC, Los Angeles, Berlin, Sydney, Paris, and Toronto among the major cities who have joined; and

**Whereas**, The Treaty prohibits the development, testing, production, manufacture, acquisition, possession, stockpiling, stationing, transfer, use and threat of use of nuclear weapons among the member nations of the Treaty, as well as assisting, encouraging or inducing, in any way, anyone to engage in any such activity, with the eventual goal of total elimination of nuclear weapons; further, the Treaty obligates assistance to victims of

nuclear weapons use and testing, remediation of contaminated environments and international cooperation and assistance to affected nations; and

**Whereas,** According to the 2018 report compiled by Don't Bank on the Bomb, 329 financial institutions around the world including Goldman Sachs, Bank of America, and JP Morgan Chase among others have invested through financing, manufacturing or production of nuclear weapons with BlackRock and Capital Group, the highest contributors among United States based financial institutions, with their investments totaling \$38 billion and \$36 billion respectively; and

**Whereas,** The pension system for the City of New York retirees has significant investments in these financial institutions and other companies involved in producing key components for and maintaining nuclear weapons through equity holdings, bond holdings, and other assets, according to the annual report issued by the New York City Employees' Retirement System; and

**Whereas,** New York City has a demonstrated history of opposing nuclear weapons, including when one million people demonstrated on the streets and in Central Park for nuclear disarmament and an end to the Cold War arms race on June 12, 1982; and

**Whereas,** On April 26, 1983, the New York City Council adopted Resolution 364 declaring the City a Nuclear Weapons Free Zone; and

**Whereas,** Seventy-four years after the nuclear bombings of Nagasaki and Hiroshima, which killed more than 200,000 people in 1945, and exposed hundreds of thousands of people in subsequent decades to radiation exposure resulting from nuclear weapons tests and related activities, the United States continues to have policies and procedures in place to facilitate the manufacturing, possession and use of nuclear weapons; and

**Whereas,** Despite efforts towards disarmament in the last several decades, the global nuclear stockpile consists of approximately 14,000 warheads, more than 13,000 of which are owned by the United States and Russia; and

**Whereas,** On April 16, 2018, Council Member Daniel Dromm and 27 co-signers in the New York City Council sent a letter to New York City Comptroller Scott Stringer requesting that pension funds and finances be divested from banks, corporations and financial institutions that profit from the production of nuclear weapons in similar fashion to the City's divestment from coal and oil investments; now, therefore, be it

**Resolved,** The Council of the City of New York calls upon the New York City Comptroller to instruct the pension funds of public employees in New York City to divest from and avoid any financial exposure to companies involved in the production and maintenance of nuclear weapons, reaffirms New York City as a Nuclear Weapons Free Zone and joins the ICAN Cities Appeal, which welcomes the adoption of and calls on the United States to support and join the Treaty on the Prohibition of Nuclear Weapons.

Referred to the Committee on Civil Service and Labor.

Int. No. 1622

By Council Member Espinal (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to remedying fraudulent, deceptive and unconscionable business practices**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 20-701 of the administrative code of the city of New York is amended to read as follows:

§ 20-701 Definitions. a. Deceptive trade practice. Any false, falsely disparaging, or misleading oral [or], written, *digital, or electronic* statement, visual description or other representation *or omission* of any kind made in connection with the sale, lease, rental, or loan or in connection with the offering for sale, lease, rental, or loan of consumer goods or services, or in the extension of consumer credit or in the collection of consumer debts, which has the capacity, tendency or effect of *directly or indirectly* deceiving or misleading consumers. Deceptive



trade practices include but are not limited to: (1) representations that goods or services have sponsorship, approval, *certification*, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have; the supplier has a sponsorship, approval, status, affiliation, or connection that he or she does not have; goods are original or new if they are deteriorated, altered, *damaged*, reconditioned, reclaimed, or secondhand; or, goods or services are of a particular standard, quality, grade, style, or model, if they are of another; (2) the use, in any [oral or written] representation, of exaggeration, innuendo, or ambiguity as to a material fact, or the failure to state a material fact, if such use of, *or failure to state, a material fact* deceives or tends to deceive; (3) disparaging the goods, services, or business of another by false or misleading representations *or omissions* of material facts; (4) offering goods or services with intent not to sell them as offered, *including by failing to disclose clearly and conspicuously all material exclusions, reservations, limitations, modifications, or conditions on such offer*; (5) offering goods or services with intent not to supply reasonable expectable public demand, unless the offer discloses [to] a limitation of quantity; [and] (6) making false or misleading representations of fact, *or omitting material facts*, concerning the reasons for, existence of, or amounts of price reductions, or price in comparison to prices of competitors or one's own price at a past or future time; (7) stating that a consumer transaction involves consumer rights, remedies, or obligations that it does not involve; (8) *falsely* stating that services, replacements or repairs are *or are not* needed [if they are not]; [and] (9) falsely stating the reasons for offering or supplying goods or services at scale discount prices; *and (10) failing to provide a complete and accurate translation of all documents related to a consumer transaction in a language other than English, if such consumer transaction was primarily negotiated in such language.*

§ 2. Section 20-703 of the administrative code of the city of New York is amended to read as follows:

§ 20-703 Enforcement. a. The violation of any provision of this subchapter or of any rule [or regulation] promulgated thereunder[,] shall be punishable [upon proof thereof,] by [the payment of] a civil penalty [in the sum] of [fifty dollars to three hundred and fifty dollars, to be recovered in a civil action] *not less than \$350 nor more than \$2,500.*

*b. Each individual representation or omission described in subdivision a of section 20-701 in a single communication constitutes a distinct and independent violation.*

*c. Each day on which an individual representation or omission described in subdivision b is distributed, broadcast, posted, published, or otherwise exposed to the public shall give rise to a single separate violation; provided, however, that (1) if the department produces evidence sufficient to show that a representation or omission was distributed, broadcast, posted, published, or otherwise exposed to the public on more than one occasion in a single day, each such exposure constitutes a separate violation or (2) if the department produces evidence sufficient to show the number of consumers reached by a representation or omission, there shall be a separate violation for each individual consumer reached by such representation or omission.*

[b.] *d. The knowing violation, or the third violation within a three-year period, provided that such violations were set forth in separate guilty pleas, decisions, or settlement agreements, of any provision of this subchapter or of any rule [or regulation] promulgated thereunder[,] shall be punishable [upon conviction thereof, by]:*

*1. [the payment of] by a civil penalty [in the sum] of [five hundred dollars, or as a violation for which a fine in the sum of five hundred dollars shall be imposed, or both] \$3,500; or*

*2. as a violation for which a fine of \$3,500 shall be imposed; or*

*3. both by a civil penalty and as a violation with a fine as provided in paragraphs 1 and 2 of this subdivision.*

*e. Whenever any person has engaged in any act or practice which constitutes a violation of any provision of this subchapter or of any rule promulgated thereunder, the city may make application to the supreme court by action or proceeding or the commissioner may commence a proceeding by service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

*f. An application to the supreme court made pursuant to subdivision e may seek an order:*

*1. enjoining such acts or practices, including by granting a temporary or permanent injunction or a restraining order;*

*2. imposing civil penalties pursuant to this section;*

[c. Upon a finding by the commissioner of repeated, multiple or persistent violation of any provision of this subchapter or of any rule or regulation promulgated thereunder, the city may, except as hereinafter provided, bring an action to compel the] *3. compelling a defendant [or defendants in such action to pay in court] to make*

*restitution of all monies, property, or other things of value, or proceeds thereof, received directly or indirectly as a result of any such violations;*

[to direct] 4. *directing* that the amount of money or the property or other things *of value* recovered be paid into an account established pursuant to section [two thousand six hundred one] 2601 of the civil practice law and rules from which shall be paid over to any and all persons who purchased the goods or services during the period of violation such sum as was paid by them in a transaction involving the prohibited acts or practices, plus any costs incurred by such claimants in making and pursuing their complaints; provided that if such claims exceed the sum recovered into the account, the awards to consumers shall be prorated according to the value of each claim proved;

[to direct the] 5. *directing a* defendant [or defendants, upon conviction,] to pay to the city the costs[,] and disbursements of the action *or proceeding* and [pay to the city for the use of the commissioner] the costs of [his or her] *the city's* investigation leading to the judgment; or if not recovered from [defendants] *a defendant*, such costs are to be deducted by the city from the grand recovery before distribution to the consumers;

[and to direct] 6. *directing* that any money, property, or other things *of value* in the account *described in this subdivision* and unclaimed by any persons with such claims within [one year] *six years* from creation of the account, be paid to the city[, to be used by the commissioner for further consumer law enforcement activities]; *and*

7. *granting all other appropriate relief.*

g. Consumers making claims against an account established pursuant to [this] subdivision *f* shall prove their claims to the commissioner in a manner and subject to procedures established by the commissioner [for that purpose]. The procedures established in each case for proving claims shall not be employed until approved by the court, which shall also establish by order the minimum means by which the commissioner shall notify potential claimants of the creation of the account. Restitution pursuant to a judgment in an action *or proceeding* under this subdivision shall bar, [pro tanto,] *to the extent permitted by law*, the recovery of any damages in any other action *or proceeding* against the same defendant [or defendants] on account of the same acts or practices which were the basis for such judgment, up to the time of the judgment, by any person to whom such restitution is made. Restitution under this subdivision shall not apply to transactions entered into more than five years prior to commencement of an action by the commissioner. Before instituting an action *or proceeding* under [this] paragraphs 3 through 6 of subdivision *f*, the commissioner shall give the prospective defendant written notice of the possible action[, and an opportunity to demonstrate in writing within five days, that no repeated, multiple, or persistent violations have occurred] *or proceeding at least five days prior to such action or proceeding.*

[d. Whenever any person has engaged in any acts or practices which constitute violations of any provision of this subchapter or of any rule or regulation promulgated thereunder, the city may make application to the supreme court for an order enjoining such acts or practices and for an order granting a temporary or permanent injunction, restraining order, or other order enjoining such acts or practices.]

*h. A proceeding by service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings, made pursuant to subdivision e, may seek an order:*

1. *granting all applicable civil penalties pursuant to this section;*

2. *compelling a defendant to make restitution of all monies, property, or other things of value, or proceeds thereof, received directly or indirectly as a result of any such violations, to all affected consumers whether named or unnamed; and*

3. *granting all other appropriate relief.*

[e.] *i.* To establish a cause of action under this section it need not be shown that consumers are being or were actually injured.

§ 3. Subdivision a of section 20-704 of the administrative code of the city of New York is amended to read as follows:

a. In lieu of instituting or continuing an action *or proceeding* pursuant to this subchapter, the commissioner may accept written assurance of discontinuance of any act or practice in violation of this subchapter from [the] a person [or persons] who [have] *has* engaged in such acts or practices. Such assurance may include a stipulation for voluntary payment by the violator of the costs of investigation by the commissioner and may also include a stipulation for the restitution by the violator to consumers, of money, property, or other things *of value* received from them *directly or indirectly* in connection with a violation of this subchapter, including money necessarily

expended in the course of making and pursuing a complaint to the commissioner. All settlements shall be made a matter of public record. If [such] a stipulation applies to [consumers who have been affected by the violator's practices but have not yet complained to the commissioner,] *potential claimants*, the assurance [must be approved by the court, which shall direct] *may specify* the minimum means by which [potential] *such* claimants shall be notified of the stipulation. A consumer need not accept restitution pursuant to such a stipulation; his or her acceptance shall bar, *to the extent permitted by law*, recovery of any other damages in any action or *proceeding* by him or her against [the] a defendant [or defendants] on account of the same acts or practices.

§ 4. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1623

By Council Members Gjonaj, King, Diaz, Cabrera and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to panic buttons for small business operators.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1003 to read as follows:

*a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

*Department. "department" means New York city department of small business services.*

*Panic Button. "Panic button" means a help or distress signaling system that connects an individual in distress or someone assisting that individual with the police department. Such panic button shall also be equipped to alert pedestrians in the vicinity where the panic button is activated, by visual sign or sound.*

*b. Establishment of a storefront panic button pilot program. 1. The department shall establish a one-year "storefront panic button pilot program," during which qualifying businesses will be reimbursed for the cost of purchasing and installing panic buttons made available for use to any employee or patron in case of emergency. Upon request of a qualifying business, the department shall reimburse the business for the allowable costs of purchasing and installing panic buttons, as established by the department, provided that the business provides proof of purchase.*

*2. Business qualifies to participate in the program if such business: (i) operates seven days a week and twenty-four hours a day; (ii) has a storefront entry; (iii) employs less than ten individuals; and (iv) is located in a pilot district as determined by this section. The department shall determine any other qualifications relevant to the program.*

*3. Siting of pilot district. The commissioner, in consultation with the commissioner of New York city police department, shall identify potential locations for the pilot districts in consideration of all relevant factors, which shall include, but need not be limited to crime rates.*

*c. Reporting. No later than 90 days after the completion of the pilot program created pursuant to paragraph b of this section, the commissioner of the department shall report to the mayor and the council a detailed assessment of the impacts of the pilot program. Such assessment shall include, but need not be limited to: (i) recommendations for improving the pilot program, including the specification of any beneficial new technology for informing law enforcement about ongoing criminal activity; (ii) recommendations on whether or not to make the pilot program permanent; (iii) recommendations on whether or not to add similar permanent or pilot programs in additional districts or locations; (iv) the costs incurred by the city in implementing the pilot program up to the date of the report; and (v) anticipated future costs per year.*

§ 2. This local law takes effect 120 days after it becomes a law, except that the commissioner of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Small Business.

## Preconsidered Res. No. 977

**Resolution calling on the United States Congress to pass, and the President to sign, H.R. 724 and S. 479, the Preventing Animal Cruelty Torture Act, otherwise known as the PACT Act.**

By Council Member Holden.

**Whereas**, There currently is no federal law banning animal abuse; and

**Whereas**, According to the New York Times, although all 50 states have animal cruelty laws, a federal law is necessary because it would streamline situations when animals that are abused are transported over state lines; and

**Whereas**, A federal law would also allow the federal government to intervene in the event a state doesn't have the resources to pursue an animal abuse case; and

**Whereas**, H.R. 724, sponsored by Representative Theodore E. Deutch, and S. 479, sponsored by Senator Pat Toomey, known as the Preventing Animal Cruelty and Torture Act (PACT Act), would revise and expand criminal provisions with respect to animal crushing; and

**Whereas**, "Animal crushing" is defined in the bill as actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury; and

**Whereas**, The PACT Act makes the act of animal crushing illegal if the action is deliberate; and

**Whereas**, According to the Humane Society, while federal law currently prohibits animal fighting and the creation and trade of video depictions of animals being crushed, burned, drowned, suffocated, impaled, or subjected to other forms of egregious cruelty, the underlying abusive act itself is not banned; and

**Whereas**, A violation of the PACT Act would result in a fine or imprisonment for up to seven years; 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. 724 and S. 479, the Preventing Animal Cruelty Torture Act, otherwise known as the PACT Act.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

## Preconsidered Int. No. 1624

By Council Members Kallos, Ampry-Samuel and Grodenchik.

**A Local Law to amend the administrative code of the city of New York, in relation to tracking statistically significant changes to key disparity indicators in M/WBE procurement**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision e of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(1) The division shall create and maintain and periodically update directories by industry classification of MBEs, WBEs, and EBEs which it shall supply to all agencies *and the council*, post on its website and on other relevant city websites and make available for dissemination and/or public inspection at its offices and other locations within each borough. *Such directories shall, for each industry classification of MBEs, WBEs and EBEs, indicate the percentage difference of any change from the immediately preceding finding of disparity in the review required by paragraph 4 of subdivision e of this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services and the city chief procurement officer may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Contracts (preconsidered but laid over by the Committee on Contracts).

Preconsidered Res. No. 978

**Resolution calling upon Congress to pass, and the President to sign, the Violence Against Women Reauthorization Act of 2019.**

By Council Members Louis, Rosenthal, Rivera, Chin, Kallos and Lander.

**Whereas**, Despite the tireless and decades-long work of advocacy groups to halt the epidemic of domestic violence, sexual assault, and gender-based violence in the United States (U.S.), incidences of these acts are still shockingly high; and

**Whereas**, According to the U.S. Centers for Disease Control’s National Center for Prevention and Control, on average, more than 10 million women and men are physically abused by an intimate partner in the U.S. each year, which equates to nearly 20 people per minute; and

**Whereas**, The U.S. Department of Justice reports that one in three women and one in four men in the U.S. have experienced some form of physical violence by an intimate partner, while one in four women and one in nine men experience severe intimate partner physical violence and/or intimate partner stalking, with impacts that include injury and post-traumatic stress disorder; and

**Whereas**, In New York City (NYC), the NYC Police Department responded to 250,447 domestic incident reports in 2018 alone, statistics indicate a rise in intimate partner-related incidents in NYC since 2017, and the number of domestic violence-related killings has continued to increase, while even NYC’s murder rate has dropped; and

**Whereas**, The Violence Against Women Act (VAWA), or Title IV of P.L. 103-322, was originally enacted in 1994 to address concerns about violent crime, and violence against women in particular, including allowing for enhanced sentencing of repeat federal sex offenders, mandated restitution to victims of specified federal sex offenses, and authorized grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women; and

**Whereas**, The fundamental goals of VAWA remain preventing violent crime, responding to the needs of crime victims, learning more about crime, and changing public attitudes through a collaborative effort by the criminal justice system, social service agencies, research organizations, schools, public health organizations, and private organizations, which the federal government tries to achieve primarily through grant programs that provide funding to state, tribal, territorial, and local governments, nonprofit organizations and universities; and

**Whereas**, VAWA has been reauthorized three times since its original enactment in 1994, each time expanding and updating the law to meet the needs of victims, survivors, advocates, and other stakeholders.

**Whereas**, Most recently, Congress passed and President Barack Obama signed the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, which reauthorized most VAWA programs through FY2018; and

**Whereas**, VAWA lapsed in 2019 after it was not extended by Congress; and

**Whereas**, On April 4, 2019, the U.S. House of Representatives (“House”) passed H.R.1585, or the Violence Against Women Reauthorization Act of 2019, which would reauthorize the law and also include, among other things, protections for transgender people and a provision that would prohibit those convicted of certain misdemeanor charges from purchasing firearms; and

**Whereas**, As of June 2019, the U.S. Senate has yet to consider the law, despite the law passing the House with strong bipartisan support; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Congress to pass, and the President to sign, the Violence Against Women Reauthorization Act of 2019.

Adopted by the Council (preconsidered and approved by the Committee on Women and Gender Equity).

Res. No. 979

**Resolution condemning the Trump Administration for the planned dissolution of the United States Office of Personnel Management**

By Council Member Miller.

**Whereas,** The United States Office of Personnel Management (OPM) was established by the Civil Service Reform Act of 1978 as a result of an effort to reorganize the Civil Service Commission, which had previously laid the foundations for an impartial, professional civil service based on the merit system; and

**Whereas,** Since its establishment, the OPM has been responsible for personnel management of the civil service of the federal government, specifically including: directing human resources and employee management services; administering retirement benefits; managing healthcare and insurance programs; overseeing merit-based and inclusive hiring into the civil service; and providing a secure employment process; and

**Whereas,** Although the OPM serves an important role in the effective operation and management of the federal government, the Trump Administration believes that this agency, and other federal agencies, are ineffective and need to be reorganized; and

**Whereas,** Thus, on March 13, 2017, President Donald Trump issued Executive Order 13781 entitled “Comprehensive Plan for Reorganizing the Executive Branch,” with the intention to improve the efficiency, effectiveness, and accountability of the executive branch of the federal government by directing the Director of the Office of Management and Budget (OMB) to develop and propose a comprehensive reorganization plan; and

**Whereas,** In June 2018, a plan entitled “Delivering Government Solutions in the 21<sup>st</sup> Century” was released that detailed how the federal government would be reorganized; and

**Whereas,** Importantly, this plan detailed that the OPM would be completely dismantled, with its’ responsibilities and activities divided up into three departments-the OPM’s massive background investigation operation would be moved to the Department of Defense; the OPM’s human resources role, including training, pay, and hiring, would be moved to the Federal Services Administration; and the OPM’s high-level policies governing federal employees would be moved to the OMB; and

**Whereas,** The reorganization of the OPM is expected to be performed in the fall of 2019 as part of an executive order, however, an announcement by President Trump regarding further details will likely occur in the summer of 2019, according to White House officials; and

**Whereas,** If the plan is successful, the OPM would be the first major federal agency to be eliminated since World War II, which may ultimately set the stage for even more agencies and departments to be eliminated and/or consolidated, according to The Washington Post; and

**Whereas,** In light of this plan to dismantle the OPM, advocates and unions have voiced opposition, specifically in regards to how OMB will be taking over high-level policies governing federal employees, as this could lead to the politicization of the civil service system with political appointees close to the White House being installed, according to The Washington Post; and

**Whereas,** In addition, federal employees are highly suspicious of the plan and the impact it will have because they have watched the Trump Administration undermine them in attempts to freeze their pay, weaken their unions, and implement faster firing and harsher discipline policies, according to The Washington Post; and

**Whereas,** Notably, the American Federation of Government Employees, who represent about 700,000 federal and D.C. government workers, have publicly opposed the Trump Administration’s plan for the OPM, stating that it would be highly dangerous because it would: destroy the merit-based civil service system; politicize personnel policy, as OMB is inherently political due to its role in producing the President’s budget; diminish the importance of having a centralized personnel office; and cause an unknown and unforeseeable

impact, as the plan simply does not provide the public with enough detailed information on the effects of the plan; and

**Whereas**, The planned dissolution of the OPM is relevant to New York State and thus, New York City, as the plan may create a number of negative impact that will be felt by all federal workers nationwide, and, according to the New York State Department of Labor, as of March 2019, there were an estimated 113,800 federal workers within New York State, including about 48,100 federal workers in New York City alone; and

**Whereas**, The Trump Administration's plan to dismantle the OPM would, among other things, drastically hurt all federal employees, including those in New York City, as the OPM serves as the chief human resources agency and personnel policy manager for the federal government; and set a dangerous precedent for the future restructuring and/or elimination of other vital federal agencies and departments that provide services for millions of Americans, ultimately hurting the nation and its workers as a whole; now, therefore be it

**Resolved**, That the Council of the City of New York condemns the Trump Administration for the planned dissolution of the United States Office of Personnel Management.

Referred to the Committee on Civil Service and Labor.

Res. No. 980

**Resolution declaring June 19 of each year Sickle Cell Awareness Day in the City of New York.**

By Council Members Miller and Barron.

**Whereas**, Sickle cell disease (SCD) is a group of inherited red blood cell disorders; and

**Whereas**, Hemoglobin is a protein in red blood cells that carries oxygen throughout the body and people with SCD inherit two abnormal hemoglobin genes, one from each parent; and

**Whereas**, The abnormal hemoglobin gene can cause red blood cells to become sickle-shaped (crescent-shaped) and have difficulty passing through small blood vessels; and

**Whereas**, Those who have inherited an abnormal hemoglobin gene from one parent but a normal hemoglobin gene from the other parent have sickle cell trait (SCT); and

**Whereas**, People with SCT usually do not have any of the signs of the disease, but they can pass the trait on to their children; and

**Whereas**, According the Centers for Disease Control and Prevention (CDC), SCD is more common among people whose ancestors came from sub-Saharan Africa, Spanish-speaking regions in the Western Hemisphere, Saudi Arabia, India, and Mediterranean countries such as Turkey, Greece, and Italy; and

**Whereas**, The National Institutes of Health (NIH) estimates that about 2 million people in the United States have SCT, and the CDC estimates about 100,000 Americans have SCD; and

**Whereas**, According to the CDC, approximately one out of every 365 Black or African American babies is born with SCD, and about 1 in every 13 Black or African American babies is born with SCT; and

**Whereas**, According to the CDC, there were approximately 8,374 people with SCD living in New York State in 2004-2008; and

**Whereas**, In 2008, 197 babies were born with SCD in New York State; and

**Whereas**, SCD occurred among approximately 1 out of every 1,259 births, and 1 out of every 260 Black or African American births; and

**Whereas**, Of the 197 babies born with SCR in New York State in 2008, 89 percent were Black or African American; and

**Whereas**, In 2008, 56 babies were born with SCD in the Bronx, the highest number in the State, followed by 47 in Brooklyn and 23 in Queens; and

**Whereas**, The severity of SCD can vary widely from person to person; and

**Whereas**, SCD can cause organ damage and attacks of sudden and severe pain, which often requires a hospital visit; and

**Whereas,** The only known cure for SCD is bone marrow or stem cell transplant, and is very risky and can have serious side effects, including death; and

**Whereas,** Early diagnosis and regular medical care can reduce symptoms, prevent complications, and prolong life, thus making awareness of SCD and SCT crucial; and

**Whereas,** June 19 is recognized by the United Nations as World Sickle Cell Day; now, therefore, be it

**Resolved,** That the Council of the City of New York declares June 19 of each year Sickle Cell Awareness Day in the City of New York.

Referred to the Committee on Health.

Res. No. 981

**Resolution calling upon the United States Congress to pass, and the President to sign, S.522/H.R.1278, a bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York City, and for other purposes.**

By Council Members Miller and Barron.

**Whereas,** In 1991, survey work conducted during construction of a General Services Administration office building in Manhattan found intact human skeletal remains approximately 30 feet below street level on Broadway; and

**Whereas,** Those remains led to the discovery of other bodies in the same area, and it was determined that these were Black New Yorkers interred in what a 1755 map calls the “Negros Burial Ground,” which is now known as the African Burial Ground; and

**Whereas,** The African Burial Ground, located on the corner of Duane and Elk Streets in lower Manhattan, is the oldest and largest known excavated burial ground in North America for both free and enslaved Africans; and

**Whereas,** The African Burial Ground, which dates from the middle 1630s to 1795, holds the remains of an estimated 20,000 enslaved Africans and early-generation African Americans, including DNA samples from well-preserved human remains from the colonial era; and

**Whereas,** Analysis of those remains by Howard University scientists found that children under the age of 12, who comprised 40 percent of the individual burials, experienced a high mortality rate and developmental delays caused by malnutrition and disease; and

**Whereas,** The young remains, Howard University historians noted, indicate that pre-revolutionary New York, which had more enslaved Africans than any Colonial settlement except Charleston, South Carolina, preferred child slaves because they were inexpensive and unlikely to rebel; and

**Whereas,** Howard University scientists also found that the majority of the men and women found at the site exhibited signs of muscle tears and spine fractures commonly associated with excessive strain and heavy loads, indicating that in some instances they appeared to have been worked to death; and

**Whereas,** The rediscovery of the African Burial Ground altered the understanding and scholarship surrounding enslavement and its contribution to constructing New York City (NYC), transforming how New York history is understood and how Black New Yorkers connect to their past; and

**Whereas,** In 1993, the African Burial Ground officially became a National Historic Landmark; in 2006, it was officially designated a National Monument and placed under the oversight of the National Parks Service; in 2007, a memorial designed by Rodney Leon, the only National Monument in the United States (U.S.) dedicated to the contributions of people of African descent, was unveiled at the site; and, in 2010, a visitor center, with the purpose of providing context for the site’s significance, was established inside the federal building that was ultimately constructed over a portion of the excavation; and

**Whereas,** S.522, sponsored by U.S. Senator Kirsten Gillibrand, and H.R.1278, sponsored by U.S. Representative Jerrold Nadler, would authorize funding and establish a museum and education center at the African Burial Ground; and



**Whereas**, In a February 15, 2017 press release, the then-members of the New York Congressional Delegation said the creation of the African Burial Ground Memorial Museum and Education Center would “serve as a permanent living tribute to the enslaved and free African men and women who were buried at [the] sacred site”; and

**Whereas**, The African Burial Ground serves great historical, cultural, archaeological and anthropological significance, its history deserves to be memorialized, remembered and studied, and such a museum will tell the untold stories of those who helped build NYC and shed a light on their perseverance and strength of character in the face of adversity; and

**Whereas**, August of this year will mark the 400<sup>th</sup> anniversary of the first documented arrival of Africans to the colony of Virginia; and

**Whereas**, The nation must never forget the immense trials and tribulations faced during the ongoing fight for equality and justice; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, S.522/H.R.1278, a bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York City, and for other purposes.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1625

By Council Members Rivera, Chin and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make available long-acting reversible contraception at its health centers, health stations, health clinics and other health facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 17-184 of the administrative code of the city of New York, as added by local law 19 for the year 2003, is renamed and amended to read as follows:

§ 17-184 Availability of [emergency] contraception. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Emergency contraception. The term "emergency contraception" means one or more drugs, used separately or in combination, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy when used within a medically recommended amount of time following sexual intercourse and dispensed for that purpose in accordance with professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.*

*Long-acting reversible contraception. The term "long-acting reversible contraception" means one or more reversible contraceptive methods, used separately or in combination, including, but not limited to, intrauterine devices, injections or injectable, or subdermal contraceptive implants, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy for an extended period of time without user action when dispensed in accordance with medically professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.*

*b. Availability of contraception. The department shall make available emergency and long-acting reversible contraception at each health center, health station, health clinic or other health facility operated or maintained by the department which also offers services relating to the diagnosis and treatment of sexually transmitted diseases. [For purposes of this section, the term "emergency contraception" shall mean one or more prescription drugs, used separately or in combination, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy when used within a medically recommended amount of time following sexual intercourse and dispensed for that purpose in accordance with professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.]*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1626

By Council Members Rosenthal, Kallos and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to bicycle rental businesses**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-181 to read as follows:

*§ 10-181 Bicycle rental businesses. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Bicycle. The term “bicycle” has the same meaning as in section 19-176, and also means any wheeled device propelled exclusively by human power as well as any motor-assisted device that is not capable of being registered by the New York state department of motor vehicles.*

*Bicycle rental business. The term “bicycle rental business” means any person that provides or offers to the public the use of a bicycle for a fee other than a bike share operator, as defined in section 19-194.*

*Bicycle rental worker. The term “bicycle rental worker” means any individual who works for or on behalf of a bicycle rental business, including those who solicit patronage for such business.*

*b. A bicycle rental business shall provide to the police department, upon a form prescribed by the police department, the following information:*

*1. The name and address of the business;*

*2. If the address provided for the business is not within the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and*

*3. Any other information requested by the police department.*

*c. A bicycle rental business must issue to each of its bicycle rental workers an identification card that contains the name and photo of the bicycle rental worker and the name, address and telephone number of such bicycle rental business. A bicycle rental worker shall carry such identification card while performing services for or on behalf of the bicycle rental business. A bicycle rental worker shall be required to produce such identification card upon the demand of an authorized employee of the police department or any other person authorized by law.*

*d. Each bicycle rental worker shall wear a jacket, vest, or other wearing apparel on the upper part of their body as the outermost garment at all times while performing services for or on behalf of a bicycle rental business. Such apparel shall indicate the name of the bicycle rental business on whose behalf the bicycle rental worker is performing services. Such information shall be in lettering and numerals at least one inch in height and displayed so as to be plainly readable at a distance of at least ten feet.*

*e. A bicycle rental business shall maintain a roster of all of its bicycle rental workers. Such roster shall be made available for inspection upon request of an authorized employee of the police department or department of transportation or any other person authorized by law. Such roster shall include the following information for each bicycle rental worker:*

*1. Name;*

*2. Home address;*

3. Start date, and, if applicable, discharge date; and

4. The days and times when such individual was performing duties for or on behalf of the bicycle rental business.

f. A bicycle rental worker shall not:

1. Act in an aggressive manner, as defined in section 10-136, while performing services for or on behalf of the bicycle rental business; or

2. Make fraudulent, misrepresentative, or false statements in connection with their services for or on behalf of the bicycle rental business.

g. Any person who violates, or causes another person to violate, paragraph 1 of subdivision f of this section, or any rules promulgated pursuant to such paragraph, shall be guilty of a misdemeanor punishable by a fine of not less than \$250 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

h. Except as provided in subdivision g of this section, any person who violates, or causes another person to violate, a provision of this section or any rule promulgated pursuant to this section shall be guilty of an offense punishable as follows:

1. For the first violation, a fine of not less than \$25 nor more than \$50;

2. For the second violation issued for the same offense within a period of two years of the date of the first violation, a fine of not less than \$50 nor more than \$100;

3. For the third violation within a period of two years of the date of the first violation, a fine of not less than \$100 nor more than \$250; and

4. For the fourth and each subsequent violation within a period of two years of the date of the first violation, a fine of not more than \$500.

i. In addition to the fines set forth in subdivisions g and h of this section, any person who violates, or causes another person to violate, any provision of this section or any rule promulgated pursuant to this section shall be subject to a civil penalty as follows:

1. For the first violation, a civil penalty of not less than \$25 nor more than \$50;

2. For the second violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of not less than \$50 nor more than \$100;

3. For the third violation within a period of two years of the date of the first violation, a civil penalty of not less than \$100 nor more than \$250; and

4. For the fourth and each subsequent violation within a period of two years of the date of the first violation, a civil penalty of not more than \$500.

j. For the purposes of this section, there shall be a rebuttable presumption that any violation of any provision of this section, any rules promulgated pursuant to this section, by a bicycle rental worker was caused by the bicycle rental business. Such presumption shall not apply where the actions of the bicycle rental worker were not authorized or subject to the control of the bicycle rental business.

k. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation which shall be returnable to the office of administrative trials and hearings.

l. The provisions of this section shall be enforceable by an authorized employee of the police department or any other person authorized by law.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

## Int. No. 1627

By Council Members Rosenthal and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to setting time limits for the procurement process, reporting on agency compliance and developing an online platform for managing procurement**

*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 new sections 6-102.1 and 6-143 to read as follows:

*§ 6-102.1 Procurement process time limits. a. For any contract that exceeds the small purchase limit described in section 3-08 of title 9 of the rules of the city of New York, the procurement policy board shall establish the following, by rule:*

*1. The time limits within which the contracting agency must complete each step of the procurement process required by rules of such board; and*

*2. The time limits within which each mayoral agency charged with oversight of the contracting agency must complete its oversight review of the procurement contract.*

*b. No later than December 1, 2020, and every two years thereafter, the mayor's office of contract services shall complete a study of the contracts affected by subdivision a and shall submit to the procurement policy board, the mayor and the council, and post on such office's website, a report disclosing the following:*

*1. For each contract subject to this section, whether the agencies met the time limits set by the procurement policy board for each step of the procurement process and oversight review;*

*2. For each contract subject to this section, the difference between such time limits and the time actually required by the agencies for each step of the procurement process and oversight review; and*

*3. Recommendations for changes to the time limits set by the procurement policy board.*

*c. Upon receipt of such report, the procurement policy board may reevaluate and amend the time limits designated in subdivision a.*

*§ 6-143 Procurement process online platform. The mayor's office of contract services shall develop an online platform to track all contracts through the procurement process from bid award to registration. Such online platform shall be publically available.*

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

Referred to the Committee on Contracts.

## Int. No. 1628

By Council Members Salamanca and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration of children's services and the department of probation to report on juvenile justice statistics**

*Be it enacted by the Council as follows:*

Section 1. Section 21-905 of the administrative code of the city of New York is amended to read as follows:

*§21-905[.] Demographic Data of the Juvenile Justice System. By January 15, 2020, and no later than 15 days after the end of each subsequent month thereafter, ACS shall submit a report related to demographics data of the juvenile justice system to the council and post such report permanently on ACS's website. All data*

*contained in such report shall be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, where such information is available. The information required pursuant to this section for each reporting period shall be accessible through the NYC Open Data website. Such report shall include, but need not be limited to, the following information:*

a. Admissions to Detention Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The total number of admissions in the previous [fiscal year] month to the following facilities:*

- i. *secure detention facilities, in total and disaggregated by facility; [and]*
- ii. *non-secure detention facilities, in total and disaggregated by facility;*
- iii. *specialized secure detention facilities, in total and disaggregated by facility; and*
- iv. *specialized juvenile detention facilities, in total and disaggregated by facility.*

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the following factors:

- i. age;
- ii. gender;
- iii. race;
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;
- v. for youth remanded to a detention facility by a court the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody, *further disaggregated by the youth's age, gender and race; [and]*
- vi. for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody, *further disaggregated by the youth's age, gender and race[.];*
- vii. *whether such youth have any prior contact with ACS, including but not limited to foster care cases; and*
- viii. *whether such youth have any prior contact with the Department of Probation.*

b. Demographic Data for Detention Facilities.

1. [By September 30 of each year ACS shall post a report on its website regarding the] *The average daily population in the previous [fiscal year] month in the following facilities:*

- i. *secure detention facilities, in total and disaggregated by facility; [and]*
- ii. *non-secure detention facilities, in total and disaggregated by facility;*
- iii. *specialized secure detention facilities, in total and disaggregated by facility; and*
- iv. *specialized juvenile detention facilities, in total and disaggregated by facility.*

2. [By September 30 of each year ACS shall post a report on its website regarding the] *The number of youth admitted to a detention facility during the previous [fiscal year] month who spent time either in non-secure detention only, secure detention only, specialized secure detention only, [or] both non-secure and secure detention, both non-secure and specialized secure detention, or both secure and specialized secure detention, in total and disaggregated by the following factors:*

- i. age;
- ii. gender;
- iii. race
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;
- v. for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; [and]
- vi. for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody[.];
- vii. *whether such youth have any prior contact with ACS, including but not limited to foster care cases; and*
- viii. *whether such youth have any prior contact with the Department of Probation.*

3. *During the prior month, the average and median bail amounts imposed by the criminal court on youth in ACS custody, and the percentage of youth in ACS custody who were remanded by the criminal court to detention without imposing bail, disaggregated by juvenile offenders, adolescent offenders, and seventeen year olds remanded to detention before October 1, 2019.*

4. *The total number of Adolescent Offenders in the facility on the last day of the reporting period who are serving a sentence in specialized secure detention, further disaggregated by top charge at sentencing, age, gender, and race.*

c. Admissions to Placement Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The total number of placement admissions in the previous [fiscal year] month in the following facilities:*

- i. *non-secure placement facilities, in total and disaggregated by facility; [and]*
- ii. *limited-secure placement facilities, in total and disaggregated by facility; and*

2. The data provided pursuant to paragraph one of subdivision c of this section shall be disaggregated by the following factors:

- i. age;
- ii. gender;
- iii. race
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;
- v. youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;
- vi. youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;
- vii. youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law; [and]
- viii. for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court;
- ix. *whether such youth have any prior contact with ACS, including but not limited to foster care cases; and*
- x. *whether such youth have any prior contact with the Department of Probation.*

d. Demographic Data for Placement Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The average daily population in the previous [fiscal year] month in the following facilities:*

- i. *non-secure placement facilities, in total and disaggregated by facility; and*
- ii. *limited-secure placement facilities, in total and disaggregated by facility.*

2. [By September 30 of each year, ACS shall post a report on its website the] *The number of youth admitted to a placement facility during the previous [fiscal year] month who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:*

- i. age;
- ii. gender;
- iii. race
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; [and]
- v. for youth remanded to a detention facility by a court, the most serious offense adjudicated against such youth by the court[.];
- vi. *whether such youth have any prior contact with ACS, including but not limited to foster care cases; and*
- vii. *whether such youth have any prior contact with the Department of Probation.*

e. Data on Transfers.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] *The total number of youth who have been transferred during the previous [fiscal year] month from:*

- i. *a non-secure detention facility to a secure detention facility;*
- ii. *a secure detention facility to a non-secure detention facility;*
- iii. *a non-secure placement facility to a limited secure placement facility;*
- iv. *a non-secure placement facility to a secure placement facility;*
- v. *a limited secure placement facility to a non-secure placement facility;*
- vi. *a limited secure placement facility to a secure placement facility;*

- vii. a secure placement facility to a limited secure placement facility; [and]
- viii. a secure placement facility to a non-secure placement facility;[.]
- ix. a specialized secure detention facility to a secure detention facility; and*
- x. a specialized secure detention facility to a non-secure detention facility;*

2. The data provided pursuant to paragraph one of subdivision e of this section shall be disaggregated by the following factors:

- i. age;
- ii. gender; and
- iii. race.

[f. *Interim Reports.*

1. On or before September 30, 2013, ACS shall post a report on its website regarding the total population in non-secure placement facilities as of the last day of every month during the previous fiscal year.

2. No more than one year after ACS begins operating limited secure placement facilities, ACS shall post a report on its website regarding:

i. the total number of admissions to such facilities in the first nine months of their operation, disaggregated by the following factors:

- (a) age;
- (b) gender;
- (c) race; and

(d) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law;

ii. the total population in such facilities as of the last day of every month during the first nine months of their operation; and

iii. the number of youth admitted to such facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

- (a) age;
- (b) gender;
- (c) race;
- (d) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and

(e) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.]

*f. Pre-sentence data.*

1. *The number of youth housed in non-secure, secure, specialized secure, and specialized juvenile detention facilities pre-sentencing, in total and disaggregated by the following factors, as defined in the New York state family court act and criminal procedure law:*

- i. juvenile delinquents, in total and disaggregated by facility;*
- ii. juvenile offenders, in total and disaggregated by facility;*
- iii. adolescent offenders, in total and disaggregated by facility;*

*iv. youth transferred from the custody of the Department of Correction on October 1, 2018; and seventeen year olds remanded to detention on or after October 1, 2018 and before October 1, 2019.*

2. *The data provided pursuant to paragraph one of subdivision f of this section shall be disaggregated by the following factors:*

- i. age;*
- ii. gender;*
- iii. race*

*iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;*

*v. the most serious charged offense on the court petition, complaint or indictment, or top arrest charge at the time ACS assumed custody; and*

*vi. the average, median, minimum and maximum length of detention, as well as the standard deviation for pre-sentencing or pre-disposition youth.*

§ 2. Section 21-906 of the administrative code of the city of New York is amended to read as follows:

§ 21-906[.] *Incident Reports in Juvenile Justice Facilities.*

a. *Quarterly Incident Reports.*

1. [Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website based on data from the previous quarter that shall contain the] *By January 15, 2020, and no later than 15 days after the end of each subsequent quarter thereafter, ACS shall submit a report related to incidents occurring in juvenile justice facilities to the council and store it permanently on ACS's website. All data contained in such report shall be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, where such information is available. The information required pursuant to this section for each reporting period shall be accessible through the NYC Open Data website. Such report shall include, but need not be limited to, the number of the following incidents:*

- i. use of physical restraint by staff on children;
- ii. physical injuries or impairment to children as a result of the use of physical restraint;
- iii. use of mechanical restraint by staff on children;
- iv. physical injuries or impairment to children as a result of the use of mechanical restraint;
- v. fights and altercations between children;
- vi. physical injuries or impairment to children as a result of fights with other children;
- vii. physical injuries or impairment to children resulting from any other means not previously mentioned, *disaggregated by cause;*
- viii. *serious physical injury to staff;*
- [viii]\_ix. *biased-based incidents as reported by a child; [and]*
- x. the number of room confinements and the *average* length of stay for [each] *such* confinements [.];
- xi. *alarm system activity; and*
- xii. *deployment of a dedicated unit of ACS personnel trained to respond to violent incidents, or a department of correction crisis response team.*

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the following factors:

- i. [each] secure detention facilitie[y], *in total and disaggregated by facility;*
- ii. non-secure detention facilities, *in total and disaggregated by facility;*
- iii. non-secure placement facilities, *in total and disaggregated by facility;* [and]
- iv. limited secure placement facilities, *in total and disaggregated by facility;*
- v. *specialized secure detention facilities, in total and disaggregated by facility;*
- vi. *specialized juvenile detention facilities, in total and disaggregated by facility;*
- vii. *whether the child involved in the incident was an adolescent offender, juvenile offender, juvenile delinquent, or youth transferred from the custody of the Department of Correction on October 1, 2018, or a seventeen year old remanded to detention on or after October 1, 2018 and before October 1, 2019; and*
- vii. *where applicable, whether the staff involved in the incident was ACS or DOC staff, or both.*

3. *For each incident reported pursuant to subparagraphs xiii of paragraph 1 of subdivision a of this section, such report shall include the facility, duration and reason for each such room confinement. For each incident reported pursuant to subparagraph xiv of paragraph 1 of subdivision a of this section, such report shall include the facility and reason for each such alarm system activation.*

b. *Annual incident reports.*

1. Within sixty days after the end of each fiscal year, ACS shall post a report on its website containing the following data:

- i. the number of allegations made during the fiscal year that a child in a detention or placement facility was a neglected or abused child; and
- ii. the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a detention or placement facility was a neglected or abused child, including findings that substantiated allegations made prior to the fiscal year.

2. The data provided pursuant to paragraph one of subdivision b of this section shall be disaggregated by the following factors:



- i. [each] secure detention facilities[y], *in total and further disaggregated by facility;*
- ii. non-secure detention facilities, *in total and further disaggregated by facility;*
- iii. non-secure placement facilities, *in total and further disaggregated by facility;* [and]
- iv. limited secure placement facilities, *in total and further disaggregated by facility;[.]*
- v. *specialized secure detention facilities, in total and further disaggregated by facility; and*
- vii. *specialized juvenile detention facilities, in total and further disaggregated by facility.*

c. *Oleoresin Capsicum Spray. If, at any time, the City obtains a waiver pursuant to section 180-3.19 of title 9 of the New York codes, rules and regulations, permitting ACS or the department of correction to use oleoresin capsicum spray in a specialized secure detention or specialized juvenile detention facility, ACS shall post public notice of such waiver on their website no later than 5 days following the receipt of such waiver. Beginning January 15, 2020, and 15 days after the end of each month ACS shall report on all incidents in which oleoresin capsicum spray was used in a juvenile facility, including but not limited to the following information:*

- i. *the date and time of such use;*
- ii. *the number of youth exposed to oleoresin capsicum spray;*
- iii. *the age of such youth(s) exposed;*
- iv. *the number of each ACS or DOC personnel involved in the incident;*
- v. *the number of youth requiring medical attention after such incident; and*
- vi. *the facility where such incident occurred.*

§3. Title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

*§21-919 Juvenile Justice Facility Staffing.*

a. *Within 15 days of January 1, 2020, and no later than 15 days after the end of each subsequent month thereafter, ACS shall submit a report to the council and post such report on its website regarding the average number of staff members in the previous month deployed to the following facilities:*

1. *Secure detention, in total and disaggregated by facility;*
2. *Specialized secure detention, in total and disaggregated by facility; and*
3. *Specialized juvenile detention, in total and disaggregated by facility.*

b. *The data provided pursuant to subdivision a for specialized juvenile detention shall be further disaggregated by the average number of department of correction staff and ACS staff, in total and disaggregated by tour and job title.*

§4. Title 9 of the administrative code of the city of New York is amended by adding a new section §9-206 to read as follows:

*§9-206 Youth probation report.*

a. *Definitions. Adjust. The term “adjust” has the same meaning as the process described in section 308.1 of the New York family court act, or any successor statute.*

*Juvenile delinquent. The term “juvenile delinquent” has the same meaning as described in the New York family court act, or any successor statute.*

b. *Within 15 days of January 15, 2020, and no later than 15 days after the end of each subsequent month thereafter, the department of probation shall submit to the council and post on its website a report on the number of cases in the previous month in the following categories: (i) juvenile delinquents under 16 years of age whose cases originate in family court; (ii) juvenile delinquents under 16 years of age whose cases were transferred to family court from the youth part of criminal court; (iii) youth 16 and 17 years of age whose cases originate in family court; (iv) youth 16 and 17 year of age whose cases were transferred from the youth part of criminal court to family court. This information shall be reported in total and disaggregated by the following factors:*

1. *The total number of youth screened for adjustment in family court, and further disaggregated by age, gender, race, the most serious offense, and age at time of interview.*
2. *The total number of individuals whose cases have been adjusted, and further disaggregated by age, gender, race, the most serious offense, and age at time of interview.*
3. *The average number of days elapsed from an individual’s arrest to adjustment interview.*
4. *The reasons stated for not adjusting an individual, and further disaggregated by age, gender, race, the most serious offense, and age at the time of arrest.*
5. *The number of individuals who successfully complete adjustment and have their cases diverted.*

6. *The number of individuals who are referred from the department of probation to the law department for failure to follow conditions of adjustment.*

7. *The number of individuals receiving probation services.*

8. *The number of individuals detained, disaggregated by age, gender, race, the most serious offense, risk level score, and age at the time of risk assessment interview.*

9. *The percent of dispositional recommendations for placement, disaggregated by age, gender, and race.*

§ 5. Subdivision a of section 9-306 of the administrative code of the city of New York, as added by local law number 86 for the year 2015 and renumbered by local law number 25 for the year 2018, is amended to read as follows:

a. Within 90 days of the beginning of each reporting period, the office of criminal justice shall post on its website a report regarding bail and the criminal justice system for the preceding reporting period. The reporting period for paragraphs 1, 3, 14, [and] 15, 34, 35, 36, and 37 of this subdivision is quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16 is semi-annually, and the reporting period for paragraphs 17 through 33 is annually. *The information required pursuant to paragraphs 34-37 shall be stored permanently and shall be accessible through the NYC Open Data website, and shall be provided in a format that permits automated processing.* For the purposes of this subdivision, any inmate incarcerated on multiple charges shall be deemed to be incarcerated only on the most serious charge, a violent felony shall be deemed to be more serious than a non-violent felony of the same class, any inmate incarcerated on multiple charges of the same severity shall be deemed to be held on each charge, any inmate incarcerated on multiple bail amounts shall be deemed to be held only on the highest bail amount, any inmate held on pending criminal charges who has a parole hold shall be deemed to be held only on the parole hold, any inmate held on pending criminal charges who has any other hold shall be deemed to be held only on the pending criminal charges, and any inmate incarcerated on multiple cases in which sentence has been imposed on at least one of such cases shall be deemed to be sentenced. Such report shall contain the following information, for the preceding reporting period or for the most recent reporting period for which such information is available, to the extent such information is available:

§ 6. Subdivision a of section 9-306 of the administrative code of the city of New York is amended by adding new paragraphs 34 through 37 to read as follows:

34. *The number of violent felonies filed against 16 and 17 year olds in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.*

35. *The number of violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.*

36. *The total number of non-violent felonies filed against 16 and 17 year olds in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.*

37. *The number of non-violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.*

§ 6. This local law takes effect immediately, except that sections 1 and 2 of this local law take effect on January 1, 2020.

Referred to the Committee on Juvenile Justice.

Int. No. 1629

By Council Member Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services/human resources administration to report on additional and total wait times**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and d of section 21-139 of the administrative code of the city of New York, as added by local law number 20 for the year 2018, are amended to read as follows:

a. Definitions. For purposes of this section, the following terms have the following meanings:

*Additional wait time.* The term “additional wait time” means the time between when a visitor has completed one appointment related to public assistance and is waiting to be called for another appointment regarding a different type of public assistance in the same job center. Additional wait time begins at the end of one such appointment and ends when the visitor is called to begin another such appointment.

*Appointment receipt.* The term “appointment receipt” means a document given to all checked-in visitors at a job center who complete an appointment and that reflects the date of the visit, the reason for the visit, and the name and telephone number of the center that was visited.

*Checked-in.* The term “checked-in” means that a visitor has made initial contact with the department at a job center, either through a self-service kiosk or with a staff member responsible for keeping track of visitors, and has made such contact so that the department has a record, either written or electronic, of such visitor’s time of arrival at such job center and the reason for their visit.

*Job center.* The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.

*Total time.* The term “total time” means the amount of time a visitor spends at a job center. Total time begins at the start of the visitor’s check-in time and ends when a visitor leaves the job center.

*Visitor.* The term “visitor” means any individual who, by prior appointment or walk-in, enters a job center to apply for public assistance, to receive assistance for an open public assistance case, or to receive assistance for a closed public assistance case.

*Wait time.* The term “wait time” means the amount of time a visitor spends waiting to be called for assistance after such visitor has checked-in to a job center. Wait time begins at the start of the visitor’s checked-in time, and ends when a visitor is called to begin an appointment.

d. Not later than January 31, 2018, and within 45 days after the end of every month thereafter, the department shall post on its website a report of the average wait time, *additional wait time*, and *total time* during the preceding month for a visitor at each job center.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

*Note: There were no Land Use Applications introduced at this Stated Meeting.*

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Thursday, June 27, 2019**

**★ *Deferred***

Committee on Consumer Affairs & Business Licensing Rafael L. Espinal, Chairperson

~~Int 1407~~ By Council Members Espinal, Levine and Chin - ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to the restrictions on certain single use plastics.

~~Int 1416~~ By Council Members Levine, Rosenthal, Perkins and Cohen - ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to the use of reusable beverage containers provided by customers at food service establishments.

~~Int~~ By Council Member Van Bramer - ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to single use utensils.

Council Chambers – City Hall.....10:00 a.m.

**★ *Note Topic Addition***

Committee on Public Safety Donovan Richards, Jr., Chairperson

**Int 567** - By Council Members Treyger, Maisel, Deutsch, Brannan, Rosenthal and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to internet purchase exchange locations.

**Int 635** - By Council Member Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting staged perp walks.

**Int 1244** - By Council Members Borelli, Richards, Brannan, Maisel, Yeger, Holden and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting certain unsolicited disclosures of intimate images.

**Int 1553** - By Council Members Rosenthal, Miller, Richards, the Public Advocate (Mr. Williams) and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting unfinished frames or receivers.

**Int 1548** - By Council Members Miller, Richards, the Public Advocate (Mr. Williams), Rosenthal and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on the seizure of three-dimensional printed guns and ghost guns, or any piece or part thereof.

**Preconsidered Int** - By Council Member Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database.

**★Res 866** - By Council Members Miller, Rosenthal, Richards and the Public Advocate (Mr. Williams) - **Resolution** calling on the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

Committee on Sanitation and Solid Waste Management Antonio Reynoso, Chairperson

**Int 1082** - By Council Members Salamanca, Holden and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring global positioning systems in certain waste hauling vehicles.

**Int 1083** - By Council Members Salamanca and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to fines for unreported employees.

**Proposed Int 1084-A** - By Council Member Salamanca and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation the number of employees on trade waste hauling vehicles.

**Int 1573** - By Council Member Reynoso (by the request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to regulating the trade waste industry.

**Int 1574** - By Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides, Powers, Kallos and Levine - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts.

**Int 1575** - By Council Members Reynoso, Torres and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the imposition of civil penalties on businesses required to be licensed or registered by the business integrity commission for unsafe driving by persons operating vehicles on behalf of such businesses.

**Int 1611** - By Council Members Torres, Reynoso and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to the review by the business integrity commission of certain permittees and applicants for permits and requiring labor unions representing employees of waste transfer stations to register with the business integrity commission.

Council Chambers – City Hall.....10:00 a.m.

Committee on Cultural Affairs, Libraries & International Intergroup Relations

James Van Bramer, Chairperson

**Oversight** – New York City's LGBTQ+ Community and the Arts: Resources, Opportunities and Support.  
Committee Room – City Hall.....1:00 p.m.

Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

**Proposed Int 1423-A** - By Council Members Powers, Rivera, Cumbo, the Public Advocate (Mr. Williams), Lander, Levin, Kallos, Van Bramer, Levine, Ayala, Chin, Rosenthal, Gibson, Moya, Constantinides, Dromm, Koslowitz, Richards, Reynoso, Cornegy, Espinal, Ampry-Samuel and King - **A Local Law** to amend the administrative code of the city of New York, in relation to limiting the fees charged in a rental real estate transaction.

**Int 1424** - By Council Members Powers, Rivera, the Public Advocate (Mr. Williams), Treyger, Cumbo, Levin, Lander, Kallos, Levine, Chin, Ayala, Van Bramer, Rosenthal, Gibson, Moya, Constantinides, Dromm, Adams, Koslowitz, Holden, Richards, Reynoso, Cornegy, Espinal, Ampry-Samuel, Brannan, Diaz and King - **A Local Law** to amend the administrative code of the city of New York, in relation to limiting rental security deposits to one month of rent.

**Proposed Int 1431-A** - By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Holden, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Chin, Lander, Reynoso, Ampry-Samuel, Louis and King - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the return of security deposits within 14 days of the end of a lease.

**Int 1432** - By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Holden, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Chin, Lander, Reynoso, Louis and King - **A Local Law** to amend the administrative code of the city of New York, in relation to transparency in residential rental application fees.

**Int 1433** - By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Lander, Reynoso, Ampry-Samuel, Louis and King - **A Local Law** to amend the administrative code of the city of New York, in relation to providing tenants the option of paying a security deposit in six equal monthly installments.

**Int 1499** - By Council Members Cohen, Rivera, Kallos, Powers, Ampry-Samuel, Louis, Reynoso, Rosenthal, Levin and King - **A Local Law** to amend administrative code of the city of New York, in relation to the provision of tenant screening reports.

Council Chambers – City Hall.....1:00 p.m.

Committee on Small Business

Mark Gjonaj, Chairperson

**Oversight** – The Changing Market for Food Delivery.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor..... 1:00 p.m.

**Wednesday, July 10, 2019**

[Committee on Housing and Buildings](#) jointly with the  
[Committee on Oversight and Investigations](#)

Robert Cornegy, Jr., Chairperson  
Ritchie Torres, Chairperson

**Oversight** – Taking Stock: A Look Into the Third Party Transfer Program in Modern Day New York.  
Council Chambers - City Hall.....1:00 p.m.

**Tuesday, July 23 2019**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that Communications staffer Kevin Groh and Community Engagement Events and Correspondence Director Christine McLaughlin were both leaving the Council.

Mr. Groh joined the Council in 2018 as the Communications Division’s Digital Director and was responsible for highlighting the Council’s achievements on the Twitter, Instagram, and Facebook social media platforms. Mr. Groh is departing to be the Iowa field director for Mayor Pete Buttigieg’s Presidential campaign. The Speaker (Council Member Johnson) praised Mr. Groh as a talented and special individual as those assembled in the Chambers applauded.

Ms. McLaughlin had decided to retire after serving seventeen years in the Council. The Speaker (Council Member Johnson) noted that she had worked under four speakers and helped orchestrate hundreds, if not thousands, of events during that time period. He spoke of the retirement party she was given the day before and how well-loved she was in the Council. The Speaker (Council Member Johnson) praised her as an incredible individual as those assembled in the Chambers applauded and cheered.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) noted that an agreement regarding the 9/11 Victim Compensation Fund was taking shape in Congress. He called for a bill that provides funding for perpetuity so that the heroes of 9/11 and their families would receive the proper medical care and treatment needed.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting of July 23, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council